

By Senator Campbell

32-2482-04

See HB 1709

1                                   A bill to be entitled  
2           An act relating to the Coral Springs  
3           Improvement District, Broward County; providing  
4           for codification of special laws regarding  
5           special districts pursuant to s. 189.429,  
6           Florida Statutes, relating to the Coral Springs  
7           Improvement District; codifying, amending, and  
8           reenacting chapters 70-617 and 89-419, Laws of  
9           Florida; providing legislative intent; deleting  
10          gender-specific references; providing a  
11          district charter; repealing chapters 70-617 and  
12          89-419, Laws of Florida, relating to the Coral  
13          Springs Improvement District; providing  
14          severability; providing an effective date.

15  
16 Be It Enacted by the Legislature of the State of Florida:

17  
18           Section 1. Intent.--In accordance with section  
19 189.429, Florida Statutes, this act constitutes the  
20 codification of all special acts relating to the Coral Springs  
21 Improvement District. It is the intent of the Legislature in  
22 enacting this law to provide a single, comprehensive special  
23 act charter for the district, including all current  
24 legislative authority granted to the district by its several  
25 legislative enactments and any additional authority granted by  
26 this act.

27           Section 2. Codification.--Chapters 70-617 and 89-419,  
28 Laws of Florida, relating to the Coral Springs Improvement  
29 District are codified, reenacted, amended, and repealed as  
30 herein provided.

31

1           Section 3. The charter for the Coral Springs  
2 Improvement District is re-created and re-enacted to read:  
3           Section 1. Creation of the district ratified and  
4 approved; change of name of district to Coral Springs  
5 Improvement District.--The decree of the circuit court in and  
6 for the seventeenth judicial circuit of the State of Florida,  
7 entered in chancery No. 66-1301, on the 8th day of September,  
8 1966, creating and incorporating the Coral Springs Drainage  
9 District as a public corporation of this state, and all  
10 subsequent proceedings taken in the circuit court concerning  
11 that district, are hereby ratified, confirmed, and approved,  
12 except that the boundaries of said district shall be as  
13 hereinafter described. The Coral Springs Drainage District  
14 shall henceforth be known by the name of Coral Springs  
15 Improvement District, and shall continue to be a public  
16 corporation of this state and have perpetual existence. All  
17 lawful debts, bonds, obligations, contracts, franchises,  
18 promissory notes, audits, minutes, resolutions, and other  
19 undertakings of the Coral Springs Drainage District are hereby  
20 validated and shall continue to be valid and binding on the  
21 Coral Springs Improvement District in accordance with their  
22 respective terms, conditions, covenants, and tenor. Any  
23 proceeding heretofore begun by the Coral Springs Drainage  
24 District under chapter 298, Florida Statutes, or any other  
25 law, for the construction of any improvements, works, or  
26 facilities, for the assessment of benefits and damages, or for  
27 the borrowing of money shall not be impaired or avoided by  
28 this act, but may be continued and completed in the name of  
29 the Coral Springs Improvement District.  
30  
31

1           Section 2. Exclusion of lands and new boundaries.--The  
2 following described lands formerly within the boundaries of  
3 the district are excluded:

4  
5           The North one-half of Section 26, Township 48  
6 South, Range 41 East, Broward County, Florida.

7  
8           The boundaries of the district are:

9  
10           Beginning at the Northwest corner of Section  
11 30, Township 48 South, Range 41, East; thence  
12 Southerly along the West line of said Section  
13 30 and along the West line of Section 31 of  
14 said Township 48 South, Range 41 East to an  
15 intersection with the North right-of-way line  
16 of the Pompano Canal (C14); thence Easterly  
17 along the said North right-of-way line, through  
18 said Section 31 and Sections 32, 33, and 34 of  
19 said Township 48 South, Range 41 East to an  
20 intersection with the East line of said Section  
21 34; thence Northerly along the said East line  
22 of Section 34 and along the East line of  
23 Section 27, Township 48 South, Range 41 East,  
24 to the Northeast corner of said Section 27;  
25 thence Westerly along the North line of said  
26 Section 27 and along the North lines of  
27 Sections 28, 29, and 30 of said Township 48  
28 South, Range 41 East to the said Northwest  
29 corner of Section 30 and the Point of  
30 Beginning; said lands situate, lying and being  
31 in Broward County, Florida, which said boundary

1           embraces and includes these certain tracts or  
2           parcels of land described as follows, to wit:  
3  
4           All of Sections 27 and 29; and Tracts 1 through  
5           19 inclusive, Tracts 22 through 27 inclusive,  
6           Tracts 30 through 32 inclusive, and those  
7           portions of Tracts 20, 21, 28, and 29 lying  
8           North of the North right-of-way line of the  
9           Pompano Canal (C-14) of the subdivision of  
10           Section 31; and Tracts 1 through 18 inclusive,  
11           Tracts 22 through 26 inclusive, Tracts 31 and  
12           32, and those portions of Tracts 19, 20, 21,  
13           27, and 30 lying North of the North  
14           right-of-way line of the Pompano Canal (C-14)  
15           of the subdivision of Section 33, all according  
16           to the Florida Fruit Lands Company's  
17           Subdivision Map No. 2, recorded in Plat Book 1,  
18           Page 102, of the public records of Palm Beach  
19           County, Florida, together with all the platted  
20           road rights-of-way contained therein; and all  
21           of Sections 28 and 30; and those portions of  
22           Sections 32 and 34 lying North of the North  
23           right-of-way line of the Pompano Canal (C-14).  
24  
25           All of said property situate, lying and being  
26           in Township 48 South, Range 41 East, Broward  
27           County, Florida.  
28  
29           Section 3. Applicability of certain provisions  
30           of chapter 298, Florida Statutes, to the Coral  
31           Springs Improvement District; inconsistent laws

1        inapplicable.--The provisions of chapter 298,  
2        Florida Statutes, and all amendments thereto,  
3        now existing or hereafter enacted, are declared  
4        to be applicable to the Coral Springs  
5        Improvement District insofar as not  
6        inconsistent with the provisions of this act or  
7        any subsequent special acts relating to the  
8        Coral Springs Improvement District.  
9        Notwithstanding the foregoing, the provisions  
10       of sections 298.07, 298.11, 298.12, 298.14,  
11       298.15, 298.17, 298.18, 298.19, 298.20, 298.23,  
12       298.24, 298.25, 298.35, 298.37, 298.38, 298.39,  
13       298.40, 298.401, 298.41, 298.42, 298.44,  
14       298.45, 298.46, 298.48, 298.52, 298.54, 298.56,  
15       298.57, 298.61, 298.69, 298.70, 298.71, 298.72,  
16       298.73, and 298.74, Florida Statutes, and  
17       amendments thereto, shall not be applicable to  
18       the Coral Springs Improvement District.

19       Section 4. Definitions.--Unless the context shall  
20       indicate otherwise, the following words as used in this act  
21       shall have the following meanings:

22            (1) "Assessable improvements" includes, without  
23       limitation, any and all drainage and land reclamation works  
24       and facilities, sewer systems, storm sewers and drains, water  
25       systems, streets, roads, or other projects of the district, or  
26       that portion or portions thereof, local in nature and of  
27       special benefit to the premises or lands served thereby, and  
28       any and all modifications, improvements, and enlargements  
29       thereof.

30            (2) "Board" means the Board of Supervisors of the  
31       Coral Springs Improvement District, or if such board shall be

1 abolished, the board, body, or commission succeeding to the  
2 principal functions thereof or to whom the powers given by  
3 this act to the board shall be given by law.

4 (3) "Bond" includes "certificate," and provisions  
5 applicable to bonds shall be equally applicable to  
6 certificates. "Bond" includes general obligation bonds,  
7 assessment bonds, refunding bonds, revenue bonds, and such  
8 other obligations in the nature of bonds as are provided for  
9 in this act, as the case may be.

10 (4) "Cost," when used with reference to any project,  
11 includes, but is not limited to, the expenses of determining  
12 the feasibility or practicability of acquisition,  
13 construction, or reconstruction; the cost of surveys,  
14 estimates, plans, and specifications; the cost of acquisition,  
15 construction, or reconstruction; the cost of improvements;  
16 engineering, fiscal, and legal expenses and charges; the cost  
17 of all labor, materials, machinery, and equipment; the cost of  
18 all lands, properties, rights, easements, and franchises  
19 acquired; federal, state, and local taxes and assessments;  
20 financing charges; the creation of initial reserve and debt  
21 service funds; working capital; interest charges incurred or  
22 estimated to be incurred on money borrowed prior to and during  
23 construction and acquisition and for such period of time after  
24 completion of construction or acquisition as the board may  
25 determine; the cost of issuance of bonds pursuant to this act  
26 including advertisements and printing, the cost of any  
27 election held pursuant to this act, and all other expenses of  
28 the issuance of bonds; discount, if any, on the sale or  
29 exchange of bonds; administrative expenses; such other  
30 expenses as may be necessary or incidental to the acquisition,  
31 construction, or reconstruction of any project or to the

1 financing thereof, or the development of any lands within the  
2 district; and reimbursement of any public or private body,  
3 person, firm, or corporation for any moneys advanced in  
4 connection with any of the foregoing items of cost. Any  
5 obligation or expense incurred prior to the issuance of bonds  
6 in connection with the acquisition, construction, or  
7 reconstruction of any project or improvements thereon, or in  
8 connection with any other development of land that the board  
9 of the district shall determine to be necessary or desirable  
10 in carrying out the purposes of this act, may be treated as a  
11 part of such cost.

12 (5) "District" means the Coral Springs Improvement  
13 District and "district manager" means the manager of the  
14 district.

15 (6) "Landowner" means the owner of the freehold  
16 estate, as appears by the deed record, including trustees,  
17 private corporations, and owners of cooperative and  
18 condominium units. "Landowner" does not include reversioners,  
19 remaindermen, or mortgagees who shall not be counted and need  
20 not be notified of proceedings under this act.

21 (7) "Project" means any development, improvement,  
22 property, utility, facility, works, road, enterprise, service,  
23 or convenience now existing or hereafter undertaken or  
24 established under the provisions of this act or under chapter  
25 298, Florida Statutes.

26 (8) "Sewer system" means any plant, system, facility,  
27 or property and additions, extensions, and improvements  
28 thereto at any future time constructed or acquired as part  
29 thereof useful or necessary or having the present capacity for  
30 future use in connection with the collection, treatment,  
31 purification, or disposal of sewage, including, without

1 limitation, industrial wastes resulting from any processes of  
2 industry, manufacture, trade, or business or from the  
3 development of any natural resources. Without limiting the  
4 generality of the foregoing, "sewer system" shall include  
5 treatment plants, pumping stations, lift stations, valves,  
6 force mains, intercepting sewers, laterals, pressure lines,  
7 mains, and all necessary appurtenances and equipment, all  
8 sewer mains, laterals, and other devices for the reception and  
9 collection of sewage from premises connected therewith, and  
10 all real and personal property and any interest therein,  
11 rights, easements, and franchises of any nature whatsoever  
12 relating to any such system and necessary or convenient for  
13 operation thereof.

14 (9) "Water and flood control facilities" means any  
15 canals, ditches, or other drainage facilities, reservoirs,  
16 dams, levees, sluiceways, dredging holding basins, floodways,  
17 pumping stations, or any other works, structures, or  
18 facilities for the conservation, control, development,  
19 utilization, and disposal of water, and any purposes  
20 appurtenant, necessary, or incidental thereto, and includes  
21 all real and personal property and any interest therein,  
22 rights, easements, and franchises of any nature relating to  
23 any such water and flood control facilities or necessary or  
24 convenient for the acquisition, construction, reconstruction,  
25 operation, or maintenance thereof.

26 (10) "Water system" means any plant, system, facility,  
27 or property and additions, extensions, and improvements  
28 thereto at any future time constructed or acquired as part  
29 thereof, useful or necessary or having the present capacity  
30 for future use in connection with the development of sources,  
31 treatment, or purification and distribution of water and,



1 without limiting the generality of the foregoing, includes  
2 dams, reservoirs, storage tanks, mains, lines, valves, pumping  
3 stations, laterals, and pipes for the purpose of carrying  
4 water to the premises connected with such system, and all real  
5 and personal property and any interests therein, rights,  
6 easements, and franchises of any nature whatsoever relating to  
7 any such system and necessary or convenient for the operation  
8 thereof.

9 Section 5. Board of supervisors; election;  
10 organization; terms of office; quorum; report and minutes.--

11 (1) The board of supervisors of the district shall be  
12 the governing body of the district and shall exercise the  
13 powers granted to the district under this act and under  
14 chapter 298, Florida Statutes. The board shall consist of  
15 three members, and except as otherwise provided herein, each  
16 member shall hold office for a term of 4 years and until his  
17 or her successor shall be chosen and shall qualify. A majority  
18 of the members of the board shall be residents of Broward  
19 County, and all members shall be residents of Florida. All  
20 members of the board shall be landowners within the district.

21 (2) The persons who are members of the board of  
22 supervisors of the Coral Springs Drainage District elected on  
23 October 4, 1966, shall constitute the members of the board  
24 until the month of June of 1971.

25 (3) In the month of June of each fourth year  
26 commencing June of 1971, there shall be held a meeting of the  
27 landowners of the district at the office of the district in  
28 Broward County for the purpose of electing three supervisors  
29 for said district. Notice of said landowners' meeting shall be  
30 published once a week for 2 consecutive weeks in a newspaper  
31 in Broward County that is in general circulation in the

1 district, the last of said publication to be not less than 14  
2 days nor more than 28 days before the date of the election.  
3 The landowners, when assembled at such meeting, shall organize  
4 by electing a chair who shall conduct the meeting. At such  
5 meeting, each landowner shall be entitled to cast one vote per  
6 acre of land owned by him or her and located within the  
7 district for each person to be elected. A landowner may vote  
8 in person or by proxy in writing. Fractions of an acre shall  
9 be treated as one acre, entitling the landowner to one vote  
10 with respect thereto. The three persons receiving the highest  
11 number of votes for the office of supervisor shall be declared  
12 elected.

13 (4) Each supervisor, before entering upon his or her  
14 official duties, shall take and subscribe to an oath of office  
15 as prescribed in section 298.13, Florida Statutes.

16 (5) All supervisors shall hold office for the terms  
17 for which they are elected or appointed and until their  
18 successors shall be chosen and qualify. In case of a vacancy  
19 in the office of any supervisor, the remaining supervisor or  
20 supervisors (even though less than a quorum) may fill such  
21 vacancy by appointment of a new supervisor or supervisors for  
22 the unexpired term of the supervisor who vacated his or her  
23 office.

24 (6) As soon as practicable after each election, the  
25 board shall organize by choosing one of their number president  
26 of the board and by electing a secretary, who need not be a  
27 member of the board.

28 (7) A majority of the members of the board shall  
29 constitute a quorum.

30 (8) The board shall keep a permanent record book  
31 entitled "Record of Proceedings of Coral Springs Improvement

1 District," in which shall be recorded minutes of all meetings,  
2 resolutions, proceedings, certificates, bonds given by all  
3 employees, and any and all corporate acts, which book shall at  
4 reasonable times be opened to the inspection of any landowner,  
5 taxpayer, resident, or bondholder of the district, and such  
6 other persons as the board may determine to have a proper  
7 interest in the proceedings of the board. Such record book  
8 shall be kept at any office or other regular place of business  
9 maintained by the board in Broward County.

10 (9) Whenever any election shall be authorized or  
11 required by this act to be held by the landowners at any  
12 particular or stated time or day, and if for any reason such  
13 election is not held at such time or on such day, then, in  
14 such event, the power or duty to hold such election shall not  
15 cease or lapse, but such election shall be held thereafter  
16 when practicable in accordance with the procedures provided by  
17 this act.

18 Section 6. Appointment and duties of district  
19 manager.--For the purpose of preserving and maintaining any  
20 facility constructed or erected under the provisions of this  
21 act or chapter 298, Florida Statutes, and for maintaining and  
22 operating the equipment owned by the district and such other  
23 duties as may be prescribed by the board, the board may employ  
24 and fix the compensation of a district manager who shall have  
25 charge and supervision of the works of the district.

26 Section 7. Treasurer; depositories; fiscal agent.--

27 (1) The board shall designate a person who is a  
28 resident of the state or a bank or trust company organized  
29 under the laws of the state or under the International Banking  
30 Act as treasurer of the district and such person shall have  
31 charge of the funds of the district. Such funds shall be

1 disbursed only upon the order of or pursuant to the resolution  
2 of the board by warrant or check signed by the treasurer, or  
3 by such other person as may be authorized by the board. The  
4 board may give the treasurer such other or additional powers  
5 and duties as the board may deem appropriate, and fix his or  
6 her compensation. The board may require the treasurer to give  
7 a bond in such amount, on such terms, and with such sureties  
8 as may be deemed satisfactory to the board to secure the  
9 performance by the treasurer of his or her powers and duties.  
10 The board shall audit or have audited the books of the  
11 treasurer at least once a year.

12 (2) The board is authorized to select as depositories  
13 in which the bonds of the board and of the district shall be  
14 deposited any banking corporation organized under the laws of  
15 the state or under the International Banking Act, doing  
16 business in the state, upon such terms and conditions as to  
17 the payment of interest by such depository upon the funds so  
18 deposited as the board may deem just and reasonable.

19 (3) The board may employ a fiscal agent to perform  
20 such duties and services at such rate of compensation as the  
21 board may determine.

22 Section 8. Compensation of board.--Each supervisor is  
23 entitled to receive for his or her services an amount not to  
24 exceed \$200 per month. In addition, each supervisor shall  
25 receive reasonable traveling expenses for attending the place  
26 of meeting from his or her residence. Unless the board by  
27 resolution otherwise provides, such traveling expenses may not  
28 be in excess of the amounts provided by law for state and  
29 county officials.

30 Section 9. Powers.--The district shall have, and the  
31 board may exercise, any or all of the following powers:

1           (1) To contract and be contracted with; to sue and be  
2 sued in the name of the district; to adopt and use a seal; and  
3 to acquire by purchase, gift, devise, eminent domain, except  
4 as limited herein, or otherwise property, real or personal, or  
5 any estate therein, within the district, to be used for any of  
6 the purposes of this act.

7           (2) To adopt a water control plan; and to establish,  
8 construct, operate, and maintain a system of main and lateral  
9 canals, drains, ditches, levees, dikes, dams, sluices, locaks,  
10 revetments, reservoirs, holding basins, floodways, pumping  
11 stations, syphons, culverts, and storm sewers to drain and  
12 reclaim the lands within the district and to connect some or  
13 any of them with roads and bridges as in the judgment of the  
14 board is deemed advisable to provide access to such  
15 facilities.

16           (3) To acquire and maintain appropriate sites for  
17 storage and maintenance of the equipment of the district; and  
18 to acquire, maintain, and construct a suitable building to  
19 house the office and records of the district.

20           (4) To clean out, straighten, widen, open up, or  
21 change the course and flow, and alter or deepen any canal,  
22 ditch, drain, river, water course, or natural stream as within  
23 the judgment of the board is deemed advisable to drain and  
24 reclaim the lands within the district; to acquire, purchase,  
25 operate, and maintain pumps, plants, and pumping systems for  
26 drainage purposes; and to construct, operate, and maintain  
27 irrigation works and machinery in connection with the purposes  
28 herein set forth.

29           (5) To regulate and set forth by appropriate  
30 resolution the drainage requirements and conditions to be met  
31 for plats to be entitled to record on any land within the

1 district, including authority to require as a condition  
2 precedent for any platting that good and sufficient bond be  
3 posted to ensure proper drainage for the area to be platted.

4 (6) To borrow money and issue bonds, certificates,  
5 warrants, notes, or other evidences of indebtedness of the  
6 district as hereinafter provided.

7 (7) To build and construct any other works and  
8 improvements deemed necessary to preserve and maintain the  
9 works in or out of the district; to acquire, construct,  
10 operate, maintain, use, sell, convey, transfer, or otherwise  
11 provide for machines and equipment for any purpose authorized  
12 by this act or chapter 298, Florida Statutes; and to contract  
13 for the purchase, construction, operation, maintenance, use,  
14 sale, conveyance, and transfer of the said machinery and  
15 equipment.

16 (8) To construct or enlarge, or cause to be  
17 constructed or enlarged, any and all bridges or culverts that  
18 may be needed in or out of the district, across any drain,  
19 ditch, canal, floodway, holding basin, excavation, public  
20 highway, tract, grade, fill, or cut; to construct roadways  
21 over levees and embankments; and to construct any and all of  
22 said works and improvements across, through, or over any  
23 public right-of-way, highway, grade, fill, or cut in or out of  
24 the district.

25 (9) To hold, control, and acquire by donation,  
26 purchase, or condemnation any easement, reservation, or  
27 dedication in the district for any of the purposes herein  
28 provided; and to condemn as provided by chapters 73 and 74,  
29 Florida Statutes, or acquire, by purchase or grant, for use in  
30 the district, any land or property within the district  
31 necessary for the purposes of this act.

1       (10) To assess and impose upon all of the lands in the  
2 district an ad valorem tax, an annual drainage tax, and a  
3 maintenance tax as hereinafter provided.

4       (11) To impose and foreclose special assessments liens  
5 as hereinafter provided.

6       (12) To prohibit, regulate, and restrict by  
7 appropriate resolution all structures, materials, and things,  
8 whether solid, liquid, or gas, whether permanent or temporary  
9 in nature, which come upon, come into, connect to, or be a  
10 part of any facility owned or operated by the district.

11       (13) To administer and provide for the enforcement of  
12 all of the provisions herein, including the making, adopting,  
13 promulgating, amending, and repealing of all rules and  
14 regulations necessary or convenient for the carrying out of  
15 the duties, obligations, and powers conferred on the district  
16 created herein.

17       (14) To cooperate with or contract with other water  
18 control districts or other governmental agencies as may be  
19 necessary, convenient, incidental, or proper in connection  
20 with any of the powers, duties, or purposes of the district as  
21 stated in this act.

22       (15) To employ engineers, attorneys, agents,  
23 employees, and representatives as the board of supervisors may  
24 from time to time determine necessary and to fix their  
25 compensation and duties.

26       (16) To exercise all of the powers necessary,  
27 convenient, incidental, or proper in connection with any of  
28 the powers, duties, or purposes of said district as stated in  
29 this act.

30       (17) To construct, improve, and maintain roadways and  
31 roads necessary and convenient to provide access to and

1 efficient development of areas made suitable and available for  
2 cultivation, settlement, urban subdivision, homesites, and  
3 other beneficial developments as a result of the drainage  
4 operations of the district.

5 (18) To make use of any public easements, dedications  
6 to public use, platted reservations for public purposes, or  
7 any reservations for drainage purposes within the boundaries  
8 of the district.

9 (19) To lease as lessor or lessee to or from any  
10 person, firm, corporation, association, or body, public or  
11 private, any projects of the type that the district is  
12 authorized to undertake and facilities or property of any  
13 nature for the use of the district to carry out any of the  
14 purposes of this act.

15 (20) To regulate the supply and level of water within  
16 the district; to divert waters from one area, lake, pond,  
17 river, stream, basin, or drainage or water flood control  
18 facility to any other area, lake, pond, river, stream, basin,  
19 or drainage and water flood control facility; to regulate  
20 control and restrict the development and use of natural or  
21 artificial streams or bodies of water, lakes, or ponds; and to  
22 take all measures determined by the board to be necessary or  
23 desirable to prevent or alleviate land erosion. The powers  
24 granted to the district by this subsection shall be concurrent  
25 within the boundaries of the district with other public  
26 bodies, agencies, or authorities as may be authorized by law.  
27 The district is eligible to receive moneys, disbursements, and  
28 assistance from the state available to flood control or water  
29 management districts and the navigation districts or agencies.

30 (21) To own, acquire, construct, reconstruct, equip,  
31 operate, maintain, extend, and improve water systems and sewer



1 systems or combined water and sewer systems; to regulate the  
2 use of sewers and the supply of water within the district and  
3 to prohibit or regulate the use and maintenance of outhouses,  
4 privies, septic tanks, or other sanitary structures or  
5 appliances within the district; to prescribe methods of  
6 pretreatment of wastes not amenable to treatment with domestic  
7 sewage before accepting such wastes for treatment, to refuse  
8 to accept such wastes when not sufficiently pretreated as may  
9 be prescribed, and to prescribe penalties for the refusal of  
10 any person or corporation to so pretreat such wastes; to sell  
11 or otherwise dispose of the effluent, sludge, or other  
12 byproducts as a result of sewage treatment; and to construct  
13 and operate connecting, intercepting, or outlet sewers, sewer  
14 mains, pipes and water mains, conduits, or pipelines in,  
15 along, or under any street, alleys, highways, or other public  
16 places or ways within or without the district, when deemed  
17 necessary or desirable by the board. The plans for any water  
18 or sewer system shall be subject to the approval of the state  
19 board of health.

20 (22) To own, acquire, construct, operate, and maintain  
21 parks, playgrounds, picnic grounds, camping facilities, and  
22 water recreation facilities within or without the district.

23 (23) To issue general obligation bonds, revenue bonds,  
24 assessment bonds, or any other bonds or obligations authorized  
25 by the provisions of this act or any other law, or any  
26 combination of the foregoing, to pay all or part of the cost  
27 of the acquisition, construction, reconstruction, extension,  
28 repair, improvement, maintenance, or operation of any project  
29 or combination of projects; to provide for any facility,  
30 service, or other activity of the district; and to provide for  
31

1 the retirement or refunding of any bonds or obligations of the  
2 district, or for any combination of the foregoing purposes.

3 (24) To exercise any and all other powers conferred  
4 upon water control districts by chapter 298, Florida Statutes.

5 Section 10. Seal.--The official seal of the district  
6 shall bear the legend "Coral Springs Improvement District,  
7 Broward County, Florida, Seal, Established 1966."

8 Section 11. Fiscal year.--The board by resolution  
9 shall establish the fiscal year for the district.

10 Section 12. Annual budget.--Prior to May 15 of each  
11 year, the secretary of the district shall prepare a proposed  
12 budget to be submitted to the board for its approval. The  
13 proposed budget shall include an estimate of all necessary  
14 expenditures of the district for the next ensuing fiscal year  
15 and an estimate of income to the district from the taxes and  
16 assessments provided in this act. The board shall consider the  
17 proposed budget item by item and may either approve the budget  
18 as proposed by the district manager or modify the same in part  
19 or in whole. The board shall indicate its approval of the  
20 budget by resolution, which resolution shall provide for a  
21 hearing on the budget as approved. Notice of the hearing on  
22 the budget shall be published in a newspaper in general  
23 circulation within the district in Broward County once a week  
24 for two consecutive weeks, providing that the second  
25 publication shall not be less than 7 days after the first  
26 publication. The notice shall be directed to all landowners in  
27 the district and shall state the purpose of the meeting. The  
28 notice shall further contain a designation of the date, time,  
29 and place of the public hearing, which shall be not less than  
30 7 days after the second publication. At the time and place  
31 designated in the notice, the board shall hear all objections

1 to the budget as proposed and make such changes as the board  
2 deems necessary. At the conclusion of the budget hearing the  
3 board shall, by resolution, adopt the budget as finally  
4 approved by the board.

5 Section 13. Notice and call of meetings of landowners;  
6 quorum; adjournments; representation at meetings; taking  
7 action without meeting.--

8 (1) The board shall publish notice of all meetings of  
9 landowners once a week for two consecutive weeks prior to such  
10 meeting in a newspaper in Broward County in general  
11 circulation within the district. Meetings of landowners shall  
12 be held in a public place, or any other place made available  
13 for the purpose of such meeting in the Broward County  
14 Courthouse and the place, date, and hour of holding such  
15 meeting and the purpose thereof shall be stated in the notice.  
16 Landowners representing a majority of the number of acres in  
17 the district, present in person or by proxy, shall constitute  
18 a quorum at any meeting of the landowners; provided that  
19 irrespective of the number of acres represented, there shall  
20 be a minimum of five landowners owning separate parcels of  
21 land at each meeting.

22 (2) The board may call special meetings of the  
23 landowners at any time to receive reports of the board or for  
24 such other purpose as the board may determine. A special  
25 meeting of the landowners may also be called at any time upon  
26 notice as provided hereinabove at the written request of the  
27 owners of not less than 25 percent in acreage of the land  
28 within the district for the purpose of taking any lawful  
29 action by the landowners of the district. Such special meeting  
30 shall be called by any court of competent jurisdiction in the  
31 event that the board fails to do so upon request as provided

1 in the preceding sentence. Except as otherwise provided in  
2 section 5 of this act with respect to the election of  
3 supervisors, action taken at a meeting of the landowners shall  
4 be by affirmative vote of the owners of at least a majority in  
5 acreage of the land within the district represented at such  
6 meeting.

7 (3) If no quorum is present or represented at a  
8 meeting of the landowners at the time and place the same is  
9 called to be held, the landowners present and represented,  
10 although less than a quorum, may adjourn to another time or  
11 day, and at such or any subsequent adjourned meeting may, if a  
12 quorum is then present or represented, take any action that  
13 the landowners could have taken at the meeting or meetings so  
14 adjourned for lack of a quorum.

15 (4) At any meeting of the landowners, guardians may  
16 represent their wards, executors and administrators may  
17 represent the estate of deceased persons, trustees may  
18 represent lands held by them in trust, and private  
19 corporations may be represented by their duly authorized  
20 proxy. All landowners, including guardians, executors,  
21 administrators, trustees, and corporations, may be represented  
22 and vote by proxy.

23 Section 14. Water control plan; proceedings  
24 thereof.--The board may proceed to adopt a water control plan  
25 in accordance with the provisions of chapter 298, Florida  
26 Statutes, or in accordance with the provisions of this  
27 section, in which case the following shall apply:

28 (1) The board shall cause to be made by the chief  
29 engineer or such other engineer or engineers as the board may  
30 employ for that purpose a complete and comprehensive plan for  
31 the drainage and reclamation of the lands located within the

1 district. The engineer or engineers designated by the board to  
2 make said plan shall make all necessary surveys of the lands  
3 within the boundary lines of said district and of all lands  
4 adjacent thereto that will be improved or reclaimed in part or  
5 in whole by any system of drainage that may be outlined and  
6 adopted, and shall make a report in writing to the board with  
7 maps and profiles of said surveys, which report shall contain  
8 a full and complete plan for drainage and reclaiming the lands  
9 located within the district from overflow or damage by water,  
10 with the length, width, and depth of such canals, ditches,  
11 dikes, or levees or other works as may be necessary in  
12 conjunction with any canals, drains, ditches, dikes, levees,  
13 or other works heretofore constructed by any other drainage or  
14 reclamation district, or any other person or persons, or which  
15 may hereafter be built by any or either of such agencies that  
16 may be necessary or which can be advantageously used in such  
17 plan and also an estimate of the cost of carrying out and  
18 completing the water control plan, including the cost of  
19 superintending the same and all incidental expenses in  
20 connection therewith.

21 (2) Upon the completion of such plan, the board shall  
22 hold a hearing thereon to hear objections thereto and shall  
23 give notice of the time and place fixed for such hearing by  
24 publication once each week for two consecutive weeks in a  
25 newspaper published in Broward County of general circulation  
26 in the district, and shall permit the inspection of said plan  
27 at the office of the district by all persons interested. All  
28 objections to said plan shall be filed at or before the time  
29 fixed in said notice for the hearing and shall be in writing.

30 (3) After said hearing the board shall consider the  
31 proposed plan and any objections thereto, and may modify,

1 reject, or adopt the plan, or may continue the hearing to a  
2 day certain for further consideration of the proposed plan or  
3 modifications thereof.

4 (4) When the board shall approve such a plan, a  
5 resolution shall be adopted and a certified copy thereof shall  
6 be filed in the office of the secretary and incorporated into  
7 the records of the district.

8 (5) The water control plan may be altered in detail  
9 from time to time until the appraisal record herein provided  
10 is filed, but not in such manner as materially to effect the  
11 conditions of its adoption. After the appraisal record has  
12 been filed no alterations of the plan or reclamation shall be  
13 made, except as provided by this act.

14 (6) Within 20 days after the final adoption of the  
15 water control plan by the board, the secretary of the district  
16 shall prepare and transmit a certified copy thereof to the  
17 clerk of the circuit court and at the same time the board  
18 shall file with said clerk a petition that the said court  
19 appoint three commissioners to appraise the lands to be  
20 acquired for rights-of-way, holding basins, and other drainage  
21 works of the district and to assess benefits and damages  
22 accruing to all lands within the district by reason of the  
23 execution of the water control plan. Immediately after the  
24 filing of such petition, the judge of said court in whose  
25 division the petition shall have been assigned shall by an  
26 order appoint three commissioners, who shall be freeholders  
27 residing within Florida, and who shall not be landowners in  
28 said district, nor of kin within the fourth degree of  
29 consanguinity to any person owning land in said district. A  
30 majority of said commissioners shall constitute a quorum and  
31

1 shall control the action of the commissioners on all  
2 questions.

3 (7) Immediately upon the filing of said order of  
4 appointment, the secretary of the district shall notify each  
5 of said commissioners of his or her appointment, and in the  
6 said notice, he or she shall state the time and place for the  
7 first meeting of said commissioners. The secretary of the  
8 district, or his or her deputy, shall attend such meeting and  
9 shall furnish to said commissioners a complete list of lands  
10 embraced in the district, or adjacent thereto, that will be  
11 affected by the execution of the water control plan. The  
12 secretary shall also furnish to the commissioners a copy of  
13 the water control plan and such other papers, documents, and  
14 information as the commissioners require. The commissioners at  
15 the meeting shall each take and subscribe to an oath that he  
16 or she will faithfully and impartially discharge his or her  
17 duties as such commissioner and make a true report of the work  
18 performed by such commissioners, and shall elect one of their  
19 number chair. The secretary of the district, or his or her  
20 deputy, shall be ex officio secretary to the commissioners,  
21 and the attorney for the district, other agents, and employees  
22 thereof shall cooperate with the commissioners and furnish to  
23 them such advice, assistance, and cooperation as they shall  
24 require.

25 (8)(a) Immediately after qualifying as provided in  
26 subsection (7), the commissioners shall commence the  
27 performance of their duties and the chief engineer, or one of  
28 his or her assistants, shall accompany said commissioners when  
29 engaged in the discharge of their duties and shall render his  
30 or her opinion in writing when called for. Said commissioners  
31 shall proceed to view the premises and determine the value of

1 the lands within or without the district to be acquired and  
2 used for rights-of-way, holding basins, and other works  
3 described in the water control plan, and they shall appraise  
4 all benefits and damages which will accrue to all lands by  
5 reason of the execution of the water control plan. The  
6 commissioners in appraising benefits to lands, public  
7 highways, railroads, and other rights-of-way shall not  
8 consider what benefits will be derived by such property after  
9 other ditches, improvements, or other plans of reclamation  
10 shall have been constructed, but they shall appraise only such  
11 benefits as will be derived from the construction of the works  
12 and improvements described in the water control plan or as the  
13 same may afford an outlet for drainage or protection from  
14 overflow of such property. The commissioners shall give due  
15 consideration and credit to any other drainage works which  
16 have already been constructed and which afford partial or  
17 complete protection to any tract or parcel of land within the  
18 district. The public highways, railroads, and other  
19 rights-of-way shall be appraised according to the increased  
20 physical efficiency and decreased maintenance cost of roadways  
21 by reason of the improvements. The commissioners shall have no  
22 power to change the water control plan. The commissioners  
23 shall prepare a report of their findings, which shall be  
24 arranged in tabular form, the columns of which shall be headed  
25 as follows: Column 1 "Owner of Property Appraised"; Column 2  
26 "Description of Property Appraised"; Column 3 "Number of Acres  
27 Appraised"; Column 4 "Amount of Benefits Appraised"; Column 5  
28 "Amount of Damages Appraised"; Column 6 "Number of Acres to be  
29 Taken for Rights-of-way, Holding Basins, etc."; Column 7  
30 "Value of Property to be Taken." They shall also, by and with  
31 the advice of the chief engineer, estimate the cost of the



1 works described in the plan reclamation, which estimate shall  
2 include the cost of property required for rights-of-way,  
3 holding basins, and other works, the probable expense of  
4 organization and administration as estimated by the board of  
5 supervisors, and all of the expenses of the district during  
6 the period of executing the water control plan. Before  
7 appraisals of compensation and damages are made, the board may  
8 report to the commissioners the parcels of land it may wish to  
9 purchase and for which it may wish appraisals to be made, both  
10 for easement and for purchase in fee simple, and the board may  
11 specify the particular purpose for which, and the extent to  
12 which, an easement in any property is desired, describing  
13 definitely such purpose and extent. Wherever so instructed to  
14 do so by the board, the commissioners shall appraise lands  
15 that may be necessary or desirable for the district to own  
16 and, when so requested by the board, the commissioners shall  
17 also appraise both the total value of the land and also the  
18 damages due to any easement required for the purposes of the  
19 district.

20 (b) The report of the commissioners shall be signed by  
21 at least a majority of the commissioners and filed in the  
22 office of the clerk of the circuit court of Broward County.  
23 Each commissioner shall be paid \$100 per day for his or her  
24 services and necessary expenses in addition thereto.

25 (9) Upon the filing of the report of the  
26 commissioners, the clerk shall give notice thereof by causing  
27 publication to be made once a week for two consecutive weeks  
28 in a newspaper published in Broward County and of general  
29 circulation in the district. It shall not be necessary for the  
30 clerk to name the parties interested, nor to describe separate

31

1 lots or tracts of land in giving said notice, but it shall be  
2 sufficient to publish the said notice in the following form:

3

4 "NOTICE OF FILING COMMISSIONERS' REPORT FOR CORAL SPRINGS  
5 IMPROVEMENT DISTRICT.

6

7 Notice is hereby given that the commissioners heretofore  
8 appointed to appraise benefits and damages to property and  
9 lands located within the Coral Springs Improvement District in  
10 the State of Florida and to appraise the cash value of the  
11 land necessary to be taken for rights-of-way, holding basins,  
12 and other works of said district did file their report in the  
13 office of the undersigned Clerk of the Circuit Court, upon the  
14 ..... day of ....., 20....., and you, and each of  
15 you, are hereby notified that you may examine said report and  
16 file exceptions to the same on or before the ..... day of  
17 ....., 20..... (which date shall be not less than 28  
18 days nor more than 30 days after the first date of  
19 publication).

20

21 .....  
22 Clerk of the Circuit Court  
23 of Broward County, Florida"

24

25 (10) The state board of drainage commissioners, the  
26 water control district, or any owner of land or other property  
27 to be affected by said report may file exception to any part,  
28 or all, of the report of said commissioners within the time  
29 specified in the notice prescribed in subsection (9). All  
30 exceptions shall be heard and determined by the court. If no  
31 exceptions are filed, or if it is shown, upon the hearing of  
all of said exceptions, that the estimated cost of

1 construction of improvements contemplated in the water control  
2 plan is less than the benefits assessed against the lands in  
3 said district, the court shall approve and confirm said  
4 commissioners' report. However, if the court, upon hearing the  
5 objections filed, finds that any or all such objections should  
6 be sustained, it shall order the report changed to conform  
7 with such findings, and when so changed, the court shall  
8 approve and confirm such report and enter its decree  
9 accordingly. The court shall adjudge and apportion the costs  
10 incurred by the exceptions filed, and shall condemn any land  
11 or other property, that is shown by the report of the  
12 commissioners to be needed for rights-of-way, holding basins,  
13 or other works, following the procedures provided in chapters  
14 73 and 74, Florida Statutes; provided, however, that any  
15 property owner may accept the assessment of damages in his or  
16 her favor made by the commissioners, or acquiesce in their  
17 failure to assess damages in his or her favor, and shall be  
18 construed to have done so, unless he or she gives the  
19 supervisors of the district, on or before the time shall have  
20 expired for filing exceptions, as provided in this act, notice  
21 in writing that he or she demands an assessment of his or her  
22 damages by a jury. If the property owner demands an assessment  
23 of his or her damages by a jury, the supervisors of the  
24 district shall institute in the Circuit Court of Broward  
25 County an action to condemn the lands and other property that  
26 must be taken or damaged in the making of such improvements,  
27 with the right and privilege of paying into the court a sum to  
28 be fixed by the circuit court or judge, and proceeding with  
29 the work before the assessment by the jury. Any person or  
30 party interested may prosecute and appeal to the appropriate  
31

1 district court of appeal in the manner and within the time  
2 provided by the Florida appellate rules.

3 (11) The Clerk of the Circuit Court of Broward County  
4 shall transmit a certified copy of the court decree and copy  
5 of the commissioners' report, as confirmed or amended by the  
6 court, to the secretary of the board, and such clerk shall  
7 receive a fee of \$5 for receiving, filing, and preserving same  
8 as a permanent record.

9 Section 15. Adoption, revision, and revocation of  
10 water control plan.--In addition to and not in limitation of  
11 its power to provide for and adopt a water control plan  
12 provided in section 14 and under chapter 298, Florida  
13 Statutes, and amendments thereto, the board may at any time  
14 and from time to time adopt, revoke, or modify, in whole or in  
15 part, any water control plan or any plan providing for the  
16 drainage of lands within the district, and may provide for  
17 such new and additional drainage facilities, canals, ditches,  
18 levees, and other works as the board may determine. In  
19 connection with the revision of any water control plan or the  
20 providing of any new or additional drainage facilities,  
21 canals, ditches, levees, or other works, or in the event the  
22 total taxes and assessments theretofore levied or the funds  
23 derived from the sale of bonds are insufficient to pay the  
24 cost of any drainage works, benefits may be reassessed,  
25 additional assessments made, and taxes levied in accordance  
26 with the procedures provided in this act or in chapter 298,  
27 Florida Statutes. The board may at any time approve and make  
28 effective technical changes or modifications in any water  
29 control plan or drainage not affecting assessed benefits, levy  
30 of taxes, or the security of bondholders.

31

1           Section 16. Assessing land for reclamation;  
2 apportionment of tax; lands belonging to state assessed;  
3 drainage tax record.--After the lists of lands, with the  
4 assessed benefits and the decree and judgment of court, have  
5 been filed in the office of the clerk of the circuit court as  
6 provided in section 14, the board shall, without any  
7 unnecessary delay, levy a tax of such portion of said benefits  
8 on all lands in the district to which benefits have been  
9 assessed, as may be found necessary by the board of  
10 supervisors to pay the costs of the completion of the proposed  
11 works and improvements, as shown in said water control plan  
12 and in carrying out the objects of said district, and, in  
13 addition thereto, 10 percent of said total amount for  
14 emergencies. The said tax shall be apportioned to, and levied  
15 on, each tract of land in said district in proportion to the  
16 benefits assessed, and not in excess thereof; and in case  
17 bonds are issued, as provided in this chapter, a tax shall be  
18 levied in a sum not less than an amount 90 percent of which  
19 shall be equal to the principal of said bonds. The amount of  
20 bonds to be issued for paying the cost of the works as set  
21 forth in the water control plan shall be ascertained and  
22 determined by the board, provided, however, that the total  
23 amount of all bonds to be issued by the district shall in no  
24 case exceed 90 percent of the benefits assessed upon the lands  
25 of the district. The amount of the interest, as estimated by  
26 said board, that will accrue on such bonds shall be included  
27 and added to the said tax, but the interest to accrue on  
28 account of the issuing of said bonds shall not be construed as  
29 a part of the costs of construction in determining whether or  
30 not the expenses and costs of making said improvements are  
31 equal to, or in excess of, the benefits assessed. The

1 secretary of the board of supervisors, as soon as said total  
2 tax is levied, shall, at the expense of the district, prepare  
3 a list of all taxes levied in the form of a well-bound book,  
4 which shall be endorsed and named the "DRAINAGE TAX RECORD OF  
5 CORAL SPRINGS IMPROVEMENT DISTRICT, BROWARD COUNTY, FLORIDA,"  
6 which endorsement shall be printed or written at the top of  
7 each page in said book, signed and certified by the president  
8 and secretary of the board, attested by the seal of the  
9 district, and the same shall thereafter become a permanent  
10 record in the office of said secretary.

11 Section 17. Prepayment of taxes or assessments.--The  
12 board may provide that any tax or assessment may be paid at  
13 any time before due, together with interest accrued thereon to  
14 the date of prepayment and any prepayment premiums or  
15 penalties, if such prior payment shall be permitted by the  
16 proceedings authorizing any bonds or other obligations for the  
17 payment of which special assessments have been pledged or  
18 taxes levied.

19 Section 18. Tax liens.--All taxes of the district  
20 provided for in this act or chapter 298, Florida Statutes,  
21 together with all penalties for default in the payment of the  
22 same and all costs in collecting the same, including  
23 reasonable attorney's fees fixed by the court and taxed as  
24 cost in the action brought to enforce payment, shall from  
25 January 1 for each year the property is liable to assessment  
26 and until paid constitute a lien of equal dignity with the  
27 liens for state and county taxes and other taxes of equal  
28 dignity with state and county taxes upon all the lands against  
29 which such taxes shall be levied. A sale of any of the real  
30 property within the district for state and county or other  
31 taxes shall not operate to relieve or release the property so

1 sold from the lien for subsequent district taxes or  
2 installments of district taxes which lien may be enforced  
3 against such property as though no such sale thereof had been  
4 made. The provisions of chapter 192, Florida Statutes, and  
5 amendments thereto shall be applicable to district taxes with  
6 the same force and effect as if said provisions were expressly  
7 set forth in this act.

8 Section 19. Issuance of bond anticipation notes.--In  
9 addition to the other powers provided for in this act and not  
10 in limitation thereof, the district shall have the power, at  
11 any time and from time to time after the issuance of any bonds  
12 of the district shall have been authorized, to borrow money  
13 for the purposes for which such bonds are to be issued in  
14 anticipation of the receipt of the proceeds of the sale of  
15 such bonds and to issue bond anticipation notes in a principal  
16 sum not in excess of the authorized maximum amount of such  
17 bond issue. Such notes shall be in such denomination or  
18 denominations, bear interest at such rate as the board may  
19 determine not to exceed 10 percent per year, mature at such  
20 time or times not later than 5 years from the date of  
21 issuance, and be in such form and executed in such manner as  
22 the board shall prescribe. Such notes may be sold at either  
23 public or private sale, or if such notes shall be renewal  
24 notes, may be exchanged for notes then outstanding on such  
25 terms as the board shall determine. Such notes shall be paid  
26 from the proceeds of such bonds when issued. The board may in  
27 its discretion, in lieu of retiring the notes by means of  
28 bonds, retire them by means of current revenues or from any  
29 taxes or assessments levied for the payment of such bonds, but  
30 in such event a like amount of the bonds authorized shall not  
31 be issued.

1           Section 20. Short-term borrowing.--The district at any  
2 time may obtain loans, in such amount and on such terms and  
3 conditions as the board may approve, for the purpose of paying  
4 any of the expenses of the district or any costs incurred or  
5 that may be incurred in connection with any of the projects of  
6 the district, which loans shall have a term not exceeding 2  
7 years from the date of issuance thereof, may be renewable for  
8 a like term or terms, shall bear such interest as the board  
9 may determine, not to exceed 10 percent per year, and may be  
10 payable from and secured by a pledge of such funds, revenues,  
11 taxes, and assessments as the board may determine. For the  
12 purpose of defraying such costs and expenses, the district may  
13 issue negotiable notes, warrants, or other evidences of debt  
14 signed on behalf of the district by any one of the board duly  
15 authorized by the board, such notes or other evidences of  
16 indebtedness to be payable at such times, to bear such  
17 interest as the board may determine not to exceed 10 percent  
18 per year, and to be sold or discounted at such price or prices  
19 and on such terms as the board may deem advisable. The board  
20 shall have the right to provide for the payment thereof by  
21 pledging the whole or any part of the funds, revenues, taxes,  
22 and assessments of the district. The approval of the qualified  
23 electors who are freeholders residing in the district shall  
24 not be necessary except where required by the State  
25 Constitution.

26           Section 21. Trust agreements.--In the discretion of  
27 the board, any issue of bonds may be secured by a trust  
28 agreement by and between the district and a corporate trustee  
29 or trustees, which may be any trust company or bank having the  
30 powers of a trust company within or without the state. The  
31 resolution authorizing the issuance of the bonds or such trust



1 agreement may pledge the revenues to be received from any  
2 projects of the district and may contain such provisions for  
3 protecting and enforcing the rights and remedies of the  
4 bondholders as the board may approve, including, without  
5 limitation, covenants setting forth the duties of the district  
6 in relation to the acquisition, construction, reconstructions,  
7 improvements, maintenance, repair, operation, and insurance of  
8 any projects; the fixing and revising of the rates, fees, and  
9 charges; the custody, safeguarding, and application of all  
10 moneys; and for the employment of counseling engineers in  
11 connection with such acquisition, construction,  
12 reconstruction, improvement, maintenance, repair, or  
13 operation. It shall be lawful for any bank or trust company  
14 incorporated under the laws of the state which may act as a  
15 depository of the proceeds of bonds or of revenues to furnish  
16 such indemnifying bonds or to pledge such securities as may be  
17 required by the district. Such resolution or trust agreement  
18 may set forth the rights and remedies of the bondholders and  
19 of the trustee, if any, and may restrict the individual right  
20 of action by bondholders. The board may provide for the  
21 payment of the proceeds of the sale of the bonds and the  
22 revenues of any project to such officer, board, or depository  
23 as it may designate for the custody thereof, and for the  
24 method of disbursement thereof with such safeguards and  
25 restrictions as it may determine. All expenses incurred in  
26 carrying out the provisions of such resolution or trust  
27 agreement may be treated as part of the cost of operation of  
28 the project to which such trust agreement pertains.

29 Section 22. Sale of bonds.--Bonds may be sold in  
30 blocks or installments at different times, or an entire issue  
31 or series may be sold at one time. Bonds may be sold at public

1 or private sale after such advertisement, if any, as the board  
2 may deem advisable but not in any event at less than 90  
3 percent of the par value thereof, together with accrued  
4 interest thereon. Bonds may be sold or exchanged for refunding  
5 bonds. Special assessment and revenue bonds may be delivered  
6 as payment by the district of the purchase price or lease of  
7 any project or part thereof, or a combination of projects or  
8 parts thereof, or as the purchase price or exchanged for any  
9 property, real, personal, or mixed, including franchises, or  
10 services rendered by any contractor, engineer, or other  
11 person, all at one time or in blocks from time to time, in  
12 such manner and upon such terms as the board in its discretion  
13 shall determine. The price or prices for any bonds sold,  
14 exchanged, or delivered may be the money paid for the bonds;  
15 the principal amount, plus accrued interest to the date of  
16 redemption or exchange, or outstanding obligations exchanged  
17 for refunding bonds; or, in the case of special assessment or  
18 revenue bonds, the amount of any indebtedness to contractors  
19 or other persons paid with such bonds, or the fair value of  
20 any properties exchanged for the bonds, as determined by the  
21 board.

22 Section 23. Authorization and form of bonds.--Bonds  
23 may be authorized by resolution or resolutions of the board  
24 which shall be adopted by a majority of all of the members  
25 thereof then in office. Such resolution or resolutions may be  
26 adopted at the same meeting at which they are introduced, and  
27 need not be published or posted. The board may by resolution  
28 authorize the issuance of bonds, fix the aggregate amount of  
29 bonds to be issued, the purpose or purposes for which the  
30 moneys derived therefrom shall be expended, the rate or rates  
31 of interest, not to exceed 10 percent per year, the

1 denomination of the bonds, whether or not the bonds are to be  
2 issued in one or more series, the date or dates of maturity,  
3 which shall not exceed 40 years from their respective dates of  
4 issuance, the medium of payment, the place or places within or  
5 without the state where payment shall be made, registration  
6 privileges, redemption terms and privileges (whether with or  
7 without premium), the manner of execution, the form of the  
8 bonds, including any interest coupons to be attached thereto,  
9 the manner of execution of bonds and coupons, and any and all  
10 other terms, covenants, and conditions thereof, and the  
11 establishment of revenue or other funds. Such authorizing  
12 resolution may further provide that such bonds may be executed  
13 manually or by engraved, lithographed, or facsimile signature,  
14 provided that where signatures are engraved, lithographed, or  
15 otherwise reproduced in facsimile, no bond shall be valid  
16 unless countersigned by a registrar or other officer  
17 designated by appropriate resolution of the board. The seal of  
18 the district may be affixed, lithographed, engraved, or  
19 otherwise reproduced in facsimile on such bonds. In case any  
20 officer whose signature shall appear on any bonds or coupons  
21 shall cease to be such officer before the delivery of such  
22 bonds, such signature or facsimile shall nevertheless be valid  
23 and sufficient for all purposes the same as if he or she had  
24 remained in office until such delivery.

25 Section 24. Interim certificates; replacement  
26 certificates.--Pending the preparation of definitive bonds,  
27 the board may issue interim certificates or receipts or  
28 temporary bonds, in such form and with such provisions as the  
29 board may determine, exchangeable for definitive bonds when  
30 such bonds shall have been executed and are available for  
31

1 delivery. The board may also provide for the replacement of  
2 any bonds that become mutilated, lost, or destroyed.

3 Section 25. Negotiability of bonds.--Any bond issued  
4 under this act and any interim certificate, receipt, or  
5 temporary bond shall, in the absence of an express recital on  
6 the face thereof that it is nonnegotiable, be fully negotiable  
7 and shall be and constitute negotiable instruments within the  
8 meaning and for all purposes of the law merchant and the laws  
9 of Florida.

10 Section 26. Defeasance.--The board may make such  
11 provision with respect to the defeasance of the right, title,  
12 and interest of the holders of any of the bonds and  
13 obligations of the district in any revenues, funds, or other  
14 properties by which such bonds are secured as the board deems  
15 appropriate and, without limitation on the foregoing, may  
16 provide that when such bonds or obligations become due and  
17 payable or shall have been called for redemption, and the  
18 whole amount of the principal and interest and premium, if  
19 any, due and payable upon the bonds or obligations then  
20 outstanding shall be paid, or sufficient monies or direct  
21 obligations of the United States Government the principal of  
22 and the interest on which when due will provide, sufficient  
23 monies shall be held or deposited in trust for such purpose,  
24 and provision shall also be made for paying all other sums  
25 payable in connection with such bonds or other obligations,  
26 then and in such event the right, title, and interest of the  
27 holders of the bonds in any revenues, funds, or other  
28 properties by which such bonds are secured shall thereupon  
29 cease, determine, and become void, and the board may apply any  
30 surplus in any sinking fund established in connection with  
31 such bonds or obligations and all balances remaining in all

1 other funds or accounts other than money held for the  
2 redemption or payment of the bonds or other obligations to any  
3 lawful purpose of the district as the board shall determine.

4 Section 27. Issuance of additional bonds.--If the  
5 proceeds of any bonds shall be less than the cost of  
6 completing the project in connection with which such bonds are  
7 issued, the board may authorize the issuance of additional  
8 bonds, upon such terms and conditions as the board may provide  
9 in the resolution authorizing the issuance thereof, but only  
10 in compliance with the resolution or other proceedings  
11 authorizing the issuance of the original bonds.

12 Section 28. Refunding bonds.--The district shall have  
13 the power to issue bonds to provide for the retirement or  
14 refunding of any bonds or obligations of the district that at  
15 the time of such issuance are or subsequently thereto become  
16 due and payable, or that at the time of issuance have been  
17 called or are or will be subject to call for redemption within  
18 10 years thereafter, or the surrender of which can be procured  
19 from the holders thereof at prices satisfactory to the board.  
20 Refunding bonds may be issued at any time when in the judgment  
21 of the board such issuance will be advantageous to the  
22 district. No approval of the qualified electors who are  
23 freeholders residing in the district shall be required for the  
24 issuance of refunding bonds except in cases where such  
25 approval is required by the constitution. The board may by  
26 resolution confer upon the holders of such refunding bonds all  
27 rights, powers, and remedies to which the holders would be  
28 entitled if they continued to be the owners and had possession  
29 of the bonds for the refinancing of which said refunding bonds  
30 are issued, including, but not limited to, the preservation of  
31 the lien of such bonds on the revenues of any project or on

1 pledged funds, without extinguishment, impairment, or  
2 diminution thereof. The provisions of this act pertaining to  
3 bonds of the district shall, unless the context otherwise  
4 requires, govern the issuance of refunding bonds, the form and  
5 other details thereof, the rights of the holders thereof, and  
6 the duties of the board with respect to the same.

7 Section 29. Revenue bonds.--

8 (1) The district shall have the power to issue revenue  
9 bonds from time to time without limitation as to amount. Such  
10 revenue bonds may be secured by or payable from the gross or  
11 net pledge of the revenues to be derived from any project or  
12 combination of projects; from the rates, fees, or other  
13 charges to be collected from the users of any project or  
14 projects; from any revenue-producing undertaking or activity  
15 of the district; or from any other source or pledged security.  
16 Such bonds shall not constitute an indebtedness of the  
17 district, and the approval neither of the qualified electors  
18 nor of the qualified electors who are freeholders shall be  
19 required unless such bonds are additionally secured by the  
20 full faith and credit and taxing power of the district.

21 (2) Any two or more projects may be combined and  
22 consolidated into a single project, and may thereafter be  
23 operated and maintained as a single project. The revenue bonds  
24 authorized herein may be issued to finance any one or more of  
25 such projects, regardless whether or not such projects have  
26 been combined and consolidated into a single project. If the  
27 board deems it advisable, the proceedings authorizing such  
28 revenue bonds may provide that the district may thereafter  
29 combine the projects then being financed or theretofore  
30 financed with other projects to be subsequently financed by  
31 the district, and that revenue bonds to be thereafter issued

1 by the district shall be on parity with the revenue bonds then  
2 being issued, all on such terms, conditions, and limitations  
3 as shall be provided, and may further provide that the  
4 revenues to be derived from the subsequent projects shall at  
5 the time of the issuance of such parity revenue bonds be also  
6 pledged to the holders of any revenue bonds theretofore issued  
7 to finance the revenue undertakings which are later combined  
8 with such subsequent projects. The district may pledge for the  
9 security of the revenue bonds a fixed amount, without regard  
10 to any fixed proportion of the gross revenues of any project.

11 Section 30. General obligation bonds.--

12 (1) The district shall have the power from time to  
13 time to issue general obligation bonds in an aggregate  
14 principal amount of bonds outstanding at any one time not in  
15 excess of 35 percent of the assessed value of the taxable  
16 property within the district as shown on the pertinent tax  
17 records at the time of the authorization of the general  
18 obligation bonds for which the full faith and credit of the  
19 district is pledged. Except for refunding bonds, no general  
20 obligation bonds shall be issued unless the issuance thereof  
21 shall have been approved at an election of freeholders held in  
22 accordance with the requirements for such election as  
23 prescribed by the State Constitution. Such elections shall be  
24 called to be held in the district by the Board of County  
25 Commissioners of Broward County upon the request of the board  
26 of the district. The expenses of calling and holding such  
27 referendum elections shall be borne by the district and the  
28 district shall reimburse the county for any expenses incurred  
29 in calling or holding such elections. In the alternative, at  
30 the option of the board, the board may make such other  
31 provision for the registration of such qualified electors who

1 are freeholders and the calling and holding of such elections  
2 as the board may from time to time deem appropriate.

3 (2) The district may pledge its full faith and credit  
4 for the payment of the principal and interest on such general  
5 obligation bonds, and for any reserve or other funds provided  
6 therefor, and may unconditionally and irrevocably pledge  
7 itself to levy ad valorem taxes on all taxable property in the  
8 district, to the extent necessary for the payment thereof,  
9 without limitations as to rate or amount.

10 (3) If the board shall determine to issue general  
11 obligation bonds for more than one different purpose, the  
12 approval of the issuance of the bonds for each and all such  
13 purposes may be submitted to the freeholders on one and the  
14 same ballot. The failure of the freeholders to approve the  
15 issuance of bonds for any one or more purposes shall not  
16 defeat the approval of bonds for any purpose that shall be  
17 approved by the freeholders.

18 Section 31. Bonds as legal investment or  
19 security.--Notwithstanding any provisions of any other law to  
20 the contrary, all bonds issued under the provisions of this  
21 act shall constitute legal investments for savings banks,  
22 banks, trust companies, insurance companies, executors,  
23 administrators, trustees, guardians, and other fiduciaries,  
24 and for any board, body, agency, instrumentality, county,  
25 municipality, or other political subdivision of the state, and  
26 shall be and constitute securities which may be deposited by  
27 banks or trust companies as security for deposits of state,  
28 county, municipal, or other public funds, or by insurance  
29 companies as required for voluntary statutory deposits.

30 Section 32. Covenants.--Any resolution authorizing the  
31 issuance of bonds may contain such covenants as the board may



1 deem advisable and all such covenants shall constitute valid  
2 and legally binding and enforceable contracts between the  
3 district and the bondholders, regardless of the time of  
4 issuance thereof. Such covenants may include, without  
5 limitation, covenants concerning the disposition of the bond  
6 proceeds; the use and disposition of project revenues; the  
7 pledging of revenues, taxes, and assessments; the obligations  
8 of the district with respect to the operation of the project  
9 and the maintenance of adequate project revenues; the issuance  
10 of additional bonds; the appointment, powers, and duties of  
11 trustees and receivers; the acquisition of outstanding bonds  
12 and obligations; restrictions on the establishing of competing  
13 projects or facilities; restrictions on the sale or disposal  
14 of the assets and property of the district; the priority of  
15 assessment liens; the priority of claims by bondholders on the  
16 taxing power of the district; the maintenance of deposits to  
17 ensure the payment of revenues by users of district facilities  
18 and services; the discontinuance of district services by  
19 reason of delinquent payments; acceleration upon default; the  
20 execution of necessary instruments; the procedure for amending  
21 or abrogating covenants with the bondholders; and such other  
22 covenants as may be deemed necessary or desirable for the  
23 security of the bondholders.

24 Section 33. Validity of bonds; validation  
25 proceedings.--

26 (1) Any bonds issued by the district shall be  
27 incontestable in the hands of bona fide purchasers or holders  
28 for value and shall not be invalid because of any irregularity  
29 or defects in the proceedings for the issue and sale thereof.  
30 Prior to the issuance of any bonds, the district may, but is  
31 not required to, publish a notice at least once in a newspaper

1 or newspapers published or of general circulation in Broward  
2 County and within the district stating the date of adoption of  
3 the resolution authorizing such obligations, the amount, the  
4 maximum rate of interest and maturity of such obligations, and  
5 the purpose in general terms for which such obligations are to  
6 be issued, and further stating that any action or proceeding  
7 questioning the validity of such obligations or of the  
8 proceedings authorizing the issuance thereof, or of any of the  
9 covenants made therein, must be instituted within 20 days  
10 after the first publication of such notice, or the validity of  
11 such obligations, proceedings, and covenants shall not be  
12 thereafter questioned in any court whatsoever. If no such  
13 action or proceeding is so instituted within such 20-day  
14 period, the validity of such obligations, proceedings, and  
15 covenants shall be conclusive, and all persons or parties  
16 whatsoever shall be forever barred from questioning the  
17 validity of such obligations, proceedings, or covenants in any  
18 court whatsoever.

19 (2) The power of the district to issue bonds under the  
20 provisions of this act may be determined and any of the bonds  
21 of the district may be validated and confirmed by circuit  
22 court decree, under the provisions of chapter 75, Florida  
23 Statutes, and laws amendatory thereof or supplementary  
24 thereto.

25 Section 34. Within act furnishes full authority for  
26 issuance of bonds.--This act constitutes full and complete  
27 authority for the issuance of bonds and the exercise of the  
28 powers of the district provided herein. No procedures or  
29 proceedings, publications, notices, consents, approvals,  
30 orders, acts, or things by the board, or any board, officers,  
31 commission, department, agency, or instrumentality of the

1 district, other than those required by this act, shall be  
2 required to issue any bonds or to do any act or perform  
3 anything under this act, and the issuance or sale of bonds  
4 pursuant to the provisions of this act need not comply with  
5 the requirements of any other law applicable to the issuance  
6 or sale of bonds, except as otherwise provided in this act,  
7 and shall not require the consent or approval of the board of  
8 drainage commissioners of the state or of any other board,  
9 officers, commission, department, agency, or instrumentality  
10 of the state or any political subdivision thereof. Except as  
11 otherwise provided herein, no proceedings or procedures of any  
12 character whatever shall be necessary or required for the  
13 issuance of bonds other than the adoption of an appropriate  
14 resolution by the board as provided in this act with respect  
15 to the issuance of the same. The powers conferred by this act  
16 on the district with respect to the issuance and sale of bonds  
17 shall be in addition and supplemental to the powers conferred  
18 by any other law.

19 Section 35. Pledge by the state to the bondholders of  
20 the district and to the Federal Government.--The state pledges  
21 to the holders of any bonds issued under this act that it will  
22 not limit or alter the rights of the district to own, acquire,  
23 construct, reconstruct, improve, maintain, operate, or furnish  
24 the projects or to levy and collect the taxes, assessments,  
25 rentals, rates, fees, and other charges provided for herein  
26 and to fulfill the terms of any agreement made with the  
27 holders of such bonds or other obligations, and that it will  
28 not in any way impair the rights or remedies of the holders.

29 Section 36. Ad valorem taxes.--The board shall have  
30 the power to levy and assess an ad valorem tax on all the  
31 taxable real and tangible personal property in the district to

1 pay the principal of and interest on any general obligation  
2 bonds of the district, and to provide for any sinking or other  
3 funds established in connection with any such bonds. The ad  
4 valorem tax provided for herein shall be in addition to county  
5 and all other ad valorem taxes provided for by law. Such tax  
6 shall be assessed, levied, and collected in the same manner  
7 and same time as county taxes.

8 Section 37. Annual installment taxes.--

9 (1) The board shall annually determine, order, and  
10 levy the annual installment of the total taxes that are levied  
11 under section 298.36, Florida Statutes, which shall be due and  
12 be collected during each year that county taxes are due and  
13 collected and said annual installment and levy shall be  
14 evidenced to and certified by the board not later than August  
15 31 of each year to the Broward County Property Appraiser. Said  
16 tax shall be entered by the county property appraiser on the  
17 county tax rolls and shall be collected by the Broward County  
18 Tax Collector in the same manner and the same time as county  
19 taxes and the proceeds thereof paid to the district. The tax  
20 shall be a lien until paid on the property against which  
21 assessed and enforceable in like manner as county taxes.

22 (2) In the alternative, the board may by resolution  
23 determine the amount of taxes as provided by section 298.37,  
24 Florida Statutes, and thereafter the annual installments shall  
25 be levied, collected, and enforced as provided in chapter 298,  
26 Florida Statutes.

27 Section 38. Maintenance tax.--To maintain and preserve  
28 the drainage improvements of the district, a maintenance tax  
29 shall be evidenced to and certified by the board of  
30 supervisors not later than August 31 of each year to the  
31 property appraiser and shall be entered by the property

1 appraiser on the county tax rolls and shall be collected by  
2 the tax collector in the same manner and time as county taxes  
3 and the proceeds therefrom paid to the district. The tax shall  
4 be a lien until paid on the property against which assessed  
5 and enforceable in like manner as county taxes. If the  
6 maintenance is for original construction based upon an  
7 apportionment of benefits, the maintenance tax shall be  
8 apportioned on the same basis of the net assessments of  
9 benefits assessed or accruing for original construction and  
10 shall not exceed 10 percent thereof in any one year. If the  
11 maintenance is for other drainage improvements owned,  
12 operated, or acquired by the district, the amount of said  
13 maintenance tax shall be determined by the board based upon a  
14 report of the chief engineer and assessed by the board, upon  
15 such lands, which may be all of the lands within the district  
16 benefited by the maintenance thereof, apportioned between the  
17 benefited lands in proportion to the benefits received by each  
18 tract of land.

19 Section 39. Enforcement of taxes.--The collection and  
20 enforcement of all taxes levied by the district shall be at  
21 the same time and in like manner as county taxes and the  
22 provisions of the Florida Statutes relating to the sale of  
23 lands for unpaid and delinquent county taxes, the issuance,  
24 sale, and delivery of tax certificates for such unpaid and  
25 delinquent county taxes, the redemption thereof, the issuance  
26 to individuals of tax deeds based thereon, and all other  
27 procedures in connection therewith shall be applicable to the  
28 district to the same extent as if said statutory provisions  
29 were expressly set forth herein. All taxes shall be subject to  
30 the same discounts as county taxes.

31

1           Section 40. When unpaid tax is delinquent;  
2 penalty.--All taxes provided for in this act shall become  
3 delinquent and bear penalties on the amount of said taxes in  
4 the same manner as county taxes.

5           Section 41. Tax exemption.--As the exercise of the  
6 powers conferred by this act constitute the performance of  
7 essential public functions, and as the projects of the  
8 district will constitute public property used for public  
9 purposes, all assets and properties of the district, and all  
10 bonds issued hereunder and interest paid thereon, and all  
11 fees, charges, and other revenues derived by the district from  
12 the projects provided by this act shall be exempt from all  
13 taxes by the state or by any political subdivision, agency, or  
14 instrumentality thereof; provided, however, that nothing in  
15 this act shall be deemed to exempt from taxation any property,  
16 project, facility, or business activity or enterprise that  
17 cannot validly be undertaken as a public function by special  
18 taxing districts or other public bodies under the laws and  
19 constitution of Florida; and further, that nothing in this act  
20 shall be deemed to exempt any property, project, facility, or  
21 business activity or enterprise of the district, or revenues  
22 derived therefrom, which would be subject to taxation under  
23 the general laws of Florida if such property, project, or  
24 facility were owned or undertaken by a municipal corporation.

25           Section 42. Special assessments.--

26           (1) The board may provide for the construction or  
27 reconstruction of assessable improvements as defined in  
28 section 4, and for the levying of special assessments upon  
29 benefited property for the payment thereof, under the  
30 provisions of this section.

31

1           (2) Such special assessments may be levied and  
2 assessed in either of the alternate methods provided in  
3 subsection (6) or subsection (7), and except for such  
4 procedure, all the other provisions of this section and this  
5 act shall apply to the levy and assessment of such special  
6 assessments under either subsection (6) or subsection (7).

7           (3) The initial proceeding under subsection (6) or  
8 subsection (7) shall be the passage by the board of a  
9 resolution ordering the construction or reconstruction of such  
10 assessable improvements, indicating the location by terminal  
11 points and routes and either giving a description of the  
12 improvements by its material, nature, character, and size or  
13 giving two or more descriptions with the directions that the  
14 material, nature, character, and size shall be subsequently  
15 determined in conformity with one of such descriptions.  
16 Drainage improvements need not be continuous and may be in  
17 more than one locality. The resolution ordering any such  
18 improvement may give any short and convenient designation to  
19 each improvement ordered thereby, and the property against  
20 which assessments are to be made for the cost of such  
21 improvement may give any short and convenient designation to  
22 each improvement ordered thereby, and the property against  
23 which assessments are to be made for the cost of such  
24 improvement may be designated as an assessment district,  
25 followed by a letter, number, or name to distinguish it from  
26 other assessment districts, after which it shall be sufficient  
27 to refer to such improvement and property by such designation  
28 in all proceedings and assessments, except in the notices  
29 required by this section.

30           (4) As soon as possible after the passage of such  
31 resolution, the engineer for the district shall prepare, in

1 duplicate, plans and specifications for each improvement  
2 ordered thereby and an estimate of the cost thereof. Such cost  
3 shall include, in addition to the items of cost as defined in  
4 this act, the following items of incidental expenses:  
5       (a) Printing and publishing notices and proceedings.  
6       (b) Costs of abstracts of title.  
7       (c) Any other expense necessary or proper in  
8 conducting the proceedings and work provided for in this  
9 section, including the estimated amount of discount, if any,  
10 financial expenses upon the sale of assessment bonds, or any  
11 other obligations issued hereunder for which such special  
12 assessments are to be pledged, and interest prior to and until  
13 not more than 2 years after the completion of said assessable  
14 improvements. If the resolution shall provide alternative  
15 descriptions of material, nature, character, and size, such  
16 estimate shall include an estimate of the cost of the  
17 improvement of each such description.  
18       (5) The district engineer shall next prepare in  
19 duplicate a tentative apportionment of the estimated total  
20 cost of the improvement as between the district and each lot  
21 or parcel of land subject to special assessment under the  
22 resolution, such apportionment to be made in accordance with  
23 the provisions of the resolution and in relation to  
24 apportionment of cost provided herein for the preliminary  
25 assessment roll. Such tentative apportionment of total  
26 estimated cost shall not be held to limit or restrict the  
27 duties of the engineer in the preparation of such preliminary  
28 assessment roll under subsection (6). One of the duplicates of  
29 such plans, specifications, and estimates and such tentative  
30 apportionment shall be filed with the secretary of the board  
31 and the other duplicate shall be retained by the engineer in



1 his or her files, all thereof to remain open to public  
2 inspection.  
3 (6)(a) If the special assessments are to be levied  
4 under this subsection, the secretary of the board, upon filing  
5 with him or her of such plans, specifications, estimates, and  
6 tentative apportionment of cost, shall publish once in a  
7 newspaper published in Broward County and of general  
8 circulation in the district a notice stating that at a meeting  
9 of the board on a certain day and hour, not earlier than 15  
10 days after such publication, the board will hear objections of  
11 all interested persons to the confirmation of such resolution,  
12 which notice shall state in brief and general terms a  
13 description of the proposed assessable improvements with the  
14 location thereof, and shall also state that plans,  
15 specifications, estimates, and tentative apportionment of cost  
16 thereof are on file with the secretary of the board. A copy of  
17 the notice shall be mailed to the landowners of the land to be  
18 benefited by construction of the assessable improvement. The  
19 landowners shall be determined by reference to the last  
20 available tax roll of Broward County. The secretary of the  
21 board shall keep a record in which shall be inscribed, at the  
22 request of any person, firm, or corporation having or claiming  
23 to have any interest in any lot or parcel of land, the name  
24 and post office address of such person, firm, or corporation,  
25 together with a brief description or designation of such lot  
26 or parcel, and it shall be the duty of the secretary of the  
27 board to mail a copy of such notice to such person, firm, or  
28 corporation at such address at least 10 days before the time  
29 for the hearing as stated in such notice, but the failure of  
30 the secretary of the board to keep such record or so to  
31 inscribe any name or address or to mail any such notice shall

1 not constitute a valid objection to holding the hearing as  
2 provided in this section or to any other action taken under  
3 the authority of this section.

4 (b) At the time named in such notice, or to which an  
5 adjournment may be taken by the board, the board shall receive  
6 any objections of interested persons and may then or  
7 thereafter repeal or confirm such resolution with such  
8 amendments, if any, as may be desired by the board and which  
9 do not cause any additional property to be specially assessed.

10 (c) All objections to any such resolution on the  
11 ground that it contains items which cannot be properly  
12 assessed against property, or that it is, for any default or  
13 defect in the passage or character of the resolution or the  
14 plans or specifications or estimate, void or voidable in whole  
15 or in part, or that it exceeds the power of the board, shall  
16 be made in writing in person or by attorney, and filed with  
17 the secretary of the board at or before the time or adjourned  
18 time of such hearing. Any objections against the making of any  
19 assessable improvements not so made shall be considered as  
20 waived, and if any objection shall be made and overruled or  
21 shall not be sustained, the confirmation of the resolution  
22 shall be the final adjudication of the issue presented unless  
23 proper steps shall be taken in a court of competent  
24 jurisdiction to secure relief within 20 days.

25 (d) Whenever any resolution providing for the  
26 construction or reconstruction of assessable improvements and  
27 for the levying of special assessments upon benefited property  
28 for the payment thereof shall have been confirmed, and said  
29 special assessments are levied under this subsection, or at  
30 any time thereafter, the board may issue assessment bonds  
31 payable out of such assessments when collected. Such bonds

1 shall mature not later than 2 years after the maturity of the  
2 last annual installment in which said special assessments may  
3 be paid, as provided in subsection (7), and shall bear such  
4 interest as the board may determine not to exceed 10 percent  
5 per year. Such assessment bonds shall be executed, shall have  
6 such provisions for redemption prior to maturity, and shall be  
7 sold in the manner and be subject to all of the applicable  
8 provisions contained in this act applicable to other bonds,  
9 except as the same are inconsistent with the provisions of  
10 this section. The amount of such assessment bonds for any  
11 assessable improvement, prior to the confirmation of the  
12 preliminary assessment roll provided for in this subsection,  
13 shall not exceed the estimated amount of the cost of such  
14 assessable improvements that are to be specially assessed  
15 against the lands and real estate of the engineer referred to  
16 in this section.

17 (e) After the passage of the resolution authorizing  
18 the construction or reconstruction of assessable improvements  
19 has been confirmed as provided for in this subsection where  
20 special assessments are levied under this subsection, or after  
21 the final confirmation of the assessment roll where such  
22 assessments are levied under subsection (7), the board may  
23 publish at least once in a newspaper published in Broward  
24 County and of general circulation in the district a notice  
25 calling for sealed bids to be received by the board on a date  
26 not earlier than 15 days after the first publication for the  
27 construction of the work, unless in the initial resolution the  
28 board shall have declared its intention to have the work done  
29 by district forces without contract. The notice shall refer in  
30 general terms to the extent and nature of the improvements and  
31 may identify the same by the short designation indicated in

1 the initial resolution and by reference to the plans and  
2 specifications on file. If the initial resolution shall have  
3 given two or more alternative descriptions of the assessable  
4 improvements as to its material, nature, character, and size,  
5 and if the board shall not have theretofore determined upon a  
6 definite description, the notice shall call for bids upon each  
7 of such descriptions. Bids may be requested for the work as  
8 whole or for any part thereof separately and bids may be asked  
9 for any one or more of such assessable improvements authorized  
10 by the same or different resolutions, but any bid covering  
11 work upon more than one improvement shall be in such form as  
12 to permit a separation of cost as to each improvement. The  
13 notice shall require bidders to file with their bids either a  
14 certified check drawn upon an incorporated bank or trust  
15 company in such amount or percentage of their respective bids,  
16 as the board shall deem advisable, or a bid bond in like  
17 amount with corporate surety satisfactory to the board to  
18 insure the execution of a contract to carry out the work in  
19 accordance with such plans and specifications and insure the  
20 filing at the making of such contract, of a bond in the amount  
21 of the contract price with corporate surety satisfactory to  
22 the board conditioned for the performance of the work in  
23 accordance with such contract. The board shall have the right  
24 to reject any or all bids, and, if all bids are rejected, the  
25 board may readvertise or may determine to do the work by the  
26 district forces without contract.

27 (f) Promptly after the completion of the work, in the  
28 case of special assessments levied under this subsection, the  
29 engineer for the district, who is hereby designated as the  
30 official of the district to make the preliminary assessment of  
31 benefits from assessable improvements, shall prepare a

1 preliminary assessment roll and file the same with the  
2 secretary of the board which roll shall contain the following:  
3 1. A description of abutting lots and parcels of land  
4 or lands which will benefit from such assessable improvements  
5 and the amount of such benefits to each such lot or parcel of  
6 land. Such lots and parcels shall include the property of  
7 Broward County and any school district or other political  
8 subdivision. There shall also be given the name of the owner  
9 of record of each lot or parcel where practicable, and in all  
10 cases there shall be given a statement of the method of  
11 assessment used by the engineer for determining the benefits.  
12 2. The total cost of the improvements and the amount  
13 of incidental expense.  
14 (g) The preliminary roll shall be advisory only and  
15 shall be subject to the action of the board as hereinafter  
16 provided. Upon the filing with the secretary of the board of  
17 the preliminary assessment roll, the secretary of the board  
18 shall publish at least once in a newspaper published in  
19 Broward County and of general circulation in the district a  
20 notice stating that at a meeting of the board to be held on a  
21 certain day and hour, not less than 15 days after the date of  
22 such publication, which meeting may be a regular, adjourned,  
23 or special meeting, all interested persons may appear and file  
24 written objections to the confirmation of such roll. Such  
25 notice shall state the class of the assessable improvements  
26 and the location thereof by terminal points and route.  
27 (h) At the time and place stated in such notice, the  
28 board shall meet and receive the objections in writing of all  
29 interested persons as stated in such notice. The board may  
30 adjourn the hearing from time to time. After the completion  
31 thereof, the board shall annul, sustain, or modify in whole or

1 in part the prima facie assessment as indicated on such roll,  
2 either by confirming the prima facie assessment against any or  
3 all lots or parcels described therein or by canceling,  
4 increasing, or reducing the same, according to the special  
5 benefits which the board decides each such lot or parcel has  
6 received or will receive on account of such improvement. If  
7 any property that may be chargeable under this section shall  
8 have been omitted from the preliminary roll or if the prima  
9 facie assessment shall not have been made against it, the  
10 board may place on such roll an apportionment to such  
11 property. The board shall not confirm any assessment in excess  
12 of the special benefits to the property assessed and the  
13 assessments so confirmed shall be in proportion to the special  
14 benefits. Forthwith, after such confirmation, such assessment  
15 roll shall be delivered to the secretary of the board. The  
16 assessment so made shall be final and conclusive as to each  
17 lot or parcel assessed unless proper steps are taken within 30  
18 days in a court of competent jurisdiction to secure relief. If  
19 the assessment against any property shall be sustained or  
20 reduced or abated by the court, the secretary of the board  
21 shall note that fact on the assessment roll opposite the  
22 description of the property affected thereby. The amount of  
23 the special assessment against any lot or parcel which may be  
24 abated by the court, unless the assessment upon all benefited  
25 property be abated, or the amount by which such assessment is  
26 so reduced, may by resolution of the board be made chargeable  
27 against the district at large; or, at the discretion of the  
28 board, a new assessment roll may be prepared and confirmed in  
29 the manner hereinabove provided for the preparation and  
30 confirmation of the original assessment roll.  
31

1           (i) Pending the final confirmation of such special  
2 assessments in the manner provided in this subsection, the  
3 district shall have a lien on all such lands and real estate  
4 after the confirmation of the initial resolution, in the  
5 manner provided in this subsection.

6           (7)(a) The district engineer, under the procedure  
7 provided for in this subsection, shall next, after the passage  
8 of the initial resolution and filing of the plans and  
9 estimates of cost by the district engineer, prepare an  
10 assessment roll for the district in duplicate, which  
11 assessment roll shall contain an apportionment of the  
12 estimated total cost of the improvement as between the  
13 district and each lot or parcel of land subject to the special  
14 assessment under the initial resolution, such apportionment to  
15 be made in accordance with the provisions of the initial  
16 resolution. One of the duplicates of said assessment roll  
17 shall be filed with the secretary of the board and the other  
18 duplicate shall be retained by the district engineer in his or  
19 her files, all thereof to remain open to public inspection.

20           (b) Upon the completion and filing of said assessment  
21 roll, the secretary to the board shall cause a copy thereof to  
22 be published once in a newspaper published in Broward County  
23 and of general circulation in the district, together with a  
24 notice directed to all property owners interested in said  
25 special assessments, stating that at a meeting of the board on  
26 a certain day and hour, not earlier than 15 days after such  
27 publication, the board sitting as an equalizing board will  
28 hear objections of all interested persons to the final  
29 confirmation of such assessment roll and will finally confirm  
30 such assessment roll or take such action relative thereto as  
31 it deems necessary and advisable. A copy of the notice shall

1 be mailed to the landowners of the land to be benefited by  
2 construction of the assessable improvement. The landowners  
3 shall be determined by reference to the last available tax  
4 roll of Broward County. The secretary of the board shall keep  
5 a record in which shall be inscribed, at the request of any  
6 person, firm, or corporation having or claiming to have any  
7 interest in any lot or parcel of land, the name and post  
8 office address of such person, firm, or corporation, together  
9 with a brief description or designation of such lot or parcel,  
10 and it shall be the duty of the secretary of the board to mail  
11 a copy of such notice to such person, firm, or corporation at  
12 such address at least 10 days before the time for the hearing  
13 as stated in such notice, but the failure of the secretary of  
14 the board to keep such record or so to inscribe any name or  
15 address or to mail any such notice shall not constitute a  
16 valid objection to holding the hearing as provided in this  
17 section or to any other action taken under the authority of  
18 this section.

19 (c) At the time and place named in the notice provided  
20 for in paragraph (b), the board shall meet as an equalizing  
21 board to hear and consider any and all complaints as to said  
22 special assessments, and shall adjust and equalize the said  
23 special assessments on a basis of justice and right, and when  
24 so equalized and approved such special assessments shall stand  
25 confirmed and remain legal, valid, and binding liens upon the  
26 properties upon which such special assessments are made, until  
27 paid in accordance with the provisions of this act; provided,  
28 however, that upon the completion of such improvements, if the  
29 actual cost of such assessable improvements is less than the  
30 amount of such special assessments levied, the district shall  
31 rebate to the owners of any properties which shall have been



1  specially assessed for such assessable improvements the  
2  difference in the special assessments as originally made,  
3  levied, and confirmed, and the proportionate part of the  
4  actual cost of said assessable improvements as finally  
5  determined upon the completion of said assessable  
6  improvements; and in the event that the actual cost of said  
7  assessable improvements shall be more than the amount of such  
8  special assessments confirmed and levied, finally determined  
9  upon the completion of said assessable improvements, the  
10  proportionate part of such excess cost of such assessable  
11  improvements may be levied against all of the lands and  
12  properties against which such special assessments were  
13  originally levied, or, in the alternative, the board may, in  
14  its discretion, pay such excess cost from any legally  
15  available funds.

16  (d) All objections to any such assessment roll on the  
17  ground that it contains items which cannot be properly  
18  assessed against property, or that it is, for any default or  
19  defect in the passage or character of the assessment roll or  
20  the plans or specifications or estimate, void or voidable in  
21  whole or in part, or that it exceeds the power of the board,  
22  shall be made in writing in person or by attorney, and filed  
23  with the secretary of the board at or before the time or  
24  adjourned time of such hearing on the assessment roll. Any  
25  objections against the making of any assessable improvements  
26  not so made shall be considered as waived, and if any  
27  objections shall be made and overruled or shall not be  
28  sustained, the confirmation of the assessment roll shall be  
29  the final adjudication of the issue presented unless proper  
30  steps shall be taken in a court of competent jurisdiction to  
31  secure relief within 20 days.

1           (e) All the provisions of subsection (6) not  
2 inconsistent with this subsection shall apply to the levy of  
3 special assessments under this subsection.

4           (8)(a) Any assessment may be paid at the office of the  
5 secretary of the board within 60 days after the confirmation  
6 thereof, without interest. Thereafter, all assessments shall  
7 be payable in equal installments, with interest as determined  
8 by the board, not to exceed 10 percent per year, from the  
9 expiration of said 60 days in each of the succeeding number of  
10 years that the board shall determine by resolution, not  
11 exceeding 20; provided, however, that the board may provide  
12 that any assessment may be paid at any time before due,  
13 together with interest accrued thereon to the date of payment,  
14 if such prior payment shall be permitted by the proceedings  
15 authorizing any assessment bonds or other obligations for the  
16 payment of which such special assessments have been pledged.

17           (b) All such special assessments levied pursuant to  
18 this act may, in the discretion of the board, be collected by  
19 the tax collector of the county at the same time as the  
20 general county taxes are collected by the tax collector of the  
21 county, and the board shall in such event certify to the  
22 county tax collector in each year a list of all such special  
23 assessments and a description of and names of the owners of  
24 the properties against which such special assessments have  
25 been levied and the amounts due thereof in such year, and  
26 interest thereon for any deficiencies for prior years. The  
27 amount to be collected in such year may include, in the  
28 discretion of the board, the principal installment of such  
29 special assessments which will become due at any time in the  
30 next succeeding fiscal year, and all or any part of the  
31 interest which will become due on such special assessments

1 during such next fiscal year, together with any deficiencies  
2 for prior years.

3 (c) The board may in lieu of providing for the  
4 collection of said special assessments by the tax collector of  
5 the county, provide for the collection of said special  
6 assessments by the district under such terms and conditions as  
7 the board shall determine. In such event, the bills or  
8 statements for the amounts due in any fiscal year shall be  
9 mailed to the owners of all properties affected by such  
10 special assessments at such time or times as the board shall  
11 determine and such bills or statements may include all or any  
12 part of the principal and interest which will mature and  
13 become due on the annual installments of such special  
14 assessments during the fiscal year in which installments of  
15 such special assessments are payable.

16 (d) All charges of the county tax collector or of the  
17 district, and the fees, costs, and expenses of any paying  
18 agents, trustees, or other fiduciaries for assessment bonds  
19 issued under this act, shall be deemed to be costs of the  
20 operation and maintenance of any drainage improvements in  
21 connection with which such special assessments were levied and  
22 the board shall be authorized and directed to provide for the  
23 payment each year of such costs of collection, fees, and other  
24 expenses from the maintenance tax as provided in this act as  
25 shall be mutually agreed upon between the board and the county  
26 tax collector as additional compensation for his or her  
27 services for each such assessment district in which the  
28 special assessments are collected by him or her.

29 (e) All assessments shall constitute a lien upon the  
30 property so assessed from the date of final confirmation  
31 thereof, of the same nature and to the same extent as the lien

1 for general county taxes falling due in the same year or years  
2 in which such assessments or installments thereof fall due,  
3 and any assessment or installment not paid when due shall be  
4 collectable with such interest and with a reasonable  
5 attorney's fee and costs, but without penalties, by the  
6 district by proceedings in a court of equity to foreclose the  
7 line of assessments as a lien for mortgages is or may be  
8 foreclosed under the laws of the state; provided that any such  
9 proceedings to foreclose shall embrace all installments of  
10 principal remaining unpaid with accrued interest thereon,  
11 which installments shall, by virtue of the institution of such  
12 proceedings, immediately become due and payable. Nevertheless,  
13 if, prior to any sale of the property under decree of  
14 foreclosure in such proceedings, payment is made of the  
15 installment or installments which are shown to be due under  
16 the provisions of subsection (6) or subsection (7) and all  
17 costs, including interest and reasonable attorney's fees, such  
18 payment shall have the effect of restoring the remaining  
19 installments to their original maturities as provided by the  
20 resolution passed pursuant to this subsection and the  
21 proceedings shall be dismissed. It shall be the duty of the  
22 board to enforce the prompt collection of assessment by the  
23 means herein provided, and such duty may be enforced at the  
24 suit of any holder of bonds issued under this act in a court  
25 of competent jurisdiction by mandamus or other appropriate  
26 proceedings or action. Not later than 30 days after the annual  
27 installments are due and payable, it shall be the duty of the  
28 board to direct the attorney for the district to institute  
29 actions within 2 months after such direction to enforce the  
30 collection of all special assessments for assessable  
31 improvements made under this section and remaining due and

1 unpaid at the time of such direction. Such action shall be  
2 prosecuted in the manner and under the conditions in and under  
3 which mortgages are foreclosed under the laws of the state. It  
4 shall be lawful to join in one action the collection of  
5 assessments against any or all property assessed by virtue of  
6 the same assessment roll unless the court shall deem such  
7 joinder prejudicial to the interest of any defendant. The  
8 court shall allow a reasonable attorney's fee for the attorney  
9 for the district and the same shall be collectable as a part  
10 of or in addition to the costs of the action. At the sale  
11 pursuant to decree in any such action, the district may be a  
12 purchaser to the same extent as an individual person or  
13 corporation, except that the part of the purchase price  
14 represented by the assessments sued upon and the interest  
15 thereon need not be paid in cash. Property so acquired by the  
16 district may be sold or otherwise disposed of.

17 (f) All assessments and charges made under the  
18 provisions of this section for the payment of all or any part  
19 of the cost of any assessable improvements for which  
20 assessment bonds shall have been issued under the provisions  
21 of this act, or which have been pledged as additional security  
22 for any other bonds or obligations issued under this act,  
23 shall be maintained in a special fund or funds and be used  
24 only for the payment of principal or interest on such  
25 assessment bonds or other bonds or obligations.

26 (g) Broward County and each school district and other  
27 political subdivision wholly or partly within the district  
28 shall possess the same power and be subject to the same duties  
29 and liabilities in respect of assessments under this section  
30 affecting the real estate of such county, school district, or  
31 other political subdivision that private owners of real estate

1 possess or are subject to hereunder, and such real estate of  
2 any such county, school district, and political subdivision  
3 shall be subject to liens for said assessments in all cases  
4 where the same property would be subject to such liens had it  
5 at the time the lien attached been owned by a private owner.

6 Section 43. Issuance of certificates of indebtedness  
7 based on assessments for assessable improvements; assessment  
8 bonds.--

9 (1) The board may, after any assessments for  
10 assessable improvements are made, determined, and confirmed as  
11 provided in section 42, issue certificates of indebtedness for  
12 the amount so assessed against the abutting property or  
13 property otherwise benefited, as the case may be, and separate  
14 certificates shall be issued against each part or parcel of  
15 land or property assessed, which certificates shall state the  
16 general nature of the improvement for which the said  
17 assessment is made. Said certificates shall be payable in  
18 annual installments in accordance with the installments of the  
19 special assessment for which they are issued. The board may  
20 determine the interest to be borne by such certificates, not  
21 to exceed 10 percent per year, and may sell such certificates  
22 at either private or public sale and determine the form,  
23 manner of execution, and other details of such certificates.  
24 Such certificates shall recite that they are payable only from  
25 the special assessments levied and collected from the part or  
26 parcel of land or property against which they are issued. The  
27 proceeds of such certificates may be pledged for the payment  
28 of principal of and interest on any revenue bonds or general  
29 obligation bonds issued to finance in whole or in part such  
30 assessable improvement, or, if not so pledged, may be used to

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1 pay the cost or part of the cost of such assessable  
2 improvements.  
3 (2) The district may also issue assessment bonds or  
4 other obligations payable from a special fund into which such  
5 certificates of indebtedness referred to in subsection (1) may  
6 be deposited; or, if such certificates of indebtedness have  
7 not been issued, the district may assign to such special fund  
8 for the benefit of the holders of such assessment bonds or  
9 other obligations, or to a trustee for such bondholders, the  
10 assessment liens provided for in this act unless such  
11 certificates of indebtedness or assessment liens have been  
12 theretofore pledged for any bonds or other obligations  
13 authorized hereunder. In the event of the creation of such  
14 special fund and the issuance of such assessment bonds or  
15 other obligations, the proceeds of such certificates of  
16 indebtedness of assessment liens deposited therein shall be  
17 used only for the payment of the assessment bonds or other  
18 obligations issued as provided in this section. The district  
19 is hereby authorized to covenant with the holders of such  
20 assessment bonds or other obligations that it will diligently  
21 and faithfully enforce and collect all the special assessments  
22 and interest and penalties thereon for which such certificates  
23 of indebtedness or assessment liens have been deposited in or  
24 assigned to such fund and to foreclose such assessment liens  
25 so assigned to such special fund or represented by the  
26 certificates of indebtedness deposited in said special fund,  
27 after such assessment liens have become delinquent, and  
28 deposit the proceeds derived from such foreclosure, including  
29 interest and penalties, in such special fund, and to make any  
30 other covenants deemed necessary or advisable in order to  
31

1 properly secure the holders of such assessment bonds or other  
2 obligations.

3 (3) The assessment bonds or other obligations issued  
4 pursuant to this section shall have such dates of issue and  
5 maturity as shall be deemed advisable by the board, provided,  
6 however, that the maturities of such assessment bonds or other  
7 obligations shall not be more than 2 years after the due date  
8 of the last installment which will be payable on any of the  
9 special assessments for which such assessment liens, or the  
10 certificates of indebtedness representing such assessment  
11 liens, are assigned to or deposited in such special fund.

12 (4) Such assessment bonds or other obligations issued  
13 pursuant to this section shall bear such interest as the board  
14 may determine not to exceed 10 percent per year, shall be  
15 executed, shall have such provisions for redemption prior to  
16 maturity, and shall be sold in the manner and be subject to  
17 all of the applicable provisions contained in this act for  
18 revenue bonds, except as the same may be inconsistent with the  
19 provisions of this section.

20 (5) All assessment bonds or other obligations issued  
21 under the provisions of this act, except certificates of  
22 indebtedness issued against separate lots or parcels of land  
23 or property as provided in this section, shall be and  
24 constitute and have all the qualities and incidents of  
25 negotiable instruments under the law merchant and the laws of  
26 the state.

27 Section 44. Foreclosure of liens.--Any lien in favor  
28 of the district arising under chapter 298, Florida Statutes,  
29 or under this act may be foreclosed by the district by  
30 foreclosure proceedings in the name of the district in the  
31 circuit court in like manner as is provided in chapter 173,



1 Florida Statutes, and amendments thereto, and the provisions  
2 of said chapter shall be applicable to such proceedings with  
3 the same force and effect as if said provisions were expressly  
4 set forth in this act. Any act required or authorized to be  
5 done by or on behalf of a city or town in foreclosure  
6 proceedings under chapter 173, Florida Statutes, may be  
7 performed by such officer or agent of the district as the  
8 board of supervisors may designate. Such foreclosure  
9 proceedings may be brought at any time after the expiration of  
10 1 year after the date any tax, or installment thereof, becomes  
11 delinquent.

12 Section 45. Payment of taxes and redemption of tax  
13 liens by the district; sharing in proceeds of tax sale under  
14 section 194.21, Florida Statutes, as amended.--

15 (1) The district has the right to:

16 (a) Pay any delinquent state, county, district,  
17 municipal, or other tax or assessment upon lands located  
18 wholly or partially within the boundaries of the district.

19 (b) Redeem or purchase any tax sales certificate  
20 issued or sold on account of any state, county, district,  
21 municipality, or other taxes or assessments upon lands located  
22 wholly or partially within the boundaries of the district.

23 (2) Delinquent taxes paid, or tax sales certificates  
24 redeemed or purchased, by the district, together with all  
25 penalties for the default in payment of the same and all costs  
26 in collecting the same and a reasonable attorney's fee, shall  
27 constitute a lien in favor of the district of equal dignity  
28 with the liens of state and county taxes and other taxes of  
29 equal dignity with state and county taxes, upon all the real  
30 property against which said taxes were levied. The lien of the  
31 district may be foreclosed in the manner provided in this act.

1           (3) In any sale of land pursuant to section 194.21,  
2 Florida Statutes, and amendments thereto, the district may  
3 certify to the clerk of the circuit court of the county  
4 holding such sale the amount of taxes due to the district upon  
5 the lands sought to be sold, and the district shall share in  
6 the disbursement of the sales proceeds in accordance with the  
7 provisions of this act and under law.

8           Section 46. Mandatory use of certain district  
9 facilities and services.--The district may require all lands,  
10 buildings, and premises, and all persons, firms, and  
11 corporations within the district to use the drainage,  
12 reclamation, and water and sewer facilities of the district.  
13 Subject to such exceptions as may be provided by the  
14 resolutions, rules, or bylaws of the board, and subject to the  
15 terms and provisions of any resolution authorizing any bonds  
16 and agreements with bondholders, no drainage and reclamation  
17 or water and sewer facilities shall be constructed or operated  
18 within the district unless the board gives its consent thereto  
19 and approves the plans and specifications therefor.

20           Section 47. Bids required.--No contract shall be let  
21 by the board for the construction or maintenance of any  
22 project authorized by this act, nor shall any goods, supplies,  
23 or materials be purchased when the amount thereof to be paid  
24 by said district shall exceed \$4,000, unless notice of bids  
25 shall be advertised once a week for 2 consecutive weeks in a  
26 newspaper published in Broward County and of general  
27 circulation in the district, and in each case the bid of the  
28 lowest responsible bidder shall be accepted, unless all bids  
29 are rejected because the bids are too high. The board may  
30 require the bidders to furnish bond with responsible surety to  
31 be approved by the board. Nothing in this section shall

1 prevent the board from undertaking and performing the  
2 construction, operation, and maintenance of any project or  
3 facility authorized by this act, by the employment of labor,  
4 material, and machinery.

5 Section 48. Maintenance of projects across  
6 rights-of-ways.--The district shall have the power to  
7 construct and operate its projects in, along, or under any  
8 dedications to the public, platted rights-of-ways, platted  
9 reservations, streets, alleys, highways, or other public  
10 places or ways, and across any drain, ditch, canal, floodway,  
11 holding basin, excavation, grade, fill, or cut, within or  
12 without the district.

13 Section 49. Agreements with state commissions and  
14 others.--The board shall have the power to retain and enter  
15 into agreements with fiscal agents, financial advisors, state  
16 commissions, engineers, and other consultants or advisors with  
17 respect to the issuance and sale of any bonds, and the cost  
18 and expense thereof may be treated as part of the cost and  
19 expense of such project. Upon request of the board, any state  
20 commission may provide such technical assistance or other  
21 services relating to bond issues as may be necessary or  
22 desirable under the circumstances.

23 Section 50. Agreements with other political bodies for  
24 the joint discharge of common functions.--The board and any  
25 other political bodies, whether now in existence or hereafter  
26 created, are authorized to enter into and carry into effect  
27 contracts and agreements relating to the common powers,  
28 duties, and functions of the board and any other political  
29 bodies, to the end that there may be effective cooperation and  
30 coordination in discharging their common functions, powers,  
31 and duties.

1           Section 51. Fees, rentals, and charges; procedure for  
2 adoption and modifications; minimum revenue requirements.--

3           (1) The district is authorized to prescribe, fix,  
4 establish, and collect rates, fees, rentals, or other charges,  
5 hereinafter sometimes referred to by the term "revenues," and  
6 to revise the same from time to time, for the facilities and  
7 services furnished by the district, within or without the  
8 limits of the district, including, but not limited to,  
9 drainage facilities, recreation facilities, and water and  
10 sewer systems, to recover the costs of making connection with  
11 any district facility or system; and to provide for reasonable  
12 penalties against any user or property for any such rates,  
13 fees, rentals, or other charges that are delinquent.

14           (2) No such rates, fees, rentals, or other charges for  
15 any of the facilities or services of the district shall be  
16 fixed until after a public hearing at which all the users of  
17 the proposed facility or services or owners, tenants, or  
18 occupants served or to be served thereby and all other  
19 interested persons shall have an opportunity to be heard  
20 concerning the proposed rates, fees, rentals, or other  
21 charges. Notice of such public hearing setting forth the  
22 proposed schedule or schedules of rates, fees, rentals, and  
23 other charges shall have been published in a newspaper in  
24 Broward County and of general circulation in the district at  
25 least once at least 10 days prior to such public hearing,  
26 which may be adjourned from time to time. After such hearing,  
27 such schedule or schedules, either as initially proposed, or  
28 as modified or amended, may be finally adopted. A copy of the  
29 schedule or schedules of such rates, fees, rentals, or charges  
30 as finally adopted shall be kept on file in an office  
31 designated by the board and shall be open at all reasonable

1 times to public inspection. The rates, fees, rentals, or  
2 charges so fixed for any class of users or property served  
3 shall be extended to cover any additional users or properties  
4 thereafter served that shall fall in the same class, without  
5 the necessity of any notice or hearing. Any change or revision  
6 of rates, fees, rentals, or charges may be made in the same  
7 manner as the same were originally established, as hereinabove  
8 provided, except that if such changes or revisions are made  
9 substantially pro rata as to all classes of the type of  
10 service involved, no notice or hearing shall be required.

11 (3) Such rates, fees, rentals, and charges shall be  
12 just and equitable and uniform for users of the same class,  
13 and where appropriate may be based or computed either upon the  
14 amount of service furnished or upon the number or average  
15 number of persons residing or working or otherwise occupying  
16 the premises served, or upon any other factor affecting the  
17 use of the facilities furnished, or upon any combination of  
18 the foregoing factors, as may be determined by the board on an  
19 equitable basis.

20 (4) The rates, fees, rentals, or other charges  
21 prescribed shall be such as will produce revenues, together  
22 with any other assessments, taxes, revenues, or funds  
23 available or pledged for such purpose, at least sufficient to  
24 provide for the items hereinafter listed, but not necessarily  
25 in the order stated:

26 (a) To provide for all expenses of operation and  
27 maintenance of such facility or service.

28 (b) To pay when due all bonds and interest thereon for  
29 the payment of which such revenues are, or shall have been,  
30 pledged or encumbered, including reserves for such purpose.

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1           (c) To provide for any other funds that may be required  
2 under the resolution or resolutions authorizing the issuance  
3 of bonds pursuant to this act.

4           (5) The board shall have the power to enter into  
5 contracts for the use of the projects of the district and with  
6 respect to the services and facilities furnished or to be  
7 furnished by the district, including, but not limited to,  
8 service agreements with landowners and others within or  
9 without the district providing for the drainage of land by the  
10 district or the furnishing of any of the other services and  
11 facilities of the district, for such consideration and on such  
12 other terms and conditions as the board may approve. No  
13 hearing or notice thereof shall be required prior to the  
14 authorization or execution by the board of any such contract  
15 or agreement, and the same shall not be subject to revision  
16 except in accordance with their terms. Such contracts or  
17 agreements, and revenues or service charges received or to be  
18 received by the district thereunder, may be pledged as  
19 security for any of the lands of the district.

20           Section 52. Recovery of delinquent charges.--In the  
21 event that any of the rates, fees, rentals, charges, or  
22 delinquent penalties shall not be paid as and when due and  
23 shall be in default for 30 days or more, the unpaid balance  
24 thereof and all interest accrued thereon, together with  
25 reasonable attorney's fees and costs, may be recovered by the  
26 district in a civil action.

27           Section 53. Discontinuance of service.--In the event  
28 that the fees, rentals, or other charges for the services and  
29 facilities of any project are not paid when due, the board  
30 shall have the power to discontinue and shut off the same  
31 until such fees, rentals, or other charges, including

1 interest, penalties, and charges for the shutting off and  
2 discontinuance and the restoration of such services and  
3 facilities, are fully paid, and for such purposes may enter on  
4 any lands, waters, and premises of any person, firm,  
5 corporation, or body, public or private, within or without the  
6 district limits. Such delinquent fees, rentals, or other  
7 charges, together with interest, penalties, and charges for  
8 the shutting off and discontinuance and the restoration of  
9 such services and facilities, and the reasonable attorney's  
10 fees and other expenses, may be recovered by the district,  
11 which may also enforce payment of such delinquent fees,  
12 rentals, or other charges by any other lawful method of  
13 enforcement.

14 Section 54. Action taken on consent of  
15 landowners.--Any action required under this act or under  
16 chapter 298, Florida Statutes, to be taken on public hearing  
17 for the purpose of receiving and passing on objections by  
18 landowners may be taken without such notice or hearing upon  
19 the written consent of all of the landowners affected by such  
20 action.

21 Section 55. Enforcement and penalties.--The board or  
22 any aggrieved person may have recourse to such remedies in law  
23 and equity as may be necessary to ensure compliance with the  
24 provisions of this act, including injunctive relief to enjoin  
25 or restrain any person violating the provisions of this act,  
26 and any bylaws, resolutions, regulations, rules, codes, and  
27 orders adopted under this act. In case any building or  
28 structure is erected, constructed, reconstructed, altered,  
29 repaired, converted, or maintained, or any building,  
30 structure, land, or water is used, in violation of this act,  
31 or of any code, order, resolution, or other regulation made

1 under authority conferred by this act or under law, the board  
2 and any citizen residing in the district may institute any  
3 appropriate action or proceeding to prevent such unlawful  
4 erection, construction, reconstruction, alteration, repair,  
5 conversion, maintenance, or use; to restrain, correct, or  
6 avoid such violation; to prevent the occupancy of such  
7 building, structure, land, or water; and to prevent any  
8 illegal act, conduct, business, or use in or about such  
9 premises, land, or water.

10 Section 56. Suits against the district.--No suit or  
11 action shall be brought or maintained against the district for  
12 damages arising out of tort or breach of contract, including,  
13 without limitation, any claim arising upon account of an act  
14 causing a wrongful death, unless written notice of such claim  
15 is received within 180 days after receiving the alleged injury  
16 given to the secretary of the board, with detailed  
17 specifications as to the time, place, and manner of injury. No  
18 such suit or action shall be brought or maintained unless  
19 brought within 24 months after the time of the injury or  
20 damages.

21 Section 57. Exemption of district property from  
22 execution.--All district property shall be exempt from levy  
23 and sale by virtue of an execution and no execution or other  
24 judicial process shall issue against such property, nor shall  
25 any judgment against the district be a charge or lien on its  
26 property or revenues, provided that nothing herein contained  
27 shall apply to or limit the rights of bondholders to pursue  
28 any remedy for the enforcement of any lien or pledge given by  
29 the district in connection with any of the bonds or  
30 obligations of the district.

31



1           Section 4. Chapters 70-617 and 89-419, Laws of  
2 Florida, are repealed.

3           Section 5. If any one or more of the sections or  
4 provisions of this act or the application of such sections or  
5 provisions to any situation, circumstance, or person shall for  
6 any reason be held to be unconstitutional, such  
7 unconstitutionality shall not affect any other sections or  
8 provisions as to any other situation, circumstance, or person,  
9 and it is intended that this law shall be construed and  
10 applied as if such section or provision had not been included  
11 herein for any unconstitutional application.

12           Section 6. This act shall take effect upon becoming a  
13 law.

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