

HB 1403

2004

1 A bill to be entitled

2 An act relating to the North Lauderdale Water Control
3 District, Broward County; amending, reenacting, repealing,
4 and codifying chapters 97-370, 94-428, 85-385, 82-273, and
5 63-661, Laws of Florida, relating to the North Lauderdale
6 Water Control District; revising district boundaries;
7 revising the powers of the district, to provide that the
8 district may borrow money at a rate not exceeding that
9 which is provided by law; providing that the members of the
10 board of supervisors shall be the "city commission," rather
11 than the "city council," of the City of North Lauderdale
12 and that a board chair and vice chair shall be elected at
13 each annual meeting and as necessary to fill vacancies;
14 providing meeting notice requirements and requiring that
15 meetings be held at a public place; providing that the City
16 Clerk of the City of North Lauderdale shall serve as the
17 district secretary; providing for reimbursement of
18 supervisors for travel expenses pursuant to section
19 112.061, Florida Statutes; providing that the interest rate
20 on bonds issued by the board not exceed the maximum rate
21 allowed by law; providing that the interest rates on tax
22 anticipation notes issued by the board shall not exceed the
23 maximum rate allowed by law; deleting provision relating to
24 payment of taxes not authorized in advance; providing for
25 the use of non-ad valorem assessments; updating references
26 to chapter 298, Florida Statutes; providing for
27 severability; and providing an effective date.

28
29 Be It Enacted by the Legislature of the State of Florida:

30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58

Section 1. Pursuant to section 189.429, Florida Statutes, this act constitutes a codification of all special acts relating to the dependent special district known as the North Lauderdale Water Control District. It is the intent of the Legislature in enacting this law to provide a single, comprehensive special act charter for the district, including all current legislative authority granted to the district by its several legislative enactments and any additional authority granted by this act.

Section 2. Chapters 63-661, 82-273, 85-385, 94-428, and 97-370, Laws of Florida, are codified, reenacted, amended, and repealed as herein provided.

Section 3. The North Lauderdale Water Control District is re-created and reenacted to read:

Section 1. District created and boundaries thereof.--That for the purpose of reclaiming, draining, and conserving the lands hereinafter described, and protecting said lands from the effects of water by means of the construction and maintenance of canals, ditches, levies, dikes, pumping plants, and other drainage works and improvements, and for the purpose of making the lands within said district available and habitable for settlement and agriculture and for the public convenience, welfare, utility, and benefit, and for the other purposes stated in this act, a drainage district is hereby established in Broward County, to be known as the "North Lauderdale Water Control District," a drainage district, the territorial boundaries of which are to-wit:

The City of North Lauderdale, being a portion of Sections 1,2,3,10,11 and 12, of Township 49 South,

59 Range 41 East, of Section 34, of Township 48 South
 60 Range 41 East, and a portion of Section 6 and 7 of
 61 Township 49 South, Range 41 East. All in Broward
 62 County, Florida, being more particularly described as
 63 follows:

64 BEGIN at the Southwest corner of Section 35;
 65 Township 48 South, Range 41 East;

66 THENCE N 89° 50'31" E along the South line of
 67 Section 35, Township 48 South, same being the North
 68 line of Section 2, Township 49 South, Range 41 East,
 69 distance of 4233.31 feet to the Northeast corner of
 70 said Section 1, Township 49 South, Range 41 East;

71 THENCE S 01° 40'11" E along the East line of said
 72 Section 1 a distance of 2268.50 feet to the South line
 73 of a 80' canal right-of-way as shown on KIMBERLY
 74 FOREST, according to the plat thereof, as recorded in
 75 Plat Book 68, Page 31 of the Public Records of Broward
 76 County, Florida;

77 THENCE N 89° 39'55" E along said South right-of-
 78 way line a distance of 2586.31 feet to the East right-
 79 of-way line of Southwest 64th Terrace, a 60.00 foot
 80 right-of-way as shown on KIMBERLY VILLAGE- Section 3,
 81 according to the plat thereof, as recorded in Plat
 82 Book of, Page 13 of the Public Records of Broward
 83 County, Florida;

84 THENCE S 01° 40'52" E along said East right-of-way
 85 line a distance of 657.68 feet to the Northwest corner
 86 of Lot 14, Block 17, of KIMBERLY VILLAGE- Section Two
 87 according to the plat thereof as recorded in Plat Book

88 66, Page 6 of the Public Records of Broward County,
 89 Florida;

90 THENCE N 89° 37' 08" East along the North line of
 91 said KIMBERLY VILLAGE-Section Two and along the North
 92 line of KIMBERLY VILLAGE-Section 1 according to the
 93 Plat thereof, as recorded in Plat Book 65, Page 16 of
 94 the Public Records of Broward County, Florida and the
 95 Easterly prolongation thereof of 2562.16 feet to a
 96 point on the right-of-way line of State Road Number 7,
 97 a 100.00 foot (1/2) right-of-way as shown on KELLY
 98 PLAT, according to the plat thereof as recorded in
 99 Plat Book 136, Page 39 of the Public Records of
 100 Broward County, Florida;

101 THENCE N 90°00'00" E a distance of 7.61feet;

102 THENCE S 06°30'04" W a distance of 12.46 feet;

103 THENCE S 01°43'32" E along said West right-of-way
 104 line a distance of 351.72 feet;

105 THENCE N 88°16'28" E a distance of 180.28 feet to
 106 a point on the West right-of-way line of State Road
 107 Number 7, a 80 foot more or less (1/2) right-of-way as
 108 shown on SERINO PARK, Section 3, according to the Plat
 109 thereof, as recorded in Plat Book 81, Page 46 of the
 110 Public Records of Broward County, Florida;

111 THENCE S 01°36'29" E along said right-of-way line
 112 a distance of 1524.08 feet to the South right-of-way
 113 line of S.W. 11th Street a 50.00 right-of-way as shown
 114 on HERITAGE PINES, according to the plat thereof, as
 115 recorded in Plat Book 99, Page 10 of the Public

116 Records of Broward County, Florida;
 117 THENCE N 89°22'00" E along said South right-of-way
 118 line a distance of 335.91 feet;
 119 THENCE S 01°42'30" E a distance of 712.89 feet to
 120 a point on the South line of OAKLAND HILLS 7th Section,
 121 according to the plat thereof as recorded in Plat Book
 122 81, Page 30 of the Public Records of Broward County,
 123 Florida, said point also being the North right-of-way
 124 line of an unnamed 20 right-of-way being a part of THE
 125 PALM BEACH FARMS COUNTY PLAT NO. 3 according to the
 126 plat thereof, as recorded in Plat Book 2, Pages 45-54
 127 of the Public Records of Palm Beach County, Florida.
 128 THENCE N 89°21'59" E along the South line of said
 129 OAKLAND HILLS 7th Section and the North line of said
 130 unnamed right-of-way a distance of 1107.78 feet to the
 131 West line of said OAKLAND HILLS 7th Section;
 132 THENCE N 01°11'43" E along said West line a distance of
 133 713.33 feet to the previously described South right-
 134 of-way line of S.W. 11th Street;
 135 THENCE N 89°21'59" E along said South right-of-way
 136 line a distance of 1219.85 feet to a point on the West
 137 right-of-way line of a 25.00 un-named right-of-way as
 138 shown on said PALM BEACH FARMS COUNTY, Plat No. 3
 139 THENCE S 00°56'19" E along said right-of-way line and
 140 along the East line of Parcel B OUR LADY QUEEN OF
 141 HEAVEN CEMETERY PLAT according to the Plat thereof, as
 142 recorded in Plat Book 152, Page 21 of the Public
 143 Records of Broward County, Florida a distance of

144 1539.82 feet to a point on the Westerly right-of-way
 145 line of the SUNSHINE STATE PARKWAY as shown on said
 146 OUR LADY QUEEN OF HEAVEN CEMETERY PLAT;

147 THENCE S 04°20'47" E a distance of 495.04 feet to
 148 a point on the East right-of-way line of said SUNSHINE
 149 STREET said point being the Northeast corner of
 150 MARINERS COVE, according to the Plat thereof, as
 151 recorded in Plat Book 147, Page 44 of the Public
 152 records of Broward County, Florida;

153 THENCE S 00°56'05" E along the East line of said
 154 MARINERS COVE. a distance of 2276.59 feet to the
 155 Southeast corner of said MARINERS COVE;

156 THENCE N 88°58'55" W along the South, line of said
 157 MARINERS COVE a distance of 1349.57 feet to the
 158 Northerly right-of-way line of Northwest 62nd Street,
 159 as shown on said MARINERS COVE;

160 THENCE S 89°45'09" W a distance of 307.79 feet to
 161 a point on the Southerly right-of-way line of

162 THENCE S 89°30'45" W a distance of 79.68 feet to a
 163 point on the Easterly right-of-way line of said
 164 SUNSHINE STATE PARKWAY, as shown on said MARINERS
 165 COVE;

166 THENCE S 89°18'13" W a distance of 382.37 feet to
 167 a point on the Westerly right-of-way line of the said
 168 point also being the Northeast corner of The Cummings
 169 Plat No. 1 according to the Plat thereof, as recorded
 170 in Plat Book 126, Page 35 of the Public Records of
 171 Broward County, Florida;

172 THENCE S 36°59'06" W along the Easterly line of
 173 said THE CUMMINGS PLAT NO. 1, and along said Westerly
 174 right-of-way line a distance of 956.81 feet to a point
 175 on the Easterly right-of-way line of State Road 7 as
 176 shown on said THE CUMMINGS PLAT NO. 1, and projected
 177 Southerly;

178 THENCE S 89°33'52" W a distance of 117.29 feet to
 179 a point on the West right-of-way line of State Road 7,
 180 as shown on Bailey Road Plaza according to the Plat
 181 thereof, as recorded in Plat Book 86, Page 1 of the
 182 Public Records of Broward County, Florida and
 183 projected Northerly;

184 THENCE N 01°41'42" W along said Westerly right-of-
 185 way line a distance of 2152.83 feet to a point on the
 186 Southerly right-of-way line of McNab Road being on the
 187 arc of a non-tangent curve concave to the Southwest, a
 188 radial line of said curve through said point having a
 189 bearing of N 57°05'20" E,

190 THENCE Northwesterly and Westerly along the arc
 191 of said curve to the left, having a central angle of
 192 47°07'44" and a radius of 975.00 feet for an arc
 193 distance of 801.99 feet to a point on a non-tangent
 194 line, said line being 35.00 feet South of and parallel
 195 to the North Line of Section 12, Township 49, South,,
 196 Range 41 East;

197 THENCE S 89°23'29" W along said parallel line and
 198 continuing along the South right-of-way line of McNab
 199 Road (Southwest 15th Street) PER BROADVIEW COUNTRY CLUB

HB 1403

2004

200 ESTATES, according to the Plat thereof, as recorded in
 201 Plat Book 44, Page 31 of the Public Records of Broward
 202 County, Florida a distance of 1805.38 feet;

203 THENCE S 89°42'10" W, continue along said right-
 204 of-way line, a distance of 2405.94 feet;

205 THENCE S 01°31'23" E a distance of 2588.98 feet to
 206 a point on the South line of the North one-half (N1/2)
 207 of Section 12, Township 49 South, Range 41 East, said
 208 line also being the centerline of Bailey Road a 50.00
 209 foot (1/2) right-of-way, as shown on SPRINGBANK PARK,
 210 according to the Plat thereof, as recorded in Plat
 211 Book 63, Page 47 of the Public Records of Broward
 212 County, Florida.

213 THENCE S 89°31'43" W along said centerline a
 214 distance of 188.48 feet to the East one-quarter (E1/4)
 215 corner of Section 11, Township 49 South, Range 41
 216 East;

217 THENCE S 01°23'15" E a distance of 50.11 feet to a
 218 point on the Southerly right-of-way line of Bailey
 219 Road;

220 THENCE S 89°31'14" W along said Southerly right-
 221 of-way line a distance of 3954.25 feet to a point on
 222 the centerline of Northwest 61st Avenue, 60.00 un-named
 223 right-of-way as shown on BANYAN LAKES according to the
 224 Plat thereof, as recorded in Plat Book 102, Page 18 of
 225 the Public records of Broward County, Florida;

226 THENCE N 01°12'41" W along said centerline a
 227 distance of 49.96 feet to the previously described

228 | centerline of Bailey Road.

229 | THENCE S 89°30'59" W along said centerline a

230 | distance of 1318.70 feet to the West line of said

231 | Section 11;

232 | THENCE S 01°27'35" E along said Section line, a

233 | distance of 1323.04 feet to the Northeast corner of

234 | The MAINLANDS OF TAMARAC LAKES EIGHTH SECTION

235 | according to the Plat thereof, as recorded in Plat

236 | Book 67, Page 35 of the Public Records of Broward

237 | County, Florida;

238 | THENCE S 89°31'30" W along the North line of said

239 | MAINLANDS OF TAMARAC SECTION EIGHT, a distance of

240 | 1320.00 feet to the Southeast corner of The MAINLANDS

241 | OF TAMARAC LAKES TENTH SECTION, according to the Plat

242 | thereof. As recorded in Plat Book 68, Page 36 of the

243 | Public Records of Broward County, Florida;

244 | THENCE N 01°27'23" W along the East line of said

245 | MAINLANDS OF TAMARAC LAKES TENTH SECTION, a distance

246 | of 1320.00 feet to the Northeast corner of said plat;

247 | THENCE S 89°31'30" W along the North line of said

248 | MAINLANDS OF TAMARAC LAKES TENTH SECTION, a distance

249 | of 1320.00 feet to the Southeast corner of The

250 | Mainlands of Tamarac Lakes Unit Fifteen according to

251 | the plat thereof, as recorded in Plat Book 71, Page 3

252 | of the Public Records of Broward County, Florida;

253 | THENCE N 01°27'23" W along the East line of said

254 | MAINLANDS OF TAMARAC LAKES UNIT FIFTEEN a distance of

255 | 2642.99 feet to the North line of Section 10 said LINE

HB 1403

2004

256 BEING 15.00 feet South of and parallel with the North
 257 right-of-way line of McNab Road as shown on said Plat;
 258 THENCE N 89°31'07" E along said North line a
 259 distance of 1320.00 feet to the East line of McNab
 260 Commercial Subdivision No. 1 plat (71-13);
 261 THENCE N 01°40'37" W along said east line a
 262 distance of 7231.05 feet to the South line of Section
 263 34;
 264 THENCE S 89°52'23" E along said South line a
 265 distance of 158.14 feet;
 266 THENCE N 01°15'23" W a distance of 535.22 feet to
 267 the Southerly right-of-way line of the South Florida
 268 Water Management District Canal C-14 (Pompano Canal)
 269 per North Lauderdale Village Section Five plat (109-
 270 25);
 271 THENCE N 88°59'53" E along said Southerly right-
 272 of-way line a distance of 2257.64 feet to the East
 273 line of Section 34;
 274 THENCE S 01° 08'20" E a distance of 574.37 feet to
 275 the POINT OF BEGINNING;
 276 PLUS:
 277 Portions of Sections 13 and 13, Township 49,
 278 South, Range 41 East, Broward County, Florida;
 279 Together with portions of Sections 7 and 18, Township
 280 49 South, Range 42 East Broward County, Florida;
 281 Together with portions of Tracts 4, 8, 9, and 16,
 282 "FORT LAUDERDALE TRUCK FARMS" according to the Public
 283 Records of Broward County, Florida; Together with a

284 portion of Tract 10, Block 96, "PALM BEACH FARMS CO.
 285 PLAT NO. 3", Plat Book 2, Page 54, Palm Beach County
 286 Records; Together with all of the following plats
 287 recorded in the Public Records of Broward County,
 288 Florida, "BROADVIEW COUNTRY CLUB ESTATES", Plat Book
 289 44, Page 31, "BROADVIEW COUNTRY CLUB ESTATES, 1st
 290 ADDITION", Plat Book 46, Page 4, "BROADVIEW COUNTRY
 291 CLUB ESTATES, 2ND ADDITION", Plat Book 47, Page 22,
 292 "BROADVIEW COUNTRY CLUB ESTATES, 3RD ADDITION", Plat
 293 Book 47, Page 41, "BROADVIEW COUNTRY CLUB ESTATES, 4TH
 294 ADDITION", Plat Book 48, Page 5, "BROADVIEW COUNTRY
 295 CLUB ESTATES, 5TH ADDITION", Plat Book 48, Page 25,
 296 "BROADVIEW COUNTRY CLUB ESTATES, 6TH ADDITION", Plat
 297 Book 51, Page 49, "BROADVIEW COUNTRY CLUB ESTATES, 7TH
 298 ADDITION", Plat Book 51, PAGE 50, "POMPANO PARK
 299 SECTION 1", Plat Book 52, Page 7, "POMPANO PARK
 300 SECTION 2", Plat Book 54, Page 12, "POMPANO PARK
 301 SECTION 3", Plat Book 55, Page 20, "BROADVIEW COUNTRY
 302 CLUB ESTATES, 9TH ADDITION", Plat Book 56, Page 3,
 303 "BROADVIEW COUNTRY CLUB ESTATES, 11TH ADDITION", Plat
 304 Book 56, Page 28, "BROADVIEW COUNTRY CLUB ESTATES,
 305 12TH ADDITION", Plat Book 57, Page 18, "BROADVIEW
 306 COUNTRY CLUB ESTATES, 14TH ADDITION", Plat Book 58
 307 Page 18, "BROADVIEW COUNTRY CLUB ESTATES, 15TH
 308 ADDITION", Plat Book 62, Page 35, "PERRY'S ADDITION
 309 TO BROADVIEW COUNTRY CLUB ESTATES", Plat Book 62, Page
 310 43, "SPRINGBANK PARK", Plat Book 63, Page 47,
 311 "SPRINGBANK PARK, SECTION 2", Plat Book 69, Page 23,
 312 "SOUTHERN FEDERAL AT TAMARAC", Plat Book 82, Page 36,

313 "SLOATE & ZITO CENTER", Plat Book 83, Page 13,
 314 "BUNTROCK PLAT", Plat Book 84, Page 30, "BAILEY ROAD
 315 PLAZA", Plat Book 86, Page 1, "STAPLES COMMERCIAL
 316 PLAT", Plat Book 93, Page 2, "CONTINENTAL PLAZA", Plat
 317 Book 96, Page 14, "ZACKOWITZ PLAT", Plat Book 100,
 318 Page 38, "DARGEL-MINNET PLAT", Plat Book 104, Page 16,
 319 "GUARDIAN PLAT", Plat Book 111, Page 50, "TAMARAC MINI
 320 STORAGE PLAT No. 1" PLAT BOOK 112, Page 2, "WELLENS
 321 COMMERCIAL", Plat Book 115, Page 44, "PLAZA SEVEN
 322 SUBDIVISION", Plat Book 117, PAGE 24, "THE POINT",
 323 Plat Book 119, Page 28, "K.M.R. PLAT", Plat Book 127,
 324 Page 4, "ANDY PLAT", Plat Book 127, Page 16, "CENTRUM-
 325 ROBAINA PLAT", Plat Book 127, Page 27, "HIDDEN LAKE
 326 ESTATES", Plat Book 144, Page 46, and the "WILEY
 327 PLAT", Plat Book 168, Page 29, said portions being
 328 more particularly described as follows:

329 Beginning at the intersection of a line lying
 330 170.00 feet East of the West line of said Section 12,
 331 and the North line of said Section 12; said line also
 332 being the municipal limits of North Lauderdale per
 333 Chapter 83-475, House Bill No. 926, Laws of Florida;
 334 THENCE along said North line and said Municipal Limits
 335 line, South 88°55'02" East, 5,098.96 feet to an
 336 intersection with a point on a line lying 15 feet West
 337 of and parallel with the East Line of the Northeast
 338 Quarter (N.E. 1/4) of said Section 12;

339 THENCE along said parallel line, and said
 340 Municipal Limits line South 00°00'00" East, 2,644.43
 341 feet;

HB 1403

2004

342 THENCE South 00°00'03" East 98.89 feet to a point
 343 on the Westerly right of way of Florida's Turnpike;
 344 THENCE North 37°42'49" East along said Westerly
 345 right of way and said Municipal Limits line to the
 346 Northerly prolongation of the West line of Tract 7,
 347 Block 96 of said PALM BEACH FARMS CO. Plat No. 3;
 348 THENCE South 00°01'14" East along the said
 349 Northerly prolongation and along the East right of way
 350 line of State Road 7 said line also being the
 351 Municipal Limits of Fort Lauderdale as per Chapter 69-
 352 1057 House Bill 2628 of the Laws of Florida and City
 353 of Ft. Lauderdale Ordinance No. C-00-71 to the North
 354 right-of-way line of Prospect Road, as shown on the
 355 State of Florida Department of Transportation right-
 356 of-way map Section 86100-2501 Sheet 7 (Latest Date
 357 4/17/95);
 358 THENCE easterly along said North right-of-way
 359 line, to a POINT OF INTERSECTION with a line lying
 360 249.00 feet East of and parallel with the East right-
 361 of-way line of said State Road 7;
 362 THENCE Southerly along said line to an
 363 intersection with the south line of the aforesaid
 364 Tract 10;
 365 THENCE along said South line, 987.82 feet to an
 366 intersection with the Northerly Extension of the
 367 Westerly line of "LINPRO LONESTAR PARK", according to
 368 the plat thereof as recorded in Plat Book 124, Page
 369 12, of the Public Records of Broward County, Florida;
 370 THENCE South 00°07'30" East, along said Westerly

HB 1403

2004

371 line and the Westerly line of "PROSPECT INDUSTRIAL AND
 372 COMMERCIAL PARK" according to the plat thereof as
 373 recorded in Plat Book 14, Page 17, of the Public
 374 Records of Broward County, Florida, said line also
 375 being the Municipal Limits of Fort Lauderdale per
 376 Ordinance C-72-22, 2,059.89 feet to the South line of
 377 said PROSPECT INDUSTRIAL AND COMMERCIAL PARK Plat;
 378 THENCE easterly along the said South line and
 379 said Municipal Limits line, South 88°20'25" East,
 380 1,323.66 feet to an intersection with the West Line of
 381 the East Half (E. 1/2) of said Section 18;
 382 THENCE Southerly along said West line, and said
 383 Municipal Limits line, South 00°11'46" East, 1,120.59
 384 feet to an intersection with the North right-of-way
 385 line of Commercial Boulevard (N.W. 50th Street);
 386 THENCE along said North right of way line, said
 387 line also being the Municipal Limits of Tamarac per
 388 Ordinance 0-81-17, said line also being the south
 389 lines of said "GUARDIAN PLAT", said "KMR PLAT" and
 390 said "THE POINT PLAT", to a line 861.25 feet West of
 391 the East Boundary of the Southwest Quarter (S.W. 1/4)
 392 of said Section 18;
 393 THENCE along said Municipal Limits line the
 394 following Two (2) Courses; (1) THENCE North
 395 00°29'16" West along said line said line also being
 396 the East line "TAMARAC BUSINESS CENTER" according to
 397 the plat thereof, as recorded in Plat Book 61, Page 27
 398 of the Public Records of Broward county, Florida
 399 446.72 feet (2) THENCE along the North line of said

400 Plat, North 88°29'17" West, 462.40 feet to an
 401 intersection with the Southerly Extension of the
 402 Westerly line of said "TAMARAC MINI STORAGE PLAT NO.
 403 1";
 404 THENCE along the Municipal Limits of Fort
 405 Lauderdale per Ordinance C-73-4 the following Three
 406 (3) Courses, and along said Southerly Extension of
 407 said Westerly line and the Westerly line of said
 408 "TAMARAC MINI STORAGE PLAT NO. 1", (1) North
 409 00°07'30" West, 660.26 feet to the Northeast Corner of
 410 "LEDER COMMERCIAL SUBDIVISION", according to the Plat
 411 thereof as recorded in Plat Book 79, Page 25 of the
 412 Public Records of Broward County, Florida; (2) THENCE
 413 along the North line of said "LEDER COMMERCIAL
 414 SUBDIVISION" Plat, North 88°33'38" West, 1,271.42 feet
 415 to the East right of way line of State Road 7; (3)
 416 THENCE along said East right of way line, South
 417 00°00'30" East, 658.62 feet to the South line of the
 418 Northwest Quarter (N.W. 1/4) of said Section 18;
 419 THENCE along the Municipal Limits of Tamarac, per
 420 Ordinance 0-81-17, the following Nine (9) Courses;
 421 (1) THENCE North 88°29'17" West 153 feet along said
 422 South line and the Westerly prolongation thereof to
 423 the West right of way line of State Road 7; (2)
 424 THENCE Northerly along said West right of way line to
 425 an intersection with the South line of the Southeast
 426 Quarter of Section 12, Township 49 South, Range 41
 427 East; (3) THENCE along said South line, North
 428 88°57'06" West 1,220 feet, more or less, to the

HB 1403

2004

429 intersection with the West line of said Tract 16 and
 430 the Southerly extension of the West line of said
 431 "POMPANO PARK" Plat; (4) THENCE along said West
 432 line, said line also being the East line of Tract 15
 433 of said FT. LAUDERDALE TRUCK FARMS Plat, North
 434 00°02'53" West, 1,320.05 feet to the Southeast Corner
 435 of said "POMPANO PARK SECTION 1" PLAT; (5) THENCE
 436 along the South line of the aforesaid "POMPANO PARK
 437 SECTION 1" Plat and the South line of said Tract 10,
 438 North 88°57'12" West, 1,153.35 feet to a POINT OF
 439 INTERSECTION with the line lying 165.83 feet East of
 440 the West line of said Tract 10; (6) THENCE Northerly
 441 along said line 163.73 feet; (7) THENCE Westerly
 442 along a line 163.73 feet North of the South line of
 443 said Tract 10, 165.83 feet to a Point on the West line
 444 of said Tract 10; (8) THENCE along the West line of
 445 said Tract 10, North 01°03'51" East, 1,155.20 feet to
 446 an intersection with the South line of the North (N
 447 1/2) of said Section 12; (9) THENCE along said South
 448 line, North 88°56'09" West 2,470.48 feet to a POINT OF
 449 INTERSECTION with said line lying 170.00 feet East of
 450 and parallel with the West line of said Section 12;
 451 THENCE along said parallel line said line also
 452 being the Municipal Limits of the City of North
 453 Lauderdale per Chapter 83-475 House Bill 926 Laws of
 454 Florida, North 00°00'05" East, 2,646.09 feet to the
 455 POINT OF BEGINNING. Together with all of the "ANDY
 456 PLAT" Plat Book 127, Page 16 of the Public Records of
 457 Broward County, Florida, and a portion of Section 18,

458 Township 49 south, Range 42 East, more particularly
 459 described as follows:
 460 Begin at the Northwest Corner of said "ANDY
 461 PLAT";
 462 THENCE along the North line of said Plat and
 463 Easterly prolongation thereof, said line also being
 464 the Municipal Limits of Tamarac per Ordinance 0-81-17,
 465 South 88°32'02" East, 130.09 feet;
 466 THENCE South 00°08'24" East along the Municipal
 467 Limits of Oakland Park per Chapter 79-458 House Bill
 468 1498, Laws of Florida, 426.14 feet;
 469 THENCE along the South line of said "ANDY PLAT"
 470 and Easterly prolongation thereof, said line also
 471 being the Municipal Limits of Lauderdale Lakes per
 472 Chapter 84-463, House Bill 1082, Laws of Florida,
 473 130.09 feet;
 474 THENCE along the West line of said Plat, said
 475 line also being the Municipal Limits of Lauderdale
 476 Lakes per Ordinance 87-10, North 00°08'24" West,
 477 426.14 feet to the POINT OF BEGINNING. Together with:
 478 all of the "CONTINENTAL PLAZA", Plat Book 96, Page 14
 479 of the Public Records of Broward County, Florida, and
 480 a portion of Section 18, Township 49 South, Range 42
 481 East, more particularly described as follows:
 482 BEGIN at the Northwest Corner of said CONTINENTAL
 483 PLAZA;
 484 THENCE along the North line of said Plat and
 485 Easterly prolongation thereof, said line also being
 486 the Municipal Limits of Tamarac per Ordinance 0-81-17,

HB 1403

2004

487 South 88°32'02" East, 299.77 feet;
 488 THENCE along the West line of CARVEL CORPORATION
 489 PLAT, per Plat Book 123, Page 17, of the Public
 490 Records of Broward County, Florida, said line also
 491 being the Municipal Limits of Lauderdale Lakes per
 492 Ordinance 87-10, South 00°11'09" East, 426.14 Feet;
 493 THENCE along the south line of said CONTINENTAL
 494 PLAZA Plat and the Easterly prolongation thereof said
 495 line also being the Municipal Limits of Lauderdale
 496 Lakes per Chapter 84-463, House Bill 1082, Laws of
 497 Florida, North 88°32'02" West, 299.43 feet;
 498 THENCE along the west line of said Plat, said
 499 line also being the Municipal Limits of Tamarac per
 500 Ordinance 0-81-7, North 00°11'09" West, 426.15 feet to
 501 the POINT OF BEGINNING.
 502 LESS THEREFROM: that portion of the City of Ft.
 503 Lauderdale as per Ordinance C-73-4 lying in Section
 504 18, Township 49, Range 42 East, Broward County,
 505 Florida, being more particularly described as follows:
 506 BEGINNING at the Northwest corner of the South
 507 half (S 1/2) of the Southeast one (S.E. 1/4) of the
 508 Northwest One Quarter (N.W. 1/4) of Section 18,
 509 Township 49 South, Range 42 East;
 510 THENCE North 00°07'30" West along the Extension
 511 of the West line of the South half (S 1/2) of the
 512 Southeast One Quarter (N.W. 1/4), a distance of 15.00
 513 feet;
 514 THENCE North 88°33'38" West, a distance of 10.00
 515 feet;

HB 1403

2004

516 THENCE South 00°07'30" East, 10.00 feet West of
 517 and parallel to the said West line of the South half
 518 (S 1/2) of the Southeast One Quarter (S.E. 1/4) of
 519 the Northwest One Quarter (N.W. 1/4), a distance of
 520 33.33 feet;

521 THENCE South 88°33'38" East, a distance of 10.00
 522 feet to a point on the West line of said South half (S
 523 1/2) of the Southeast One Quarter (S.E. 1/4) of the
 524 Northwest One Quarter (N.W. 1/4);

525 THENCE North 00°07'30" West, along the said West
 526 line of the South half (S 1/2) of the Southeast One
 527 Quarter (S.E. 1/4) of the Northwest One Quarter (N.W.
 528 1/4), a distance of 18.33 feet to the POINT OF
 529 BEGINNING.

530 Said lands situate and lying in Broward County,
 531 Florida.

532
 533 It is hereby determined, declared, and enacted that said lands in
 534 their present condition are wet and subject to overflow and that
 535 the drainage, reclamation, and protection of said lands from the
 536 effects of water is in the interest of and conducive to the public
 537 welfare, health, and convenience.

538 Section 2. Provisions of chapter 298, Florida Statutes, made
 539 applicable.--A public corporation and a political subdivision of
 540 the state is hereby created under the name and style of "North
 541 Lauderdale Water Control District." The provisions of the general
 542 drainage laws of Florida applicable to drainage districts which
 543 are embodied in chapter 298, Florida Statutes, and all the laws
 544 amendatory thereof, now existing or hereinafter enacted so far as

HB 1403

2004

545 not inconsistent with this act, are hereby declared to be
546 applicable to said North Lauderdale Water Control District. Said
547 North Lauderdale Water Control District shall have all the powers
548 and authorities mentioned in or conferred by said chapter 298,
549 Florida Statutes, and acts amendatory thereof, except as herein
550 otherwise provided.

551 Section 3. Powers of the district.--Said district shall have
552 the power to sue and be sued by its name in any court of law or in
553 equity; to make contracts; to adopt and use a corporate seal and
554 to alter the same at pleasure; to acquire by purchase, gift, or
555 condemnation, real and personal property, either or both, within
556 or without the district, and to convey and dispose of such real
557 and personal property as may be necessary and convenient to carry
558 out the purposes, or any of the purposes, of this act and chapter
559 298, Florida Statutes; to construct, operate, and maintain canals,
560 ditches, drains, levees, dikes, and other works for drainage
561 purposes; to acquire, purchase, operate, and maintain pumps,
562 plants, and pumping systems for drainage purposes; to construct,
563 operate, and maintain irrigation works, machinery, and plants; to
564 construct, improve, pave, and maintain roadways and roads
565 necessary and convenient for the exercise of the powers or duties
566 or any of the powers or duties of said district or the supervisors
567 thereof; to pump water into and out of canals, ditches, drains,
568 and other works of the district, or onto or from the lands in said
569 district, and to regulate and control the flow of water into and
570 out of said district; in maintaining and operating canals, drains,
571 levees, dikes, dams, locks, reservoirs, pumping stations, and
572 water control structures, the board of supervisors and its agents
573 and employees shall have the authority to enter at all reasonable

HB 1403

2004

574 times upon the lands adjacent to any such drainage works in order
 575 to transport and use men and women, equipment, machinery, and
 576 materials necessary to properly maintain, preserve, and operate
 577 such drainage works and in furtherance of the purposes and intent
 578 of this act and chapter 298, Florida Statutes, to construct,
 579 improve, and pave roadways and roads necessary and convenient to
 580 provide access to, and efficient development of, areas made
 581 suitable and available for cultivation, settlement, and other
 582 beneficial use and development as a result of the drainage and
 583 reclamation operations of the district; to borrow money and issue
 584 negotiable or other bonds of said district as hereinafter
 585 provided; to borrow money from time to time, and issue negotiable
 586 or other notes of said district therefor, bearing interest not
 587 exceeding the rate prescribed by Florida general or special law,
 588 in anticipation of the collection of taxes, levies, and
 589 assessments or revenues of said district and to pledge or
 590 hypothecate such taxes, levies, assessments, and revenues to
 591 secure such bonds, notes, or obligations, and to sell, discount,
 592 negotiate, and dispose of the same; and to exercise all other
 593 powers necessary, convenient, or proper in connection with any of
 594 the powers or duties of said district stated in this act or
 595 chapter 298, Florida Statutes. The powers and duties of said
 596 district shall be exercised by and through the board of
 597 supervisors thereof, which board shall have the authority to
 598 employ engineers, attorneys, agents, employees, and
 599 representatives as the board of supervisors may from time to time
 600 determine and to fix their compensation and duties.

601 Section 4. Board of supervisors; organization; powers,
 602 duties, and terms of office.--There is hereby created a Board of

HB 1403

2004

603 Supervisors of North Lauderdale Water Control District, which
 604 shall be the governing body of said district. The members of the
 605 board of supervisors of said district shall be composed of five
 606 members, who shall be the five sitting members of the City
 607 Commission of the City of North Lauderdale. The city commission
 608 shall continue all of the duties, functions, and responsibilities
 609 under this act of the supervisors of the district after this act
 610 becomes law.

611 (1) The term of office of each member of the board of
 612 supervisors shall be coincidental with that member's term of
 613 office as a member of the city commission. The members shall
 614 assume full duties as a member of the board of supervisors once he
 615 or she takes the oath of office as a member of the city
 616 commission.

617 (2) Terms of office for the board of supervisors shall be
 618 concurrent with the length of time the commission member is in
 619 office.

620 (3) An annual meeting of the board of supervisors shall be
 621 held during the first week of June and otherwise in accordance
 622 with this act. At the annual meeting of the board of supervisors
 623 and as necessary to fill a vacancy, the board shall elect, from
 624 its members, a chair and a vice chair, who shall serve in said
 625 positions until the next annual meeting or expiration of his or
 626 her term, whichever occurs first.

627 Section 5. Meetings of board of supervisors.--The board of
 628 supervisors shall have the power to call special meetings at any
 629 time to receive reports or consider and act upon any matter.
 630 Notice of all meetings shall be given by the board of supervisors
 631 by causing publication thereof to be made once at least 5 days

HB 1403

2004

632 prior to such meeting in some newspaper published in Broward
 633 County or by sending sufficient notice through the mail to each
 634 landowner. In cases of emergency as determined by a majority of
 635 the board, this notice requirement may be waived. The meetings
 636 shall be held in some public place, and the place, day, and hour
 637 of holding such meeting shall be stated in the notice. The chair
 638 of the board of supervisors shall preside at such meeting. The
 639 City Clerk of the City of North Lauderdale shall serve as
 640 secretary of the board of supervisors and shall serve as the
 641 secretary at the meeting. The Board of Supervisors of the North
 642 Lauderdale Water Control District shall meet not less than 4 times
 643 per year to conduct the business of the district as provided for
 644 in this act.

645 Section 6. Compensation of the board.--Each supervisor shall
 646 serve without compensation, except that he or she shall be
 647 reimbursed for their travel expenses pursuant to section 112.061,
 648 Florida Statutes, as may be amended from time to time, for each
 649 mile actually traveled in going to and from his or her place of
 650 residence to the place of meeting.

651 Section 7. Taxes and assessments, levied and apportioned,
 652 and the collection thereof.--Taxes and non-ad valorem assessments
 653 shall be levied and apportioned as provided for by the general
 654 drainage and water control laws of Florida, chapter 298, Florida
 655 Statutes, and amendments thereto, and the general or special laws
 656 of the state; except that the following provisions shall apply to
 657 said district: the board of supervisors shall determine, order,
 658 and levy the amount of the annual taxes or non-ad valorem
 659 assessments levied under chapter 298, Florida Statutes, which
 660 shall become due and be collected during each year at the same

HB 1403

2004

661 time that county taxes are due and collected, which said annual
 662 tax, assessment, and levy shall be evidenced to and certified by
 663 the said board, no later than July 1 of each year, to the Tax
 664 Assessor of Broward County. Said tax or assessment shall be
 665 extended by the county tax assessor on the county tax roll and
 666 shall be collected by the tax collector in the same manner and
 667 time as county taxes, and the proceeds thereof paid to said
 668 district.

669 Section 8. Maintenance tax.--The provisions of section
 670 298.54, Florida Statutes, and amendments thereto shall not be
 671 applicable to said district. In lieu thereof, the following
 672 provisions shall apply to said district: to maintain and preserve
 673 the improvements made pursuant to this chapter and to repair and
 674 restore the same, when needed, and for the purpose of defraying
 675 the current expenses of the district, the board of supervisors,
 676 may, upon completion of said improvements in whole or in part as
 677 may be certified to the said board by the chief engineer, levy
 678 annually a tax upon each tract or parcel of land within the
 679 district, to be known as "maintenance tax." Said maintenance tax
 680 shall be apportioned upon the basis of the net non-ad valorem
 681 assessments of benefits assessed as accruing for original
 682 construction, and shall be evidenced to and certified by said
 683 board not later than July 1 of each year to the Tax Assessor of
 684 Broward County, and shall be extended by the county tax assessor
 685 on the county tax roll, and shall be collected by the county tax
 686 collector in the same manner and time as county taxes and the
 687 proceeds therefrom paid to the said district. Said tax shall be a
 688 lien until paid on the property upon which assessed, and
 689 enforceable in like manner as county taxes.

HB 1403

2004

690 Section 9. Levy of taxes and assessments on fractional
 691 acres.--In levying and assessing all taxes and assessments, each
 692 tract or parcel of land more than 1 acre in area which contains a
 693 fraction of an acre shall be assessed at the nearest whole number
 694 of acres. However, each tract or parcel of land less than 1 acre
 695 in area shall be assessed as a full acre.

696 Section 10. Enforcement of taxes and assessments.--The
 697 collection and enforcement of all taxes and assessments levied by
 698 said district shall be at the same time and in like manner as the
 699 county. The provisions of the Florida Statutes relating to the
 700 sale of lands for unpaid and delinquent county taxes and
 701 assessments, the issuance, sale, and delivery of tax certificates
 702 for such unpaid and delinquent county taxes, the redemption
 703 thereof, the issuance to individuals of tax deeds based thereon,
 704 and all other procedures in connection therewith shall be
 705 applicable to said district and the delinquent and unpaid taxes
 706 and assessments of said district to the same extent as if said
 707 statutory provisions were expressly set forth in this act. All
 708 taxes and assessments shall be subject to the same discounts as
 709 county taxes.

710 Section 11. When unpaid tax or assessment is delinquent;
 711 penalty.--All taxes provided for in this act shall be and become
 712 delinquent and bear penalties in the amount of said taxes in the
 713 same manner as county taxes. Assessments provided for in this act
 714 and authorized in chapter 298, Florida Statutes, shall be and
 715 become delinquent and bear penalties and interest at the highest
 716 rate authorized by Florida general or special law, or as otherwise
 717 provided in district legislation imposing the assessment.

718 Section 12. Bonds may be issued; sale and disposition of

HB 1403

2004

719 proceeds; interest; levy to pay bonds; bonds and duties of
 720 treasurer, etc.--

721 (1) The board of supervisors may, if in their judgment it
 722 seems best, issue bonds not to exceed 90 percent of the total
 723 amount of the taxes levied under the provisions of section
 724 298.305, Florida Statutes, in denominations of not less than \$100,
 725 bearing interest from the date of issuance at a rate as provided
 726 by general law, payable annually or semiannually, to mature at
 727 annual intervals within 40 years commencing after a period of not
 728 later than 10 years, to be determined by the board of supervisors;
 729 both principal and interest payable at some convenient place
 730 designated by the board of supervisors to be named in said bonds;
 731 and said bonds shall be signed by the chair of the board of
 732 supervisors, attested with the seal of said district, and by the
 733 signature of the secretary of said board. All of said bonds shall
 734 be executed and delivered to the treasurer of said district, who
 735 shall sell the same in such quantities and at such dates as the
 736 board of supervisors may deem necessary to meet the payments for
 737 the works and improvements in the district. Said bonds shall not
 738 be sold for less than 90 cents on the dollar, with accrued
 739 interest, shall show on their face the purpose for which they are
 740 issued, and shall be payable out of moneys derived from the
 741 aforesaid taxes. A sufficient amount of the drainage tax shall be
 742 appropriated by the board of supervisors for the purpose of paying
 743 the principal and interest of said bonds and the same shall, when
 744 collected, be preserved in a separate fund for that purpose and no
 745 other. All bonds and coupons not paid at maturity shall bear
 746 interest at the rate of 6 percent per annum from maturity until
 747 paid, or until sufficient funds have been deposited at the place

HB 1403

2004

748 of payment, and said interest shall be appropriated by the board
 749 of supervisors out of the penalties and interest collected on
 750 delinquent taxes or other available funds of the district.
 751 Provided, however, that it may, in the discretion of said board,
 752 be provided that at any time, after such date as shall be fixed by
 753 the said board, said bonds may be redeemed before maturity at the
 754 option of said board, or their successors in office, by being made
 755 callable prior to maturity at such times and upon such prices and
 756 terms and other conditions as said board shall determine. If any
 757 bond so issued subject to redemption before maturity shall not be
 758 presented when called for redemption, it shall cease to bear
 759 interest from and after the date so fixed for redemption.

760 (2) The board of supervisors of said district shall have
 761 authority to issue refunding bonds to take up any outstanding
 762 bonds and any interest accrued thereon when, in the judgment of
 763 said board, it shall be for the best interest of said district to
 764 do so. The said board is hereby authorized and empowered to issue
 765 refunding bonds to take up and refund all bonds of said district
 766 outstanding that are subject to call and prior redemption, and all
 767 interest accrued to the date of such call or prior redemption, and
 768 all bonds of said district that are not subject to call or
 769 redemption, together with all accrued interest thereon, where the
 770 surrender of said bonds can be procured from the holders thereof
 771 at prices satisfactory to the board or can be exchanged for such
 772 outstanding bonds with the consent of the holder thereof. Such
 773 refunding bonds may be issued at any time when, in the judgment of
 774 said board, it will be to the interest of the district financially
 775 or economically to secure a lower rate of interest on said bonds
 776 or by extending the time of maturity of said bonds, or for any

HB 1403

2004

777 other reason in the judgment of said board advantageous to said
 778 district. Such refunding bonds may mature at any time or times in
 779 the discretion of said board, not later, however, than 40 years
 780 from the date of issuance of said refunding bonds. Said refunding
 781 bonds shall bear such dates of issue and such other details as
 782 said board shall determine and may, in the discretion of said
 783 board, be made callable prior to maturity at such times and upon
 784 such prices and terms and other conditions as said board shall
 785 determine. All the other applicable provisions of this act not
 786 inconsistent therewith shall apply fully to said refunding bonds
 787 and the holders thereof shall have all the rights, remedies, and
 788 security of the outstanding bonds refunded, except as may be
 789 otherwise provided in the resolution of the board authorizing the
 790 issuance of such refunding bonds. Any funds available in the
 791 sinking fund for the payment of the principal and interest of
 792 outstanding bonds may be retained in the fund to be used for the
 793 payment of principal and interest of the refunding bonds, in the
 794 discretion of the board of supervisors. Any expenses incurred in
 795 buying any or all bonds authorized under the provisions of this
 796 section and the interest thereon and a reasonable compensation for
 797 paying same shall be paid out of the funds in the hands of the
 798 treasurer and collected for the purpose of meeting the expenses of
 799 administration. It shall be the duty of the said board of
 800 supervisors in making the annual tax levy as heretofore provided
 801 to take into account the maturing bonds and interest on all bonds
 802 and expenses and to make provision in advance for the payment of
 803 same.

804 (3) In case the proceeds of the original tax levy made under
 805 the provisions of section 298.36, Florida Statutes, are not

HB 1403

2004

806 sufficient to pay the principal and interest of all bonds issued,
 807 then the board of supervisors shall make such additional levy or
 808 levies upon the benefits assessed as are necessary for this
 809 purpose, and under no circumstances shall any tax levies be made
 810 that will in any manner or to any extent impair the security of
 811 said bonds or the funds available for the payment of the principal
 812 and interest of same. Said treasurer shall, at the time of the
 813 receipt by him or her of said bonds, execute and deliver to the
 814 chair of the board of said district a bond with good and
 815 sufficient surety to be approved by said board, on the condition
 816 that he or she shall account for and pay over as required by law
 817 and as ordered by said board of supervisors, any and all moneys
 818 received by him or her on the sale of such bonds, or any of them,
 819 and that he or she will only sell and deliver such bonds to the
 820 purchaser or purchasers thereof under and according to the terms
 821 herein prescribed, and that he or she will return to the board of
 822 supervisors and duly cancel any and all bonds not sold when
 823 ordered by said board to do so. Said bonds when so returned shall
 824 remain in the custody of the chair of the board of supervisors,
 825 who shall produce the same for inspection or for use as evidence
 826 whenever and wherever legally requested so to do. The said
 827 treasurer shall promptly report all sales of bonds to the board of
 828 supervisors. The board shall, at a reasonable time thereafter,
 829 prepare and issue warrants in substantially the form provided in
 830 section 298.17, Florida Statutes, for the payment of maturing
 831 bonds so sold and the interest payments coming due on all bonds
 832 sold. Each of said warrants shall specify what bonds and accruing
 833 interest it is to pay, and the treasurer shall place sufficient
 834 funds at the place of payment to pay the maturing bonds and

HB 1403

2004

835 coupons when due, together with necessary compensation for paying
 836 same. The successor in office of any such treasurer shall not be
 837 entitled to said bonds or the proceeds thereof until he or she
 838 shall have complied with all of the foregoing provisions
 839 applicable to his or her predecessor in office. The aforesaid bond
 840 of said treasurer, if said board shall so direct, may be furnished
 841 by a surety or bonding company, which may be approved by said
 842 board of supervisors; provided, if it should be deemed more
 843 expedient to said board of supervisors as to money derived from
 844 the sale of bonds issued, said board may, by resolution, select
 845 some suitable bank or banks of other depository as temporary
 846 treasurer or treasurers to hold and disburse said moneys upon the
 847 order of said board as the work progresses, until such fund is
 848 exhausted or transferred to the treasurer by order of said board
 849 of supervisors. The funds derived from the sale of said bonds or
 850 any of them shall be used for the purpose of paying the cost of
 851 the drainage works and improvements, and such costs, fees,
 852 expenses, and salaries as may be authorized by law, and used for
 853 no other purpose.

854 Section 13. Full authority for issue and sale of bonds
 855 authorized.--

856 (1) This act shall, without reference to any other act of
 857 the Legislature, be full authority for the issuance and sale of
 858 bonds authorized in this act, which bonds shall have all the
 859 qualities of negotiable paper under the law merchant and shall not
 860 be invalid for any irregularity or defect in the proceedings for
 861 the issuance and sale thereof and shall be incontestable in the
 862 hands of bona fide purchasers or holders thereof. No proceedings
 863 in respect to the issuance of any such bonds shall be necessary,

HB 1403

2004

864 except such as are required by this act. The provisions of this
 865 act shall constitute an irrevocable contract between the said
 866 board of supervisors and the said North Lauderdale Water Control
 867 District and the holders of any bonds and the coupons thereof
 868 issued pursuant to the provisions hereof. Any holder of any of
 869 said bonds or coupons may, either in law or by equity, suit,
 870 action, or mandamus, enforce and compel the performance of the
 871 duties required by this act of any of the officers or persons
 872 mentioned in this act in relation to the said bonds or to the
 873 correct enforcement and application of the taxes for the payment
 874 thereof.

875 (2) After the several bonds and coupons are paid and retired
 876 as herein provided, they shall be returned to the treasurer, and
 877 they shall be canceled and an appropriate record thereof made in a
 878 book to be kept for that purpose, which record of paid and
 879 canceled bonds shall be kept at the office of the treasurer and
 880 shall be opened for inspection of any bondholder at any time.

881 Section 14. Approval of board of drainage commissioners not
 882 required to issue bonds.--The board of supervisors may issue bonds
 883 under the provisions of this act without the approval of the Board
 884 of Drainage Commissioners of the state.

885 Section 15. Floating indebtedness.--

886 (1) After the levy of taxes in any years, and before the
 887 collection thereof, the board of supervisors shall have the power
 888 to issue tax anticipation notes. Said notes shall bear interest
 889 at a rate not exceeding the maximum rate allowed by general or
 890 special law, shall be payable at such times, and may be sold or
 891 discounted at such price or on such terms as the said board may
 892 deem advisable, and the board may pledge the whole or any part of

HB 1403

2004

893 the tax levy for the payment thereof.

894 (2) The board shall also have the right to issue temporary
 895 obligations or interim certificates after the issuance of any
 896 bonds authorized under this act but, prior to the sale thereof,
 897 said temporary obligations and interim certificates shall be paid
 898 within 2 years from the proceeds of the sale of said bonds.

899 (3) Said temporary obligations and interim certificates
 900 shall have all the rights and privileges of the permanent
 901 bondholders.

902 (4) The tax anticipation notes, temporary obligations, and
 903 interim certificates shall be termed "floating indebtedness" in
 904 order to distinguish the same from the bonded debt as provided for
 905 herein.

906 Section 16. Eminent domain.--The said board of supervisors
 907 is hereby authorized and empowered to exercise the right of
 908 eminent domain and may condemn for the use of said district any
 909 and all lands, easements, rights-of-way, riparian rights, and
 910 property rights of every description, in or out of said district,
 911 required for the public purposes and powers of said board as
 912 herein granted, and may enter upon, take, and use such lands as it
 913 may deem necessary for such purposes.

914 Section 17. Water a common enemy.--It is hereby declared
 915 that in said district surface waters, which shall include rainfall
 916 and the overflow of rivers and streams, are a common enemy, and
 917 the said district and any individual or agency holding a permit to
 918 do so from said district, shall have the right to dike, dam, and
 919 construct levies to protect the said district or any part thereof,
 920 or the property of said individual or agency against the same, and
 921 thereby divert the course and flow of such surface waters and/or

HB 1403

2004

922 pump the water from within such dikes and levees.

923 Section 18. Unit development; powers of supervisors to
 924 designate units of district and adopt system of progressive
 925 drainage by units; plans of reclamation and financing assessments,
 926 etc. for each unit.--

927 (1) The Board of Supervisors of North Lauderdale Water
 928 Control District shall have the power and is hereby authorized in
 929 its discretion to drain and reclaim or more completely and
 930 intensively to drain and reclaim the lands in said district by
 931 designated areas or parts of said district to be called "units."
 932 The units into which said district may be so divided shall be
 933 given appropriate numbers or names by said board of supervisors,
 934 so that said units may be readily identified and distinguished.
 935 The board of supervisors shall have the power to fix and determine
 936 the location, area, and boundaries of and lands to be included in
 937 each and all such units, the order of development thereof, and the
 938 method of carrying on the work in each unit. The unit system of
 939 drainage provided by this section may be conducted and all of the
 940 proceedings by this section and this act authorized in respect to
 941 such unit or units may be carried on and conducted at the same
 942 time as or after the work of draining and reclaiming of the entire
 943 district has been or is being or shall be instituted or carried on
 944 under the provisions of this act. If the board of supervisors
 945 shall determine that it is advisable to conduct the work of
 946 draining and reclaiming the lands in said district by units, as
 947 authorized by this section, said board shall, by resolution duly
 948 adopted and entered upon its minutes, declare its purpose to
 949 conduct such work accordingly, and shall at the same time and
 950 manner fix the number, location, and boundaries of and description

HB 1403

2004

951 of lands within such unit or units and give them appropriate
 952 numbers or names. As soon as practicable after the adoption and
 953 recording of such resolution, said board of supervisors shall
 954 publish notice once a week for 2 consecutive weeks in a newspaper
 955 published in Broward County, or duly notify the landowners by
 956 registered letter, briefly describing the units into which said
 957 district has been divided and the lands embraced in each unit,
 958 giving the name, number, or other designation of such units,
 959 requiring all owners of lands in said district to show cause in
 960 writing before said board of supervisors at a time and place to be
 961 stated in such notice why such division of said district into such
 962 units should not be approved, and said system of development by
 963 units should not be adopted and given effect by said board, and
 964 why the proceedings and powers authorized by this section of this
 965 act should not be had, taken, and exercised. At the time and
 966 place stated in said notice, said board of supervisors shall hear
 967 all objections or causes of objection, all of which shall be in
 968 writing, of any landowner in said district to the matters
 969 mentioned and referred to in such notice, and if no objections are
 970 made, or if objections are made, shall be overruled by said board,
 971 then said board shall enter in its minutes its findings and order
 972 confirming said resolution and may thereafter proceed with the
 973 development, drainage, and reclamation of said district by units
 974 pursuant to such resolution and to the provisions of this act.
 975 If, however, said board of supervisors shall find as a result of
 976 such objections, or any of them or the hearing thereon, that the
 977 division of said district into such units as aforesaid should not
 978 be approved, or that said system of development by units should
 979 not be adopted and given effect, or that the proceedings and

HB 1403

2004

980 powers authorized by this section should not be had, taken, or
 981 exercised, or that any other matter or thing embraced in said
 982 resolution would not be in the best interest of the landowners of
 983 said district or would be unjust or unfair to any landowner
 984 therein or otherwise inconsistent with fair and equal protection
 985 and enforcement of the rights of every landowner in said district,
 986 then said board of supervisors shall not proceed further under
 987 such resolution, but said board of supervisors may, as a result of
 988 such hearing, modify or amend said resolution so as to meet such
 989 objections so made, and thereupon said board may confirm said
 990 resolution as so modified or amended and may thereafter proceed
 991 accordingly. The sustaining of such objections and the rescinding
 992 of such resolutions shall not exhaust the power of said board
 993 under this section but, at any time not less than 1 year after the
 994 date of the hearing upon any such resolution, the board of
 995 supervisors may adopt other resolutions under this section and
 996 thereupon proceed on due notice in like manner as above. If said
 997 board of supervisors shall overrule or refuse to sustain any such
 998 objections in whole or in part made by a landowner in the
 999 district, or if any such landowner shall deem himself or herself
 1000 aggrieved by any action of the board of supervisors in respect to
 1001 any objections so filed, such landowner may, within 10 days after
 1002 the ruling of said board, file his or her bill of complaint in the
 1003 Circuit Court in and for Broward County, against said district,
 1004 praying an injunction or other appropriate relief against the
 1005 action or any part of such action proposed by such resolution or
 1006 resolutions of said board and, such suits shall be conducted like
 1007 other suits, except that said suits shall have preference over all
 1008 other pending actions except criminal actions and writs of habeas

HB 1403

2004

1009 corpus. Upon the hearing of said cause said circuit court shall
 1010 have the power to hear the objections and receive the evidence
 1011 thereon of all parties to such cause and approve or disapprove
 1012 said resolutions and action of said board in whole or in part, and
 1013 to render such decree in such cause as right and justice require.
 1014 When said resolutions creating said unit system shall be
 1015 confirmed by the board of supervisors or by the Circuit Court in
 1016 and for Broward County if such proposed action shall be challenged
 1017 by a landowner by the judicial proceedings hereinabove authorized,
 1018 said board of supervisors may adopt a plan or plans of reclamation
 1019 for and in respect to any or all such units and have the benefits
 1020 and the damages resulting therefrom assessed and apportioned by
 1021 commissioners appointed by the circuit court, and have the report
 1022 of the said commissioners considered and confirmed, all in like
 1023 manner as is provided by law in regard to plans of reclamation for
 1024 and assessments for benefits and damages of, the entire district.
 1025 With respect to plan of reclamation, notices, appointment of
 1026 commissioners to assess benefits and damages, report of
 1027 commissioners, and notice and confirmation thereof, the levy of
 1028 assessments and taxes, including maintenance taxes, and the
 1029 issuance of bonds and all other proceedings as to each and all of
 1030 such units, said board shall follow and comply with the same
 1031 procedure as is provided by law with respect to the entire
 1032 district, and said board of supervisors shall have the same powers
 1033 in respect to each and all of such units as is vested in them with
 1034 respect to the entire district. All the provisions of this act
 1035 shall apply to the drainage, reclamation, and improvement of each,
 1036 any, and all of such units, and the enumeration of or reference to
 1037 specific powers or duties of the supervisors of any other officers

HB 1403

2004

1038 or other matters in this act as hereinabove set forth, shall not
 1039 limit or restrict the application of any and all of the
 1040 proceedings and powers herein to the drainage and reclamation of
 1041 such units as fully and completely as if such unit or units were
 1042 specifically and expressly named in every section and clause of
 1043 this act where the entire district is mentioned or referred to.
 1044 All assessments, levies, taxes, bonds, and other obligations made,
 1045 levied, assessed, or issued for or in respect to any such unit or
 1046 units shall be a lien and charge solely and only upon the lands in
 1047 such units, respectively, for the benefit of which the same shall
 1048 be levied, made, or issued, and not upon the remaining units or
 1049 lands in said district. The board of supervisors may at any time
 1050 amend its said resolutions by changing the location and
 1051 description of lands in any such unit or units; and provided,
 1052 further, that if the location of or description of lands located
 1053 in any such unit or units is so changed, notice of such change
 1054 shall be published as hereinabove required in this section for
 1055 notice of the formation or organization of such unit or units, and
 1056 all proceedings shall be had and done in that regard as are
 1057 provided in this section for the original creation of such unit or
 1058 units, provided, however, that no lands against which benefits
 1059 shall have been assessed may be detached from any such unit after
 1060 the confirmation of the commissioners' report of benefits in such
 1061 unit or units or the issuance of bonds or other obligations which
 1062 are payable from taxes or assessments for benefits levied upon the
 1063 lands within such unit or units.

1064 (2) Provided, however, that if, after the confirmation of
 1065 the commissioners' report of benefits in such unit or units, or
 1066 the issuance of bonds or other obligations which are payable from

HB 1403

2004

1067 taxes or assessments for benefits levied upon lands within such
 1068 unit or units, the board of supervisors finds the plan of
 1069 reclamation for any such unit or units insufficient or inadequate
 1070 for efficient development, the plan of reclamation may be amended
 1071 or changed as provided in chapter 298, Florida Statutes, and the
 1072 unit or units may be amended or changed as provided in this
 1073 section, by changing the location and description of lands in any
 1074 such unit or units, by detaching lands therefrom or by adding land
 1075 thereto, upon the approval of at least 51 percent of the
 1076 landowners according to acreage, in any such unit and 75 percent
 1077 of the holders of bonds issued in respect to any such unit, and
 1078 provided that in such event all assessments, levies, taxes, bonds,
 1079 and other obligations made, levied, assessed, incurred, or issued
 1080 for or in respect to any such unit or units may be allocated and
 1081 apportioned to the amended unit or units in proportion to the
 1082 benefits assessed by the commissioners' report for the amended
 1083 plan of reclamation and said report shall specifically provide for
 1084 such allocation and apportionment. The landowners and all
 1085 bondholders shall file their approval of or objections to such
 1086 amended plan of reclamation in accordance with section 298.301,
 1087 Florida Statutes, and shall file their approval of or objections
 1088 to the amendment of such unit as provided in this section.

1089 (3) No lands shall be detached from any unit after the
 1090 issuance of bonds or other obligations for such unit except upon
 1091 the consent of 75 percent of all the holders of such bonds or
 1092 other obligations. In the event of the change of the boundaries
 1093 of any unit as provided herein and the allocation and
 1094 apportionment to the amended unit or units of assessments, levies,
 1095 taxes, bonds, and other obligations in proportion to the benefits

HB 1403

2004

1096 assessed by the commissioners' report for the amended plan of
 1097 reclamation, the holder of bonds or other obligations heretofore
 1098 issued for the original unit who consents to such allocations and
 1099 apportionment shall be entitled to all rights and remedies against
 1100 any lands added to the amended unit or units as fully and to the
 1101 same extent as if such added lands had formed and constituted a
 1102 part of the original unit or units at the time of the original
 1103 issuance of such bonds or other obligations, regardless of whether
 1104 the holder of such bonds or other obligations is the original
 1105 holder thereof or the holder from time to time hereafter, and the
 1106 rights and remedies of such holder against the lands in the
 1107 amended unit or units, including any lands added thereto, under
 1108 such allocation and apportionment, shall constitute vested and
 1109 irrevocable rights and remedies to the holder from time to time of
 1110 such bonds or other obligations as fully and to the same extent as
 1111 if such bonds or other obligations had been originally issued to
 1112 finance the improvements in such amended unit or units under such
 1113 amended plan of reclamation.

1114 Section 19. Severability.--In case any one or more of the
 1115 sections or provisions of this act or the application of such
 1116 sections or provisions to any situation, circumstances, or person
 1117 shall for any reason be held to be unconstitutional, such
 1118 unconstitutionality shall not affect any other sections or
 1119 provisions of this act or the application of such sections or
 1120 provisions to any other situation, circumstances, or person, and
 1121 it is intended that this law shall be construed and applied as if
 1122 such section or provision had not been included herein for any
 1123 unconstitutional application.

1124 Section 20. Notice of intention.--It is found and determined

HB 1403

2004

1125 that notice of intention to apply for this legislation was given
1126 in the time, form, and manner required by the Florida Constitution
1127 and by law. Said notice is found to be sufficient and is hereby
1128 validated and approved.

1129 Section 4. This act shall take effect upon becoming a law.