

HB 1479

2005

1                                   A bill to be entitled  
 2           An act relating to the North Springs Improvement District,  
 3           Broward County; codifying, amending, reenacting, and  
 4           repealing chapters 71-580, 84-398, 85-387, 87-505, 89-440,  
 5           91-353, 92-245, 94-445, and 96-537, Laws of Florida,  
 6           relating to the district; providing legislative intent;  
 7           deleting gender-specific references; providing a district  
 8           charter; providing an effective date.

9

10 Be It Enacted by the Legislature of the State of Florida:

11

12           Section 1. In accordance with section 189.429, Florida  
 13 Statutes, this act constitutes the codification of all special  
 14 acts relating to the North Springs Improvement District. It is  
 15 the intent of the Legislature in enacting this law to provide a  
 16 single, comprehensive special act charter for the district,  
 17 including all current legislative authority granted to the  
 18 district by its several legislative enactments and any  
 19 additional authority granted by this act.

20           Section 2. Chapters 71-580, 84-398, 85-387, 87-505, 89-  
 21 440, 91-353, 92-245, 94-445, and 96-537, Laws of Florida,  
 22 relating to the North Springs Improvement District are codified,  
 23 amended, reenacted, and repealed as herein provided.

24           Section 3. The charter for the North Springs Improvement  
 25 District is re-created and reenacted to read:

26           Section 1. Creation of the district ratified and approved;  
 27 change of name of district to North Springs Improvement  
 28 District.--The decree of the circuit court in and for the  
 29 Seventeenth Judicial Circuit in and for Broward County, Florida,

HB 1479

2005

30 entered in Case Number 71-1724, creating and incorporating the  
 31 North Springs Drainage District as a public corporation of this  
 32 state, and all subsequent proceedings taken in the circuit court  
 33 concerning that district, are hereby ratified, confirmed, and  
 34 approved, except that the boundaries of said district shall be  
 35 as hereinafter described. The North Springs Drainage District  
 36 shall henceforth be known by the name of North Springs  
 37 Improvement District, and shall continue to be a public  
 38 corporation of this state and have perpetual existence. All  
 39 lawful debts, bonds, obligations, contracts, franchises,  
 40 promissory notes, audits, minutes, resolutions, and other  
 41 undertakings of the North Springs Drainage District are hereby  
 42 validated and shall continue to be valid and binding on the  
 43 North Springs Improvement District in accordance with their  
 44 respective terms, conditions, covenants, and tenor. Any  
 45 proceeding heretofore begun by the North Springs Drainage  
 46 District under chapter 298, Florida Statutes, or any other law,  
 47 for the construction of any improvements, works, or facilities,  
 48 for the assessment of benefits and damages or for the borrowing  
 49 of money shall not be impaired or avoided by this act, but may  
 50 be continued and completed in the name of the North Springs  
 51 Improvement District.

52 Section 2. Boundaries.--The boundaries of the district  
 53 shall be:

54  
 55 A tract of land being Sections 5, 6, 7, 8, 9 and 10, a  
 56 portion of Sections 3 and 4, all in Township 48 South,  
 57 Range 41 East, Broward County, Florida, and Sections

58 31, 32 and 33, Township 47 South, Range 41 East,  
 59 Broward County, Florida, described as follows:  
 60 BEGINNING at the southwest corner of said Section 7;  
 61  
 62 thence North 00°03'12" West (Bearings are relative to  
 63 State Plane Coordinates as shown on STONER/KEITH  
 64 RESURVEY OF A PORTION OF TOWNSHIP 47 SOUTH, RANGE 41  
 65 EAST, ALL OF TOWNSHIP 48 SOUTH, RANGE 41 EAST, & ALL  
 66 OF TOWNSHIP 49 SOUTH, RANGE 41 EAST, according to the  
 67 plat thereof, recorded in Miscellaneous Plat Book 3 at  
 68 Page 44 of the Public Records of said Broward County),  
 69 along the west line of the Southwest Quarter (SW 1/4)  
 70 of said Section 7, a distance of 2647.42 feet to the  
 71 northwest corner of said Southwest Quarter (SW 1/4);  
 72  
 73 thence continue North 00°03'12" West, along the west  
 74 line of the Northwest Quarter (NW 1/4) of said Section  
 75 7, a distance of 2647.42 feet to the northwest corner  
 76 of said Section 7 and the southwest corner of said  
 77 Section 6;  
 78  
 79 thence North 00°02'58" West, along the west line of  
 80 the Southwest Quarter (SW 1/4) of said Section 6, a  
 81 distance of 3252.81 feet to the northwest corner of  
 82 said Southwest Quarter (SW 1/4);  
 83  
 84 thence North 00°02'27" West, along the west line of  
 85 the Northwest Quarter (NW 1/4) of said Section 6, a  
 86 distance of 3253.12 feet to the northwest corner of

HB 1479

2005

87 said Section 6 and the southwest corner of said  
 88 Section 31;

89  
 90 thence North 00°03'47" West, along the west line of  
 91 the Southwest Quarter (SW 1/4) of said Section 31, a  
 92 distance of 2642.42 feet to the northwest corner of  
 93 said Southwest Quarter (SW 1/4);

94  
 95 thence continue North 00°03'47" West, along the west  
 96 line of the Northwest Quarter (NW 1/4) of said Section  
 97 31, a distance of 2642.42 feet to the northwest corner  
 98 of said Section 31;

99  
 100 thence South 89°52'50" East, along the north line of  
 101 said Northwest Quarter (NW 1/4), a distance of 2246.01  
 102 feet to the northeast corner of said Northwest Quarter  
 103 (NW 1/4);

104  
 105 thence South 89°52'10" East, along the north line of  
 106 the Northeast Quarter (NE 1/4) of said Section 31, a  
 107 distance of 2245.70 feet to the northeast corner of  
 108 said Section 31 and the northwest corner of said  
 109 Section 32;

110  
 111 thence North 89°36'52" East, along the north line of  
 112 the Northwest Quarter (NW 1/4) of said Section 32, a  
 113 distance of 2640.43 feet to the northeast corner of  
 114 said Northwest Quarter (NW 1/4);

115

HB 1479

2005

116 thence North 89°37'21" East, along the north line of  
 117 the Northeast Quarter (NE 1/4) of said Section 32, a  
 118 distance of 2639.40 feet to the northeast corner of  
 119 said Section 32 and the northwest corner of said  
 120 Section 33;

121  
 122 thence North 89°36'55" East, along the north line of  
 123 the Northwest Quarter (NW 1/4) of said Section 33, a  
 124 distance of 2640.59 feet to the northeast corner of  
 125 said Northwest Quarter (NW 1/4);

126  
 127 thence North 89°36'56" East, along the north line of  
 128 the Northeast Quarter (NE 1/4) of said Section 33, a  
 129 distance of 2640.59 feet to the northeast corner of  
 130 said Section 33;

131  
 132 thence South 01°21'19" East, along the east line of  
 133 said Northeast Quarter (NE 1/4), a distance of 2638.16  
 134 feet to the southeast corner of said Northeast Quarter  
 135 (NE 1/4);

136  
 137 thence South 01°21'20" East, along the east line of  
 138 the Southeast Quarter (SE 1/4) of said Section 33, a  
 139 distance of 2638.16 feet to the southeast corner of  
 140 said Section 33 and the northeast corner of said  
 141 Section 4;

142  
 143 thence South 89°44'30" West, along the north line of  
 144 the Northeast Quarter (NE 1/4) of said Section 4, a

HB 1479

2005

145 distance of 60.00 feet to the most westerly corner of  
 146 that parcel of land described in Official Record Book  
 147 55 at Page 500 of said Public Records of Broward  
 148 County;

149  
 150 thence South 45°33'09" East, along the southwesterly  
 151 line of said parcel, a distance of 85.29 feet to the  
 152 most southerly corner of said parcel on the east line  
 153 of said Northeast Quarter (NE 1/4);

154  
 155 thence South 00°50'47" East, along said east line, a  
 156 distance of 3303.78 feet to the southeast corner of  
 157 said Northeast Quarter (NE 1/4) and the northwest  
 158 corner of the Southwest Quarter (SW 1/4) of said  
 159 Section 3;

160  
 161 thence South 89°52'36" East, along the north line of  
 162 said Southwest Quarter (SW 1/4), a distance of 2640.57  
 163 feet to the northeast corner of said Southwest Quarter  
 164 (SW 1/4);

165  
 166 thence South 89°52'36" East, along the north line of  
 167 the Southeast Quarter (SE 1/4) of said Section 3, a  
 168 distance of 2639.23 feet to the northeast corner of  
 169 said Southeast Quarter (SE 1/4);

170  
 171 thence South 00°53'22" East, along the east line of  
 172 said Southeast Quarter (SE 1/4), a distance of 3401.43

HB 1479

2005

173 feet to the southeast corner of said Section 3 and the  
 174 northeast corner of said Section 10;

175  
 176 thence South 00°59'18" East, along the east line of  
 177 the Northeast Quarter (NE 1/4) of said Section 10, a  
 178 distance of 2637.04 feet to the southeast corner of  
 179 said Northeast Quarter (NE 1/4);

180  
 181 thence South 00°59'17" East, along the east line of  
 182 the Southeast Quarter (SE 1/4) of said Section 10, a  
 183 distance of 2637.03 feet to the southeast corner of  
 184 said Section 10;

185  
 186 thence North 89°25'05" West, along the south line of  
 187 said Southeast Quarter (SE 1/4), a distance of 2637.48  
 188 feet to the southwest corner of said Southeast Quarter  
 189 (SE 1/4);

190  
 191 thence continue North 89°25'05" West, along the south  
 192 line of the Southwest Quarter (SW 1/4) of said Section  
 193 10, a distance of 2637.47 feet to the southwest corner  
 194 of said Section 10 and the southeast corner of said  
 195 Section 9;

196  
 197 thence North 89°26'06" West, along the south line of  
 198 the Southeast Quarter (SE 1/4) of said Section 9, a  
 199 distance of 2641.24 feet to the southwest corner of  
 200 said Southeast Quarter (SE 1/4);  
 201

HB 1479

2005

202 thence continue North 89°26'06" West, along the south  
 203 line of the Southwest Quarter (SW 1/4) of said Section  
 204 9, a distance of 2641.24 feet to the southwest corner  
 205 of said Section 9 and the southeast corner of said  
 206 Section 8;

207  
 208 thence North 89°25'53" West, along the south line of  
 209 the Southeast Quarter (SE 1/4) of said Section 8, a  
 210 distance of 2639.96 feet to the southwest corner of  
 211 said Southeast Quarter (SE 1/4);

212  
 213 thence North 89°25'52" West, along the south line of  
 214 the Southwest Quarter (SW 1/4) of said Section 8, a  
 215 distance of 2639.96 feet to the southwest corner of  
 216 said Section 8 and the southeast corner of said  
 217 Section 7;

218  
 219 thence North 89°46'06" West, along the south line of  
 220 the Southeast Quarter (SE 1/4) of said Section 7, a  
 221 distance of 2399.06 feet to the southwest corner of  
 222 said Southeast Quarter (SE 1/4);

223  
 224 thence North 89°46'05" West, along the south line of  
 225 the Southwest Quarter (SW 1/4) of said Section 7, a  
 226 distance of 2399.06 feet to the POINT OF BEGINNING.

227  
 228 Said land being in Broward County, Florida.

229  
 230 Containing 7040.325 acres, more or less.



231  
 232       Section 3. Applicability of certain provisions of chapter  
 233 298, Florida Statutes, to the North Springs Improvement  
 234 District; inconsistent laws inapplicable.--The provisions of  
 235 chapter 298, Florida Statutes, and all amendments thereto, now  
 236 existing or hereafter enacted, are declared to be applicable to  
 237 the North Springs Improvement District insofar as not  
 238 inconsistent with the provisions of this act or any subsequent  
 239 special acts relating to the North Springs Improvement District.  
 240 Notwithstanding the foregoing, the provisions of sections  
 241 298.11, 298.12, 298.14, 298.15, 298.17, 298.18, 298.19, 298.20,  
 242 298.23, 298.24, 298.25, 298.401, 298.41, 298.48, 298.52, 298.54,  
 243 298.56, 298.57, 298.61, 298.70, 298.71, 298.73, and 298.74,  
 244 Florida Statutes, and amendments thereto, shall not be  
 245 applicable to the North Springs Improvement District.

246       Section 4. Definitions.--Unless the context shall indicate  
 247 otherwise, the following words as used in this act shall have  
 248 the following meanings:

249       (1) "Assessable improvements" includes without limitation  
 250 any and all drainage and land reclamation works and facilities,  
 251 sewer systems, storm sewers and drains, water systems, streets,  
 252 roads, school buildings and related structures, parks, and  
 253 recreational, cultural, and educational facilities,  
 254 streetlights, or other projects of the district, or that portion  
 255 or portions thereof, local in nature and of special benefit to  
 256 the premises or lands served thereby, and any and all  
 257 modifications, improvements, and enlargements thereof.

258       (2) "Bond" includes "certificate," and provisions  
 259 applicable to bonds shall be equally applicable to certificates.

HB 1479

2005

260 "Bond" includes general obligation bonds, assessment bonds,  
 261 refunding bonds, revenue bonds, and such other obligations in  
 262 the nature of bonds as are provided for in this act, as the case  
 263 may be.

264 (3) "Board" means the Board of Supervisors of the North  
 265 Springs Improvement District, or if such board shall be  
 266 abolished, the board, body, or commission succeeding to the  
 267 principal functions thereof or to whom the powers given by this  
 268 act to the board shall be given by law.

269 (4) "Cost," when used with reference to any project,  
 270 includes, but is not limited to, the expenses of determining the  
 271 feasibility or practicability of acquisition, construction, or  
 272 reconstruction; the cost of surveys, estimates, plans, and  
 273 specifications; the cost of acquisition, construction, or  
 274 reconstruction; the cost of improvements; engineering, fiscal,  
 275 and legal expenses and charges; the cost of all labor,  
 276 materials, machinery, and equipment; the cost of all lands,  
 277 properties, rights, easements, and franchises acquired; federal,  
 278 state, and local taxes and assessments; financing charges; the  
 279 creation of initial reserve and debt service funds; working  
 280 capital; interest charges incurred or estimated to be incurred  
 281 on money borrowed prior to and during construction and  
 282 acquisition and for such period of time after completion of  
 283 construction or acquisition as the board may determine; the cost  
 284 of issuance of bonds pursuant to this act, including  
 285 advertisements and printing, the cost of any election held  
 286 pursuant to this act, and all other expenses of issuance of  
 287 bonds; discount, if any, on the sale or exchange of bonds;  
 288 administrative expenses; such other expenses as may be necessary

HB 1479

2005

289 or incidental to the acquisition, construction, or  
 290 reconstruction of any project or to the financing thereof, or  
 291 the development of any lands within the district; and  
 292 reimbursement of any public or private body, person, firm, or  
 293 corporation for any moneys advanced in connection with any of  
 294 the foregoing items of cost. Any obligation or expense incurred  
 295 prior to the issuance of bonds in connection with the  
 296 acquisition, construction, or reconstruction of any project or  
 297 improvements thereon, or in connection with any other  
 298 development of land that the board of the district shall  
 299 determine to be necessary or desirable in carrying out the  
 300 purposes of this act, may be treated as a part of such cost.

301 (5) "District" means the North Springs Improvement  
 302 District and "district manager" means the manager of the  
 303 district.

304 (6) "Landowner" means the owner of the freehold estate, as  
 305 appears by the deed record, including trustees, private  
 306 corporations, and owners of cooperative and condominium units;  
 307 it does not include reversioners, remaindermen, or mortgagees,  
 308 who shall not be counted and need not be notified of proceedings  
 309 under this act.

310 (7) "Project" means any development, improvement,  
 311 property, utility, facility, works, road, enterprise, service,  
 312 or convenience, now existing or hereafter undertaken or  
 313 established under the provisions of this act or under chapter  
 314 298, Florida Statutes.

315 (8) "Sewer system" means any plant, system, facility, or  
 316 property and additions, extensions, and improvements thereto at  
 317 any future time constructed or acquired as part thereof useful

HB 1479

2005

318 or necessary or having the present capacity for future use in  
 319 connection with the collection, treatment, purification, or  
 320 disposal of sewage, including, without limitation, industrial  
 321 wastes resulting from any processes of industry, manufacture,  
 322 trade, or business or from the development of any natural  
 323 resources; and, without limiting the generality of the  
 324 foregoing, shall include treatment plants, pumping stations,  
 325 lift stations, valves, force mains, intercepting sewers,  
 326 laterals, pressure lines, mains, and all necessary appurtenances  
 327 and equipment, all sewer mains, laterals, and other devices for  
 328 the reception and collection of sewage from premises connected  
 329 therewith, and all real and personal property and any interest  
 330 therein rights, easements, and franchises of any nature  
 331 whatsoever relating to any such system and necessary or  
 332 convenient for operation thereof.

333 (9) "Water and flood control facilities" means any canals,  
 334 ditches, or other drainage facilities, reservoirs, dams, levees,  
 335 sluiceways, dredging holding basins, floodways, pumping  
 336 stations, or any other works, structures, or facilities for the  
 337 conservation, control, development, utilization, and disposal of  
 338 water, and any purposes appurtenant, necessary, or incidental  
 339 thereto, and includes all real and personal property and any  
 340 interest therein, rights, easements, and franchises of any  
 341 nature relating to any such water and flood control facilities  
 342 or necessary or convenient for the acquisition, construction,  
 343 reconstruction, operation, or maintenance thereof.

344 (10) "Water system" means any plant, system, facility, or  
 345 property and additions, extensions, and improvements thereto at  
 346 any future time constructed or acquired as part thereof, useful

HB 1479

2005

347 or necessary or having the present capacity for future use in  
 348 connection with the development of sources, treatment, or  
 349 purification and distribution of water and, without limiting the  
 350 generality of the foregoing, includes dams, reservoirs, storage  
 351 tanks, mains, lines, valves, pumping stations, laterals, and  
 352 pipes for the purpose of carrying water to the premises  
 353 connected with such system, and all rights, easements, and  
 354 franchises of any nature whatsoever relating to any such system  
 355 and necessary or convenient for the operation thereof.

356 Section 5. Board; election; organization; terms of office;  
 357 quorum; report and minutes.--

358 (1) The board of the district shall be the governing body  
 359 of the district and shall exercise the powers granted to the  
 360 district under this act and under chapter 298, Florida Statutes.  
 361 The board shall consist of three members and, except as  
 362 otherwise provided herein, each member shall hold office for a  
 363 term of 4 years and until his or her successor shall be chosen  
 364 and shall qualify. A majority of the members of the board shall  
 365 be residents of Broward County, and all members shall be  
 366 residents of the state. All members of the board shall be  
 367 landowners within the district.

368 (2) In the month of June of each fourth year commencing  
 369 June of 1972, there shall be held a meeting of the landowners of  
 370 the district at the office of the district in Broward County,  
 371 for the purpose of electing three supervisors for said district.  
 372 One supervisor shall be elected solely by those landowners  
 373 owning property within the city limits of the City of Parkland,  
 374 and this supervisor must be a landowner who owns property within  
 375 the city limits of the City of Parkland. One supervisor shall be

HB 1479

2005

376 elected solely by those landowners owning property within the  
 377 city limits of the City of Coral Springs, and this supervisor  
 378 must be a landowner who owns property within the city limits of  
 379 the City of Coral Springs. One supervisor shall be elected at  
 380 large by all landowners of the district, regardless of where his  
 381 or her property is located. Candidates for each supervisor  
 382 position will be nominated during the meeting of landowners, and  
 383 the nominee who receives the highest number of votes for a  
 384 supervisor position shall be declared elected. Notice of said  
 385 landowners' meeting shall be published once a week for 2  
 386 consecutive weeks in a newspaper in Broward County which is in  
 387 general circulation within the district, the last of said  
 388 publication to be not less than 14 days nor more than 28 days  
 389 before the date of the election. The landowners when assembled  
 390 at such meeting shall organize by electing a chair that shall  
 391 conduct the meeting. At such meeting each landowner shall be  
 392 entitled to cast one vote per acre of land owned by him or her  
 393 and located within the district. A landowner may vote in person  
 394 or by proxy in writing. Fractions of an acre shall be treated as  
 395 1 acre, entitling the landowner to one vote with respect  
 396 thereto.

397 (3) Each supervisor, before entering upon his or her  
 398 official duties, shall take and subscribe to an oath of office  
 399 as prescribed in section 298.13, Florida Statutes.

400 (4) All supervisors shall hold office for the terms for  
 401 which they are elected or appointed and until their successors  
 402 shall be chosen and qualify. In case of a vacancy in the office  
 403 of any supervisor, the remaining supervisor or supervisors (even  
 404 though less than a quorum) may fill such vacancy by appointment

HB 1479

2005

405 of a new supervisor or supervisors for the unexpired term of the  
 406 supervisor who vacated his or her office.

407 (5) As soon as practicable after each election, the board  
 408 shall organize by choosing one of their number president of the  
 409 board and by electing a secretary, who need not be a member of  
 410 the board.

411 (6) A majority of the members of the board shall  
 412 constitute a quorum.

413 (7) The board shall keep a permanent record book entitled  
 414 "Record of Proceedings of North Springs Improvement District,"  
 415 in which shall be recorded minutes of all meetings, resolutions,  
 416 proceedings, certificates, bonds given by all employees, and any  
 417 and all corporate acts, which book shall at reasonable times be  
 418 opened to the inspection of any landowner, taxpayer, resident,  
 419 or bondholder of the district, and such other persons as the  
 420 board may determine to have a proper interest in the proceedings  
 421 of the board. Such record book shall be kept at any office or  
 422 other regular place of business maintained by the board in  
 423 Broward County.

424 (8) Whenever any election shall be authorized or required  
 425 by this act to be held by the landowners at any particular or  
 426 stated time or day, and if for any reasons such election is not  
 427 held at such time or on such day, then in such event the power  
 428 or duty to hold such election shall not cease or lapse, but such  
 429 election shall be held thereafter when practicable, and in  
 430 accordance with the procedures provided by this act.

431 Section 6. Appointment and duties of district  
 432 manager.--For the purpose of preserving and maintaining any  
 433 facility constructed or erected under the provisions of this act

HB 1479

2005

434 or under the provisions of chapter 298, Florida Statutes, and  
435 for maintaining and operating the equipment owned by the  
436 district and such other duties as may be prescribed by the  
437 board, the board may employ and fix the compensation of a  
438 district manager who shall have charge and supervision of the  
439 works of the district.

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

441 (1) The board shall designate a person who is a resident  
442 of the state, or a bank or trust company organized under the  
443 laws of the state or under the National Banking Act, as  
444 treasurer of the district, who shall have charge of the funds of  
445 the district. Such funds shall be disbursed only upon the order  
446 of or pursuant to the resolution of the board by warrant or  
447 check signed by the treasurer, or by such other person as may be  
448 authorized by the board. The board may give the treasurer such  
449 other or additional powers and duties as the board may deem  
450 appropriate, and fix his or her compensation. The board may  
451 require the treasurer to give a bond in such amount, on such  
452 terms, and with such sureties as may be deemed satisfactory to  
453 the board to secure the performance by the treasurer of his or  
454 her powers and duties. The board shall audit or have audited the  
455 books of the treasurer at least once a year.

456 (2) The board is authorized to select as depositories, in  
457 which the bonds of the board and of the district shall be  
458 deposited, any banking corporation organized under the laws of  
459 the state or under the national banking act doing business in  
460 the state, upon such terms and conditions as to the payment of  
461 interest by such depository upon the funds so deposited as the  
462 board may deem just and reasonable.



HB 1479

2005

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

466       Section 8. Compensation of board.--Each supervisor is  
467 entitled to receive for his or her services an amount not to  
468 exceed \$200 per month. In addition, each supervisor shall  
469 receive reasonable traveling expenses for attending the place of  
470 meeting from his or her residence. Unless the board by  
471 resolution otherwise provides, such traveling expenses may not  
472 be in excess of the amounts provided by law for state and county  
473 officials.

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

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

482       (2) To adopt a water control plan; and to establish,  
483 construct, operate, and maintain a system of main and lateral  
484 canals, drains, ditches, levees, dikes, dams, sluices, locks,  
485 revetments, reservoirs, holding basins, floodways, pumping  
486 stations, syphons, culverts, and storm sewers to drain and  
487 reclaim the lands within the district and to connect some or any  
488 of them with roads and bridges as in the judgment of the board  
489 is deemed advisable to provide access to such facilities.

490       (3) To acquire and maintain appropriate sites for storage  
491 and maintenance of the equipment of the district; and to acquire

HB 1479

2005

492 and maintain and construct a suitable building to house the  
493 office and records of the district.

494 (4) To clean out, straighten, widen, open up, or change  
495 the course and flow, alter, or deepen any canal, ditch, drain,  
496 river, water course, or natural stream as within the judgment of  
497 the board is deemed advisable to drain and reclaim the lands  
498 within the district; to acquire, purchase, operate, and maintain  
499 pumps, plants, and pumping systems for drainage purposes; and to  
500 construct, operate, and maintain irrigation works and machinery  
501 in connection with the purposes herein set forth.

502 (5) To regulate and set forth by appropriate resolution  
503 the drainage requirements and conditions to be met for plats to  
504 be entitled to record on any land within the district, including  
505 authority to require as a condition precedent for any platting  
506 that good and sufficient bond be posted to ensure proper  
507 drainage for the area to be platted.

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

511 (7) To build and construct any other works, any and all of  
512 said works and improvements across, through, or over any public  
513 right-of-way, highway, grade, fill, or cut in or out of the  
514 district.

515 (8) To hold, control, and acquire by donation, purchase,  
516 or condemnation, any easement, reservation, or dedication in the  
517 district, for any of the purposes herein provided. To condemn as  
518 provided by chapters 73 and 74, Florida Statutes, or acquire, by  
519 purchase or grant for use in the district any land or property  
520 within the district necessary for the purposes of this act.

HB 1479

2005

521 These powers may be exercised without the district to the extent  
 522 necessary for the district to obtain not more than two outfall  
 523 canals not to exceed 200 feet in width, extending from the  
 524 northern boundary of the district to the Hillsboro Canal. The  
 525 exact routes shall be determined by resolutions of the board of  
 526 supervisors.

527 (9) To assess and impose upon all of the lands in the  
 528 district an ad valorem tax, an annual drainage tax, and a  
 529 maintenance tax as hereinafter provided.

530 (10) To impose and foreclose special assessments liens as  
 531 hereinafter provided.

532 (11) To prohibit, regulate, and restrict by appropriate  
 533 resolution all structures, materials, and things, whether solid,  
 534 liquid, or gas, whether permanent or temporary in nature, which  
 535 come upon, come into, connect to, or be a part of any facility  
 536 owned or operated by the district.

537 (12) To administer and provide for the enforcement of all  
 538 of the provisions herein, including the making, adopting,  
 539 promulgating, amending, and repealing of all rules and  
 540 regulations necessary or convenient for the carrying out of the  
 541 duties, obligations, and powers conferred on the district  
 542 created hereby.

543 (13) To cooperate with or contract with other water  
 544 control districts or other governmental agencies as may be  
 545 necessary, convenient, incidental, or proper in connection with  
 546 any of the powers, duties, or purposes of the district as stated  
 547 in this act.

548 (14) To employ engineers, attorneys, agents, employees,  
 549 and representatives as the board of supervisors may from time to

HB 1479

2005

550 time determine necessary and to fix their compensation and  
 551 duties.

552 (15) To exercise all of the powers necessary, convenient,  
 553 incidental, or proper in connection with any of the powers,  
 554 duties, or purposes of said district as stated in this act.

555 (16) To construct, improve, and maintain roadways and  
 556 roads necessary and convenient to provide access to and  
 557 efficient development of areas made suitable and available for  
 558 cultivation, settlement, urban subdivision, homesites, and other  
 559 beneficial developments as a result of the drainage operations  
 560 of the district.

561 (17) To make use of any public easements, dedications to  
 562 public use, platted reservations for public purposes, or any  
 563 reservations for drainage purposes within the boundaries of the  
 564 district.

565 (18) To lease as lessor or lessee to or from any person,  
 566 firm, corporation, association, or body, public or private, any  
 567 projects of the type that the district is authorized to  
 568 undertake and facilities or property of any nature for the use  
 569 of the district to carry out any of the purposes of this act.

570 (19) To regulate the supply and level of water within the  
 571 district; to divert waters from one area, lake, pond, river,  
 572 stream, basin, or drainage or water flood control facility to  
 573 any other area, lake, pond, river, stream, basin, or drainage  
 574 and water flood control facility; to regulate, control, and  
 575 restrict the development and use of natural or artificial  
 576 streams or bodies of water, lakes, or ponds; and to take all  
 577 measures determined by the board to be necessary or desirable to  
 578 prevent or alleviate land erosion. The powers granted to the

HB 1479

2005

579 district by this subsection shall be concurrent within the  
 580 boundaries of the district with other public bodies, agencies,  
 581 or authorities as may be authorized by law. The district is  
 582 eligible to receive moneys, disbursements, and assistance from  
 583 the state available to flood control or water management  
 584 districts and the navigation districts or agencies.

585 (20) To own, acquire, construct, reconstruct, equip,  
 586 operate, maintain, extend, and improve water systems and sewer  
 587 systems or combined water and sewer systems; to regulate the use  
 588 of sewers and the supply of water within the district and to  
 589 prohibit or regulate the use and maintenance of outhouses,  
 590 privies, septic tanks, or other sanitary structures or  
 591 appliances within the district; to prescribe methods of  
 592 pretreatment of wastes not amenable to treatment with domestic  
 593 sewage before accepting such wastes for treatment and to refuse  
 594 to accept such wastes when not sufficiently pretreated as may be  
 595 prescribed, and to prescribe penalties for the refusal of any  
 596 person or corporation to so pretreat such wastes; to sell or  
 597 otherwise dispose of the effluent, sludge, or other byproducts  
 598 as a result of sewage treatment; and to construct and operate  
 599 connecting, intercepting, or outlet sewers and sewer mains and  
 600 pipes and water mains, conduits, or pipelines in, along, or  
 601 under any street, alleys, highways, or other public places or  
 602 ways within or without the district, when deemed necessary or  
 603 desirable by the board. The plans for any water or sewer system  
 604 shall be subject to the approval of the state board of health.

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

HB 1479

2005

608       (22) To issue general obligation bonds, revenue bonds,  
 609 assessment bonds, or any other bonds or obligations authorized  
 610 by the provisions of this act or any other law, or any  
 611 combination of the foregoing, to pay all or part of the cost of  
 612 the acquisition, construction, reconstruction, extension,  
 613 repair, improvement, maintenance, or operation of any project or  
 614 combination of projects, to provide for any facility, service,  
 615 or other activity of the district and to provide for the  
 616 retirement or refunding of any bonds or obligations of the  
 617 district, or for any combination of the foregoing purposes.

618       (23) To exercise any and all other powers conferred upon  
 619 water control districts by chapter 298, Florida Statutes; to  
 620 build, install, maintain, and operate streetlights; and to plan,  
 621 establish, acquire, construct or reconstruct, enlarge or extend,  
 622 equip, operate, and maintain parks and facilities for indoor and  
 623 outdoor community recreational and cultural uses, when  
 624 authorized by resolution of the general purpose unit of local  
 625 government, in its sole discretion, in which the parks and  
 626 facilities are or will be located and also authorized by  
 627 resolution of each municipality served by the district if the  
 628 parks and facilities are or will be located in the  
 629 unincorporated area.

630       (24) When authorized by the local district school board,  
 631 to construct or renovate school buildings and related  
 632 structures, which may be leased, sold, or donated to the school  
 633 district, for use in the public educational system.

634       Section 10. Seal.--The official seal of the district shall  
 635 bear the legend "North Springs Improvement District, Broward  
 636 County, Florida, Seal, Established 1971."

HB 1479

2005

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

639 Section 12. Annual budget.--Prior to May 15 of each year  
640 after this act is effective, the secretary of the district shall  
641 prepare a proposed budget to be submitted to the board for its  
642 approval. The proposed budget shall include an estimate of all  
643 necessary expenditures of the district for the next ensuing  
644 fiscal year and an estimate of income to the district from the  
645 taxes and assessments provided in this act. The board shall  
646 consider the proposed budget item by item and may either approve  
647 the budget as proposed by the district manager or modify the  
648 same in part or in whole. The board shall indicate its approval  
649 of the budget by resolution, which resolution shall provide for  
650 a hearing on the budget as approved. Notice of the hearing on  
651 the budget shall be published in a newspaper in general  
652 circulation within the district in Broward County once a week  
653 for two consecutive weeks, providing that the second publication  
654 shall not be less than 7 days after the first publication. The  
655 notice shall be directed to all landowners in the district and  
656 shall state the purpose of the meeting. The notice shall further  
657 contain a designation of the date, time, and place of the public  
658 hearing, which shall be not less than 7 days after the second  
659 publication. At the time and place designated in the notice, the  
660 board shall hear all objections to the budget as proposed and  
661 make such changes as the board deems necessary. At the  
662 conclusion of the budget hearing the board shall, by resolution,  
663 adopt the budget as finally approved by the board.

HB 1479

2005

664 Section 13. Notice and call of meetings of landowners;  
 665 quorum; adjournments; representation at meetings; taking action  
 666 without meeting.--

667 (1) The board shall publish notice of all meetings of  
 668 landowners once a week for 2 consecutive weeks prior to such  
 669 meeting in a newspaper published in Broward County in general  
 670 circulation within the district. Meetings of landowners shall be  
 671 held in a public place, or any other place made available for  
 672 the purpose of such meeting in the Broward County Courthouse and  
 673 the place, date, and hour of holding such meeting and the  
 674 purpose thereof shall be stated in the notice. Landowners  
 675 representing a majority of the number of acres in the district,  
 676 present in person or by proxy, shall constitute a quorum at any  
 677 meeting of the landowners; provided that irrespective of the  
 678 number of acres represented, there shall be a minimum of five  
 679 landowners owning separate parcels of land, at each meeting.

680 (2) The board may call special meetings of the landowners  
 681 at any time to receive reports of the board or for such other  
 682 purpose as the board may determine. A special meeting of the  
 683 landowners may also be called at any time upon notice as  
 684 provided hereinabove at the written request of the owners of not  
 685 less than 25 percent in acreage of the land within the district  
 686 for the purpose of taking any lawful action by the landowners of  
 687 the district. Such special meeting shall be called by any court  
 688 of competent jurisdiction in the event that the board fails to  
 689 do so upon request as provided in the preceding sentence. Except  
 690 as otherwise provided in section 5 of this act, with respect to  
 691 the election of supervisors, action taken at a meeting of the  
 692 landowners shall be by affirmative vote of the owners of at



HB 1479

2005

693 least a majority in acreage of the land within the district  
 694 represented at such meeting.

695 (3) If no quorum is present or represented at a meeting of  
 696 the landowners at the time and place the same is called to be  
 697 held, the landowners present and represented, although less than  
 698 a quorum, may adjourn to another time or day, and at such or any  
 699 subsequent adjourned meeting may, if a quorum is then present or  
 700 represented, take any action that the landowners could have  
 701 taken at the meeting or meetings so adjourned for lack of a  
 702 quorum.

703 (4) At any meeting of the landowners, guardians may  
 704 represent their wards; executors and administrators may  
 705 represent the estate of deceased persons; trustees may represent  
 706 lands held by them in trust; and private corporations may be  
 707 represented by their duly authorized proxy. All landowners,  
 708 including guardians, executors, administrators, trustees, and  
 709 corporations, may be represented and vote by proxy.

710 Section 14. Water control plan; proceedings thereof.--The  
 711 board may proceed to adopt a water control plan in accordance  
 712 with the provisions of chapter 298, Florida Statutes, or in  
 713 accordance with the provisions of this section, in which case  
 714 the following shall apply:

715 (1) The board shall cause to be made by the chief engineer  
 716 or such other engineer or engineers as the board may employ for  
 717 that purpose, a complete and comprehensive plan for the drainage  
 718 and reclamation of the lands located within the district. The  
 719 engineer or engineers designated by the board to make said plan  
 720 shall make all necessary surveys of the lands within the  
 721 boundary lines of said district and of all lands adjacent

HB 1479

2005

722 thereto that will be improved or reclaimed in part or in whole  
 723 by any system of drainage that may be outlined and adopted, and  
 724 shall make a report in writing to the board with maps and  
 725 profiles of said surveys, which report shall contain a full and  
 726 complete plan for drainage and reclaiming the lands located  
 727 within the district from overflow or damage by water, with the  
 728 length, width, and depth of such canals, ditches, dikes, or  
 729 levees or other works as may be necessary in conjunction with  
 730 any canals, drains, ditches, dikes, levees, or other works  
 731 heretofore constructed by any other drainage or reclamation  
 732 district, or any other person or persons, or which may hereafter  
 733 be built by any or either of such agencies that may be necessary  
 734 or which can be advantageously used in such plan and also an  
 735 estimate of the cost of carrying out and completing the water  
 736 control plan, including the cost of superintending the same and  
 737 all incidental expenses in connection therewith.

738 (2) Upon the completion of such plan, the board shall hold  
 739 a hearing thereon to hear objections thereto and shall give  
 740 notice of the time and place fixed for such hearing by  
 741 publication once each week for 2 consecutive weeks in a  
 742 newspaper published in Broward County in general circulation  
 743 within the district, and shall permit the inspection of said  
 744 plan at the office of the district by all persons interested.  
 745 All objections to said plan shall be filed at or before the time  
 746 fixed in said notice for the hearing and shall be in writing.

747 (3) After said hearing the board shall consider the  
 748 proposed plan and any objections thereto, and may modify,  
 749 reject, or adopt the plan, or may continue the hearing to a day

HB 1479

2005

750 certain for further consideration of the proposed plan or  
 751 modifications thereof.

752 (4) When the board shall approve a plan a resolution shall  
 753 be adopted and a certified copy thereof shall be filed in the  
 754 office of the secretary and incorporated into the records of the  
 755 district.

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

762 (6) Within 20 days after the final adoption of the water  
 763 control plan by the board, the secretary of the district shall  
 764 prepare and transmit a certified copy thereof to the clerk of  
 765 the circuit court and at the same time the board shall file with  
 766 said clerk a petition that the said court appoint three  
 767 commissioners to appraise the lands to be acquired for rights-  
 768 of-way, holding basins, and other drainage works of the district  
 769 and to assess benefits and damages accruing to all lands within  
 770 the district by reason of the execution of the water control  
 771 plan. Immediately after the filing of such petition the judge of  
 772 said court in whose division the petition shall have been  
 773 assigned shall by an order appoint three commissioners, who  
 774 shall be freeholders residing within the state, and who shall  
 775 not be landowners in said district, nor of kin within the fourth  
 776 degree of consanguinity to any person owning land in said  
 777 district. A majority of said commissioners shall constitute a

HB 1479

2005

778 quorum and shall control the action of the commissioners on all  
779 questions.

780 (7) Immediately upon the filing of said order of  
781 appointment, the secretary of the district shall notify each of  
782 said commissioners of his or her appointment, and in said notice  
783 he or she shall state the time and place for the first meeting  
784 of said commissioners. The secretary of the district, or his or  
785 her deputy, shall attend such meeting and shall furnish to said  
786 commissioners a complete list of lands embraced in the district,  
787 or adjacent thereto, that will be affected by the execution of  
788 the water control plan. The secretary shall also furnish to the  
789 commissioners a copy of the water control plan and such other  
790 papers, documents, and information as the commissioners require.  
791 The commissioners at the meeting shall each take and subscribe  
792 to an oath that he or she will faithfully and impartially  
793 discharge his or her duties as such commissioner and make a true  
794 report of the work performed by such commissioners, and shall  
795 elect one of their number chair. The secretary of the district,  
796 or his or her deputy, shall be ex officio secretary to the  
797 commissioners, and the attorney for the district, other agents,  
798 and employees thereof shall cooperate with the commissioners and  
799 furnish to them such advice, assistance, and cooperation as they  
800 shall require.

801 (8)(a) Immediately after qualifying, the commissioners  
802 shall commence the performance of their duties and the chief  
803 engineer, or one of his or her assistants, shall accompany said  
804 commissioners when engaged in the discharge of their duties and  
805 shall render his or her opinion in writing when called for. Said  
806 commissioners shall proceed to view the premises and determine

HB 1479

2005

807 the value of the lands within or without the district to be  
 808 acquired and used for rights-of-way, holding basins, and other  
 809 works described in the water control plan, and they shall  
 810 appraise all benefits and damages which will accrue to all lands  
 811 by reason of the execution of the water control plan. The  
 812 commissioners in appraising benefits to lands, public highways,  
 813 railroads, and other rights-of-way shall not consider what  
 814 benefits will be derived by such property after other ditches,  
 815 improvements, or other plans of reclamation shall have been  
 816 constructed, but they shall appraise only such benefits as will  
 817 be derived from the construction of the works and improvements  
 818 described in the water control plan or as the same may afford an  
 819 outlet for drainage or protection from overflow of such  
 820 property. The commissioners shall give due consideration and  
 821 credit to any other drainage works which have already been  
 822 constructed and which afford partial or complete protection to  
 823 any tract or parcel of land within the district. The public  
 824 highways, railroads, and other rights-of-way shall be appraised  
 825 according to the increased physical efficiency and decreased  
 826 maintenance cost of roadways by reason of the improvements. The  
 827 commissioners shall have no power to change the water control  
 828 plan. The commissioners shall prepare a report of their  
 829 findings, which shall be arranged in tabular form, the columns  
 830 of which shall be headed as follows: Column 1 "Owner of Property  
 831 Appraised"; Column 2 "Description of Property Appraised"; Column  
 832 3 "Number of Acres Appraised"; Column 4 "Amount of Benefits  
 833 Appraised"; Column 5 "Amount of Damages Appraised"; Column 6  
 834 "Number of Acres to be Taken for Rights-of-way, Holding Basins,  
 835 etc."; and Column 7 "Value of Property to be Taken." They shall

HB 1479

2005

836 also, by and with the advice of the chief engineer, estimate the  
 837 cost of the works described in the water control plan, which  
 838 estimate shall include the cost of property required for rights-  
 839 of-way, holding basins, and other works, the probable expense of  
 840 organization and administration as estimated by the board of  
 841 supervisors, and all of the expenses of the district during the  
 842 period of executing the water control plan. Before appraisals of  
 843 compensation and damages are made, the board may report to the  
 844 commissioners the parcels of land it may wish to purchase and  
 845 for which it may wish appraisals to be made, both for easement  
 846 and for purchase in fee simple, and the board may specify the  
 847 particular purpose for which, and the extent to which, an  
 848 easement in any property is desired, describing definitely such  
 849 purpose and extent. Wherever so instructed to do by the board,  
 850 the commissioners shall appraise lands that may be necessary or  
 851 desirable for the district to own and, when so requested by the  
 852 board, the commissioners shall also appraise both the total  
 853 value of the land and also the damages due to any easement  
 854 required for the purposes of the district.

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

860 (9) Upon the filing of the report of the commissioners,  
 861 the clerk shall give notice thereof by causing publication to be  
 862 made once a week for 2 consecutive weeks in a newspaper  
 863 published in Broward County in general circulation within the  
 864 district. It shall not be necessary for the clerk to name the

HB 1479

2005

865 parties interested, nor to describe separate lots or tracts of  
866 land in giving said notice, but it shall be sufficient to  
867 publish the said notice in the following form:

868  
869 "NOTICE OF FILING COMMISSIONERS' REPORT FOR NORTH SPRINGS  
870 IMPROVEMENT DISTRICT.

871  
872 Notice is hereby given that the Commissioners heretofore  
873 appointed to appraise benefits and damages to property and lands  
874 located within North Springs Improvement District in the State  
875 of Florida and to appraise the cash value of the land necessary  
876 to be taken for rights-of-way, holding basins, and other works  
877 of said district did file their report in the office of the  
878 undersigned Clerk of the Circuit Court, upon the ..... day of  
879 ....., 20...., and you, and each of you, are hereby  
880 notified that you may examine said report and file exceptions to  
881 same on or before the ..... day of ....., 20....  
882 (which date shall be not less than 28 days nor more than 30 days  
883 after the first date of publication).

884  
885 .....  
886 Clerk of the Circuit Court  
887 of Broward County, Florida"

888  
889 (10) The state board of drainage commissioners, the  
890 drainage district, or any owner of land or other property to be  
891 affected by said report, may file exception to any part, or all,  
892 of the report of said commissioners within the time specified in  
893 the notice prescribed in subsection (9). All exceptions shall be

HB 1479

2005

894 heard and determined by the court. If no exceptions are filed,  
895 or if it is shown, upon the hearing of all of said exceptions,  
896 that the estimated cost of construction of improvements  
897 contemplated in the water control plan is less than the benefits  
898 assessed against the lands in said district, the court shall  
899 approve and confirm said commissioners' report. However, if the  
900 court upon hearing the objections filed, finds that any or all  
901 such objections should be sustained, it shall order the report  
902 changed to conform with such findings, and when so changed the  
903 court shall approve and confirm such report and enter its decree  
904 accordingly. The court shall adjudge and apportion the costs  
905 incurred by the exceptions filed, and shall condemn any land or  
906 other property that is shown by the report of the commissioners  
907 to be needed for rights-of-way, holding basins or other works,  
908 following the procedure provided in chapters 73 and 74, Florida  
909 Statutes; provided, however, that any property owner may accept  
910 the assessment of damages in his or her favor made by the  
911 commissioners, or acquiesce in their failure to assess damages  
912 in his or her favor, and shall be construed to have done so,  
913 unless he or she gives the supervisors of the district, on or  
914 before the time shall have expired for filing exceptions, as  
915 provided in this act, notice in writing that he or she demands  
916 an assessment of his or her damages by a jury. If the property  
917 owner demands an assessment of his or her damages by a jury, the  
918 supervisors of the district shall institute in the Circuit Court  
919 of Broward County an action to condemn the lands and other  
920 property that must be taken or damaged in the making of such  
921 improvements, with the right and privilege of paying into the  
922 court a sum to be fixed by the circuit court or judge, and



HB 1479

2005

923 proceeding with the work, before the assessment by the jury. Any  
 924 person or party interested may prosecute and appeal to the  
 925 appropriate district court of appeal in the manner and within  
 926 the time provided by the Florida appellate rules.

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

933 Section 15. Adoption, revision, and revocation of water  
 934 control plan.--In addition to and not in limitation of its power  
 935 to provide for and adopt a water control plan provided in  
 936 section 14 and under chapter 298, Florida Statutes, and  
 937 amendments thereto, the board may at any time and from time to  
 938 time adopt, revoke, or modify in whole or in part, any water  
 939 control plan or any plan providing for the drainage of lands  
 940 within the district, and may provide for such new and additional  
 941 drainage facilities, canals, ditches, levees, and other works as  
 942 the board may determine. In connection with the revision of any  
 943 water control plan or the providing of any new or additional  
 944 drainage facilities, canals, ditches, levees, or other works, or  
 945 in the event the total taxes and assessments theretofore levied  
 946 or the funds derived from the sale of bonds are insufficient to  
 947 pay the cost of any drainage works, benefits may be reassessed,  
 948 additional assessments made, and taxes levied in accordance with  
 949 the procedures provided in this act or in chapter 298, Florida  
 950 Statutes. The board may at any time approve and make effective  
 951 technical changes or modifications in any water control plan or

HB 1479

2005

952 drainage not affecting assessed benefits, levy of taxes, or the  
 953 security of bondholders.

954 Section 16. Assessing land for reclamation; apportionment  
 955 of tax; lands belonging to state assessed; drainage tax  
 956 record.--After the lists of lands, with the assessed benefits  
 957 and the decree and judgment of court, have been filed in the  
 958 office of the clerk of the circuit court as provided in section  
 959 14, the board shall, without any unnecessary delay, levy a tax  
 960 of such portion of said benefits on all lands in the district to  
 961 which benefits have been assessed, as may be found necessary by  
 962 the board of supervisors to pay the costs of the completion of  
 963 the proposed works and improvements, as shown in said water  
 964 control plan and in carrying out the objects of said district;  
 965 and, in addition thereto, 10 percent of said total amount for  
 966 emergencies. The said tax shall be apportioned to, and levied  
 967 on, each tract of land in said district in proportion to the  
 968 benefits assessed, and not in excess thereof; and in case bonds  
 969 are issued, as provided in this chapter, a tax shall be levied  
 970 in a sum not less than an amount 90 percent of which shall be  
 971 equal to the principal of said bonds. The amount of bonds to be  
 972 issued for paying the cost of the works as set forth in the  
 973 water control plan shall be ascertained and determined by the  
 974 board; provided, however, that the total amount of all bonds to  
 975 be issued by the district shall in no case exceed 90 per cent of  
 976 the benefits assessed upon the lands of the district. The amount  
 977 of the interest (as estimated by said board), which will accrue  
 978 on such bonds, shall be included and added to the said tax, but  
 979 the interest to accrue on account of the issuing of said bonds  
 980 shall not be construed as a part of the costs of construction in

HB 1479

2005

981 determining whether or not the expenses and costs of making said  
 982 improvements are equal to, or in excess of, the benefits  
 983 assessed. The secretary of the board of supervisors, as soon as  
 984 said total tax is levied, shall, at the expense of the district,  
 985 prepare a list of all taxes levied, in the form of a well bound  
 986 book, the book shall be endorsed and named "DRAINAGE TAX RECORD  
 987 OF NORTH SPRINGS IMPROVEMENT DISTRICT, BROWARD COUNTY, FLORIDA"  
 988 which endorsement shall be printed or written at the top of each  
 989 page in said book, signed and certified by the president and  
 990 secretary of the board, attested by the seal of the district,  
 991 and the same shall thereafter become a permanent record in the  
 992 office of said secretary.

993 Section 17. Prepayment of taxes or assessments.--The board  
 994 may provide that any tax or assessment may be paid at any time  
 995 before due, together with interest accrued thereon to the date  
 996 of prepayment, and any prepayment premiums or penalties, if such  
 997 prior payment shall be permitted by the proceedings authorizing  
 998 any bonds or other obligations for the payment of which special  
 999 assessments have been pledged or taxes levied.

1000 Section 18. Tax liens.--All taxes of the district provided  
 1001 for in this act or chapter 298, Florida Statutes, together with  
 1002 all penalties for default in the payment of the same and all  
 1003 costs in collecting the same including a reasonable attorney's  
 1004 fees fixed by the court and taxed as cost in the action brought  
 1005 to enforce payment, shall from January 1 for each year the  
 1006 property is liable to assessment and until paid constitute a  
 1007 lien of equal dignity with the liens for state and county taxes  
 1008 and other taxes of equal dignity with state and county taxes  
 1009 upon all the lands against which such taxes shall be levied. A

HB 1479

2005

1010 sale of any of the real property within the district for state  
 1011 and county or other taxes shall not operate to relieve or  
 1012 release the property so sold from the lien for subsequent  
 1013 district taxes or installments of district taxes which lien may  
 1014 be enforced against such property as though no such sale thereof  
 1015 had been made. The provisions of chapter 192, Florida Statutes,  
 1016 and amendments thereto shall be applicable to district taxes  
 1017 with the same force and effect as if said provisions were  
 1018 expressly set forth in this act.

1019 Section 19. Issuance of bond anticipation notes.--In  
 1020 addition to the other powers provided for in this act and not in  
 1021 limitation thereof, the district shall have the power, at any  
 1022 time and from time to time after the issuance of any bonds of  
 1023 the district shall have been authorized to borrow money for the  
 1024 purposes for which such bonds are to be issued in anticipation  
 1025 of the proceeds of the sale of such bonds and to issue bond  
 1026 anticipation notes in a principal sum not in excess of the  
 1027 authorized maximum amount of such bond issue. Such notes shall  
 1028 be in such denomination or denominations, bear interest at such  
 1029 rate as the board may determine not to exceed 10 percent per  
 1030 year, mature at such time or times not later than 5 years from  
 1031 the date of issuance, and be in such form and executed in such  
 1032 manner as the board shall prescribe. Such notes may be sold at  
 1033 either public or private sale, or if such notes shall be renewal  
 1034 notes, may be exchanged for notes then outstanding on such terms  
 1035 as the board shall determine. Such notes shall be paid from the  
 1036 proceeds of such bonds when issued. The board may, in its  
 1037 discretion, in lieu of retiring the notes by means of bonds,  
 1038 retire them by means of current revenues or from any taxes or

HB 1479

2005

1039 assessments levied for the payment of such bonds, but in such  
 1040 event a like amount of the bonds authorized shall not be issued.

1041 Section 20. Short-term borrowing.--The district at any  
 1042 time may obtain loans, in such amount and on such terms and  
 1043 conditions as the board may approve, for the purpose of paying  
 1044 any of the expenses of the district or any costs incurred or  
 1045 that may be incurred in connection with any of the projects of  
 1046 the district, which loans shall have a term not exceeding 2  
 1047 years from the date of issuance thereof, and may be renewable  
 1048 for a like term or terms shall bear such interest as the board  
 1049 may determine, not to exceed 10 percent per year, and may be  
 1050 payable from and secured by a pledge of such funds, revenues,  
 1051 taxes, and assessments as the board may determine. For the  
 1052 purpose of defraying such costs and expenses, the district may  
 1053 issue negotiable notes, warrants, or other evidences of debt  
 1054 signed on behalf of the district by any one of the board duly  
 1055 authorized by the board, such notes or other evidences of  
 1056 indebtedness to be payable at such times, to bear such interest  
 1057 as the board may determine not to exceed 10 percent per year,  
 1058 and to be sold or discounted at such price or prices and on such  
 1059 terms as the board may deem advisable. The board shall have the  
 1060 right to provide for the payment thereof by pledging the whole  
 1061 or any part of the funds, revenues, taxes, and assessments of  
 1062 the district. The approval of the qualified electors who are  
 1063 freeholders residing in the district shall not be necessary  
 1064 except where required by the State Constitution.

1065 Section 21. Trust agreements.--In the discretion of the  
 1066 board, any issue of bonds may be secured by a trust agreement by  
 1067 and between the district and a corporate trustee or trustees,

HB 1479

2005

1068 which may be any trust company or bank having the powers of a  
 1069 trust company within or without the state. The resolution  
 1070 authorizing the issuance of the bonds or such trust agreement  
 1071 may pledge the revenues to be received from any projects of the  
 1072 district and may contain such provisions for protecting and  
 1073 enforcing the rights and remedies of the bondholders as the  
 1074 board may approve, including, without limitation, covenants  
 1075 setting forth the duties of the district in relation to the  
 1076 acquisition, construction, reconstructions, improvements,  
 1077 maintenance, repair, operation, and insurance of any projects;  
 1078 the fixing and revising of the rates, fees, and charges; the  
 1079 custody, safeguarding, and application of all moneys; and for  
 1080 the employment of counseling engineers in connection with such  
 1081 acquisition, construction, reconstruction, improvement,  
 1082 maintenance, repair, or operation. It shall be lawful for any  
 1083 bank or trust company incorporated under the laws of the state  
 1084 which may act as a depository of the proceeds of bonds or of  
 1085 revenues to furnish such indemnifying bonds or to pledge such  
 1086 securities as may be required by the district. Such resolution  
 1087 or trust agreement may set forth the rights and remedies of the  
 1088 bondholders and of the trustee, if any, and may restrict the  
 1089 individual right of action by bondholders. The board may provide  
 1090 for the payment of the proceeds of the sale of the bonds and the  
 1091 revenues of any project to such officer, board, or depository as  
 1092 it may designate for the custody thereof, and for the method of  
 1093 disbursement thereof with such safeguards and restrictions as it  
 1094 may determine. All expenses incurred in carrying out the  
 1095 provisions of such resolution or trust agreement may be treated

HB 1479

2005

1096 as part of the cost of operation of the project to which such  
 1097 trust agreement pertains.

1098 Section 22. Sale of bonds.--Bonds may be sold in blocks or  
 1099 installments at different times, or an entire issue or series  
 1100 may be sold at one time. Bonds may be sold at public or private  
 1101 sale after such advertisement, if any, as the board may deem  
 1102 advisable but not in any event at less than 90 percent of the  
 1103 par value thereof, together with accrued interest thereon. Bonds  
 1104 may be sold or exchanged for refunding bonds. Special assessment  
 1105 and revenue bonds may be delivered as payment by the district of  
 1106 the purchase price or lease of any project or part thereof, or a  
 1107 combination of projects or parts thereof, or as the purchase  
 1108 price or exchanged for any property, real, personal, or mixed,  
 1109 including franchises, or services rendered by any contractor,  
 1110 engineer, or other person, all at one time or in blocks from  
 1111 time to time, in such manner and upon such terms as the board in  
 1112 its discretion shall determine. The price or prices for any  
 1113 bonds sold, exchanged, or delivered may be the money paid for  
 1114 the bonds; the principal amount, plus accrued interest to the  
 1115 date of redemption or exchange, or outstanding obligations  
 1116 exchanged for refunding bonds; or in the case of special  
 1117 assessment or revenue bonds, the amount of any indebtedness to  
 1118 contractors or other persons paid with such bonds, or the fair  
 1119 value of any properties exchanged for the bonds, as determined  
 1120 by the board.

1121 Section 23. Authorization and form of bonds.--Bonds may be  
 1122 authorized by resolution or resolutions of the board which shall  
 1123 be adopted by a majority of all of the members thereof then in  
 1124 office. Such resolution or resolutions may be adopted at the

HB 1479

2005

1125 same meeting at which they are introduced, and need not be  
1126 published or posted. The board may by resolution authorize the  
1127 issuance of bonds, fix the aggregate amount of bonds to be  
1128 issued, the purpose or purposes for which the moneys derived  
1129 therefrom shall be expended, the rate or rates of interest, not  
1130 to exceed 10 percent per year, the denomination of the bonds,  
1131 whether or not the bonds are to be issued in one or more series,  
1132 the date or dates of maturity, which shall not exceed 40 years  
1133 from their respective dates of issuance, the medium of payment,  
1134 the place or places within or without the state where payment  
1135 shall be made, registration privileges, redemption terms and  
1136 privileges (whether with or without premium), the manner of  
1137 execution, the form of the bonds including any interest coupons  
1138 to be attached thereto, the manner of execution of bonds and  
1139 coupons, any and all other terms, covenants, and conditions  
1140 thereof, and the establishment of revenue or other funds. Such  
1141 authorizing resolution may further provide that such bonds may  
1142 be executed manually or by engraved, lithographed or facsimile  
1143 signature, provided that where signatures are engraved,  
1144 lithographed, or otherwise reproduced in facsimile no bond shall  
1145 be valid unless countersigned by a registrar or other officer  
1146 designated by appropriate resolution of the board. The seal of  
1147 the district may be affixed, lithographed, engraved, or  
1148 otherwise reproduced in facsimile on such bonds. In case any  
1149 officer whose signature shall appear on any bonds or coupons  
1150 shall cease to be such officer before the delivery of such  
1151 bonds, such signature or facsimile shall nevertheless be valid  
1152 and sufficient for all purposes the same as if he or she had  
1153 remained in office until such delivery.



HB 1479

2005

1154 Section 24. Interim certificates; replacement  
 1155 certificates.--Pending the preparation of definitive bonds, the  
 1156 board may issue interim certificates or receipts or temporary  
 1157 bonds, in such form and with such provisions as the board may  
 1158 determine, exchangeable for definitive bonds when such bonds  
 1159 shall have been executed and are available for delivery. The  
 1160 board may also provide for the replacement of any bonds that  
 1161 become mutilated, lost, or destroyed.

1162 Section 25. Negotiability of bonds.--Any bond issued under  
 1163 this act and any interim certificate, receipt, or temporary bond  
 1164 shall, in the absence of an express recital on the face thereof  
 1165 that it is nonnegotiable, be fully negotiable and shall be and  
 1166 constitute negotiable instruments within the meaning and for all  
 1167 purposes of the law merchant and the laws of Florida.

1168 Section 26. Defeasance.--The board may make such provision  
 1169 with respect to the defeasance of the right, title, and interest  
 1170 of the holders of any of the bonds and obligations of the  
 1171 district in any revenues, funds, or other properties by which  
 1172 such bonds are secured as the board deems appropriate and,  
 1173 without limitation on the foregoing, may provide that when such  
 1174 bonds or obligations become due and payable or shall have been  
 1175 called for redemption, and the whole amount of the principal and  
 1176 interest and premium, if any, due and payable upon the bonds or  
 1177 obligations then outstanding shall be paid, or sufficient moneys  
 1178 or direct obligations of the United States Government the  
 1179 principal of and the interest on which when due will provide,  
 1180 sufficient moneys, shall be held or deposited in trust for such  
 1181 purpose, and provision shall also be made for paying all other  
 1182 sums payable in connection with such bonds or other obligations,

HB 1479

2005

1183 then and in such event the right, title, and interest of the  
 1184 holders of the bonds in any revenues, funds, or other properties  
 1185 by which such bonds are secured shall thereupon cease,  
 1186 determine, and become void, and the board may apply any surplus  
 1187 in any sinking fund established in connection with such bonds or  
 1188 obligations and all balances remaining in all other funds or  
 1189 accounts other than money held for the redemption or payment of  
 1190 the bonds or other obligations to any lawful purpose of the  
 1191 district as the board shall determine.

1192 Section 27. Issuance of additional bonds.--If the proceeds  
 1193 of any bonds shall be less than the cost of completing the  
 1194 project in connection with which such bonds are issued, the  
 1195 board may authorize the issuance of additional bonds, upon such  
 1196 terms and conditions as the board may provide in the resolution  
 1197 authorizing the issuance thereof, but only in compliance with  
 1198 the resolution or other proceedings authorizing the issuance of  
 1199 the original bonds.

1200 Section 28. Refunding bonds.--The district shall have the  
 1201 power to issue bonds to provide for the retirement or refunding  
 1202 of any bonds or obligations of the district that at the time of  
 1203 such issuance are or subsequently thereto become due and  
 1204 payable, or that at the time of issuance have been called or are  
 1205 or will be subject to call for redemption within 10 years  
 1206 thereafter, or the surrender of which can be procured from the  
 1207 holders thereof at prices satisfactory to the board. Refunding  
 1208 bonds may be issued at any time when in the judgment of the  
 1209 board such issuance will be advantageous to the district. No  
 1210 approval of the qualified electors who are freeholders residing  
 1211 in the district shall be required for the issuance of refunding

HB 1479

2005

1212 bonds except in cases where such approval is required by the  
 1213 State Constitution. The board may by resolution confer upon the  
 1214 holders of such refunding bonds all rights, powers, and remedies  
 1215 to which the holders would be entitled if they continued to be  
 1216 the owners and had possession of the bonds for the refinancing  
 1217 of which said refunding bonds are issued, including, but not  
 1218 limited to, the preservation of the lien of such bonds on the  
 1219 revenues of any project or on pledged funds, without  
 1220 extinguishment, impairment, or diminution thereof. The  
 1221 provisions of this act pertaining to bonds of the district  
 1222 shall, unless the context otherwise requires, govern the  
 1223 issuance of refunding bonds, the form and other details thereof,  
 1224 the rights of the holders thereof, and the duties of the board  
 1225 with respect to the same.

1226 Section 29. Revenue bonds.--

1227 (1) The district shall have the power to issue revenue  
 1228 bonds from time to time without limitation as to amount. Such  
 1229 revenue bonds may be secured by or payable from the gross or net  
 1230 pledge of the revenues to be derived from any project or  
 1231 combination of projects; from the rates, fees, or other charges  
 1232 to be collected from the users of any project or projects; from  
 1233 any revenue-producing undertaking or activity of the district;  
 1234 or from any other source or pledged security. Such bonds shall  
 1235 not constitute an indebtedness of the district, and the approval  
 1236 neither of the qualified electors nor of the qualified electors  
 1237 who are freeholders shall be required unless such bonds are  
 1238 additionally secured by the full faith, credit, and taxing  
 1239 power of the district.

HB 1479

2005

1240       (2) Any two or more projects may be combined and  
1241 consolidated into a single project, and may thereafter be  
1242 operated and maintained as a single project. The revenue bonds  
1243 authorized herein may be issued to finance any one or more such  
1244 projects, regardless of whether or not such projects have been  
1245 combined and consolidated into a single project. If the board  
1246 deems it advisable, the proceedings authorizing such revenue  
1247 bonds may provide that the district may thereafter combine the  
1248 projects then being financed or theretofore financed with other  
1249 projects to be subsequently financed by the district, and that  
1250 revenue bonds to be thereafter issued by the district shall be  
1251 on parity with the revenue bonds then being issued, all on such  
1252 terms, conditions, and limitations as shall be provided, and may  
1253 further provide that the revenues to be derived from the  
1254 subsequent projects shall at the time of the issuance of such  
1255 parity revenue bonds be also pledged to the holders of any  
1256 revenue bonds theretofore issued to finance the revenue  
1257 undertakings which are later combined with such subsequent  
1258 projects. The district may pledge for the security of the  
1259 revenue bonds a fixed amount, without regard to any fixed  
1260 proportion of the gross revenues of any project.

1261       Section 30. General obligation bonds.--

1262       (1) The district shall have the power from time to time to  
1263 issue general obligation bonds in an aggregate principal amount  
1264 of bonds outstanding at any one time not in excess of 35 percent  
1265 of the assessed value of the taxable property within the  
1266 district as shown on the pertinent tax records at the time of  
1267 the authorization of the general obligation bonds for which the  
1268 full faith and credit of the district is pledged. Except for

HB 1479

2005

1269 refunding bonds, no general obligation bonds shall be issued  
 1270 unless the issuance thereof shall have been approved at an  
 1271 election of freeholders held in accordance with the requirements  
 1272 for such election as prescribed by the State Constitution. Such  
 1273 elections shall be called to be held in the district by the  
 1274 Board of County Commissioners of Broward County upon the request  
 1275 of the board of the district. The expenses of calling and  
 1276 holding such referendum elections shall be borne by the district  
 1277 and the district shall reimburse the county for any expenses  
 1278 incurred in calling or holding such elections. In the  
 1279 alternative, at the option of the board, the board may make such  
 1280 other provision for the registration of such qualified electors  
 1281 who are freeholders and the calling and holding of such  
 1282 elections as the board may from time to time deem appropriate.

1283 (2) The district may pledge its full faith and credit for  
 1284 the payment of the principal and interest on such general  
 1285 obligation bonds, and for any reserve or other funds provided  
 1286 therefor, and may unconditionally and irrevocably pledge itself  
 1287 to levy ad valorem taxes on all taxable property in the  
 1288 district, to the extent necessary for the payment thereof,  
 1289 without limitations as to rate or amount.

1290 (3) If the board shall determine to issue general  
 1291 obligation bonds for more than one different purpose, the  
 1292 approval of the issuance of the bonds for each and all such  
 1293 purposes may be submitted to the freeholders on one and the same  
 1294 ballot. The failure of the freeholders to approve the issuance  
 1295 of bonds for any one or more purposes shall not defeat the  
 1296 approval of bonds for any purpose that shall be approved by the  
 1297 freeholders.

HB 1479

2005

1298       Section 31. Bonds as legal investment or  
 1299 security.--Notwithstanding any provisions of any other law to  
 1300 the contrary, all bonds issued under the provisions of this act  
 1301 shall constitute legal investments for savings banks, banks,  
 1302 trust companies, insurance companies, executors, administrators,  
 1303 trustees, guardians, and other fiduciaries, and for any board,  
 1304 body, agency, instrumentality, county, municipality, or other  
 1305 political subdivision of the state, and shall be and constitute  
 1306 securities which may be deposited by banks or trust companies as  
 1307 security for deposits of state, county, municipal, or other  
 1308 public funds, or by insurance companies as required for  
 1309 voluntary statutory deposits.

1310       Section 32. Covenants.--Any resolution authorizing the  
 1311 issuance of bonds may contain such covenants as the board may  
 1312 deem advisable and all such covenants shall constitute valid and  
 1313 legally binding and enforceable contracts between the district  
 1314 and the bondholders, regardless of the time of issuance thereof.  
 1315 Such covenants may include, without limitation, covenants  
 1316 concerning the disposition of the bond proceeds; the use and  
 1317 disposition of project revenues; the pledging of revenues,  
 1318 taxes, and assessments; the obligations of the district with  
 1319 respect to the operation of the project and the maintenance of  
 1320 adequate project revenues; the issuance of additional bonds; the  
 1321 appointment, powers, and duties of trustees and receivers; the  
 1322 acquisition of outstanding bonds and obligations; restrictions  
 1323 on the establishing of competing projects or facilities;  
 1324 restrictions on the sale or disposal of the assets and property  
 1325 of the district; the priority of assessment liens; the priority  
 1326 of claims by bondholders on the taxing power of the district;

HB 1479

2005

1327 the maintenance of deposits to ensure the payment of revenues by  
 1328 users of district facilities and services; the discontinuance of  
 1329 district services by reason of delinquent payments; acceleration  
 1330 upon default; the execution of necessary instruments; the  
 1331 procedure for amending or abrogating covenants with the  
 1332 bondholders; and such other covenants as may be deemed necessary  
 1333 or desirable for the security of the bondholders.

1334 Section 33. Validity of bonds; validation proceedings.--

1335 (1) Any bonds issued by the district shall be  
 1336 incontestable in the hands of bona fide purchasers or holders  
 1337 for value and shall not be invalid because of any irregularity  
 1338 or defects in the proceedings for the issue and sale thereof.  
 1339 Prior to the issuance of any bonds, the district may, but is not  
 1340 required to, publish a notice at least once in a newspaper or  
 1341 newspapers published or of general circulation in Broward County  
 1342 and within the district stating the date of adoption of the  
 1343 resolution authorizing such obligations, the amount, the maximum  
 1344 rate of interest and maturity of such obligations, and the  
 1345 purpose in general terms for which such obligations are to be  
 1346 issued, and further stating that any action or proceeding  
 1347 questioning the validity of such obligations or of the  
 1348 proceedings authorizing the issuance thereof, or of any of the  
 1349 covenants made therein, must be instituted within 20 days after  
 1350 the first publication of such notice, or the validity of such  
 1351 obligations, proceedings, and covenants shall not be thereafter  
 1352 questioned in any court whatsoever. If no such action or  
 1353 proceeding is so instituted within such 20-day period then the  
 1354 validity of such obligations, proceedings, and covenants shall  
 1355 be conclusive, and all persons or parties whatsoever shall be

HB 1479

2005

1356 forever barred from questioning the validity of such  
 1357 obligations, proceedings, or covenants in any court whatsoever.

1358 (2) The power of the district to issue bonds under the  
 1359 provisions of this act may be determined and any of the bonds of  
 1360 the district may be validated and confirmed by circuit court  
 1361 decree, under the provisions of chapter 75, Florida Statutes,  
 1362 and laws amendatory thereof or supplementary thereto.

1363 Section 34. Within act furnishes full authority for  
 1364 issuance of bonds.--This act constitutes full and complete  
 1365 authority for the issuance of bonds and the exercise of the  
 1366 powers of the district provided herein. No procedures or  
 1367 proceedings, publications, notices, consents, approvals, orders,  
 1368 acts, or things by the board, or any board, officers,  
 1369 commission, department, agency, or instrumentality of the  
 1370 district, other than those required by this act, shall be  
 1371 required to issue any bonds or to do any act or perform anything  
 1372 under this act, and the issuance or sale of bonds pursuant to  
 1373 the provisions of this act need not comply with the requirements  
 1374 of any other law applicable to the issuance or sale of bonds,  
 1375 except as otherwise provided in this act, and shall not require  
 1376 the consent or approval of the board of drainage commissioners  
 1377 of the state or of any other board, officers, commission,  
 1378 department, agency, or instrumentality of the state or any  
 1379 political subdivision thereof. Except as otherwise provided  
 1380 herein, no proceedings or procedures of any character whatever  
 1381 shall be necessary or required for the issuance of bonds other  
 1382 than the adoption of an appropriate resolution by the board as  
 1383 provided in this act with respect to the issuance of the same.  
 1384 The powers conferred by this act on the district with respect to



HB 1479

2005

1385 the issuance and sale of bonds shall be in addition and  
 1386 supplemental to the powers conferred by any other law.

1387 Section 35. Pledge by the state to the bondholders of the  
 1388 district and to the Federal Government.--The state pledges to  
 1389 the holders of any bonds issued under this act that it will not  
 1390 limit or alter the rights of the district to own, acquire,  
 1391 construct, reconstruct, improve, maintain, operate, or furnish  
 1392 the projects or to levy and collect the taxes, assessments,  
 1393 rentals, rates, fees, and other charges provided for herein and  
 1394 to fulfill the terms of any agreement made with the holders of  
 1395 such bonds or other obligations, and that it will not in any way  
 1396 impair the rights or remedies of the holders.

1397 Section 36. Ad valorem taxes.--The board shall have the  
 1398 power to levy and assess an ad valorem tax on all the taxable  
 1399 real and tangible personal property in the district to pay the  
 1400 principal of and interest on any general obligation bonds of the  
 1401 district, to provide for any sinking or other funds established  
 1402 in connection with any such bonds. The ad valorem tax provided  
 1403 for herein shall be in addition to county and all other ad  
 1404 valorem taxes provided for by law. Such tax shall be assessed,  
 1405 levied, and collected in the same manner and same time as county  
 1406 taxes.

1407 Section 37. Annual installment taxes.--

1408 (1) The board shall annually determine, order, and levy  
 1409 the annual installment of the total taxes which are levied under  
 1410 section 298.36, Florida Statutes, which shall be due and be  
 1411 collected during each year that county taxes are due and  
 1412 collected and said annual installment and levy shall be  
 1413 evidenced to and certified by the board not later than August

HB 1479

2005

1414 31st of each year to the Broward County Property Appraiser. Said  
 1415 tax shall be entered by the county property appraiser on the  
 1416 county tax rolls and shall be collected by the Broward County  
 1417 Tax Collector in the same manner and the same time as county  
 1418 taxes and the proceeds thereof paid to the district. The tax  
 1419 shall be a lien until paid on the property against which  
 1420 assessed and enforceable in like manner as county taxes.

1421 (2) In the alternative, the board may by resolution  
 1422 determine the amount of taxes as provided by chapter 298,  
 1423 Florida Statutes, and thereafter the annual installments shall  
 1424 be levied, collected and enforced as provided in chapter 298,  
 1425 Florida Statutes.

1426 Section 38. Maintenance tax.--To maintain and preserve the  
 1427 drainage improvements of the district a maintenance tax shall be  
 1428 evidenced to and certified by the board of supervisors not later  
 1429 than August 31 of each year to the property appraiser and shall  
 1430 be entered by the property appraiser on the county tax rolls and  
 1431 shall be collected by the tax collector in the same manner and  
 1432 time as county taxes and the proceeds therefrom paid to the  
 1433 district. The tax shall be a lien until paid on the property  
 1434 against which assessed and enforceable in like manner as county  
 1435 taxes. If the maintenance is for original construction based  
 1436 upon an apportionment of benefits, the maintenance tax shall be  
 1437 apportioned on the same basis of the net assessments of benefits  
 1438 assessed or accruing for original construction and shall not  
 1439 exceed 10 percent thereof in any one year. If the maintenance is  
 1440 for other drainage improvements owned, operated, or acquired by  
 1441 the district, the amount of said maintenance tax shall be  
 1442 determined by the board based upon a report of the chief

HB 1479

2005

1443 engineer and assessed by the board, upon such lands, which may  
 1444 be all of the lands within the district benefited by the  
 1445 maintenance thereof, apportioned between the benefited lands in  
 1446 proportion to the benefits received by each tract of land.

1447 Section 39. Enforcement of taxes.--The collection and  
 1448 enforcement of all taxes levied by the district shall be at the  
 1449 same time and in like manner as county taxes and the provision  
 1450 of the Florida Statutes relating to the sale of lands for unpaid  
 1451 and delinquent county taxes, the issuance, sale, and delivery of  
 1452 tax certificates for such unpaid and delinquent county taxes,  
 1453 the redemption thereof, the issuance to individuals of tax deeds  
 1454 based thereon, and all other procedures in connection therewith  
 1455 shall be applicable to the district to the same extent as if  
 1456 said statutory provisions were expressly set forth herein. All  
 1457 taxes shall be subject to the same discounts as county taxes.

1458 Section 40. When unpaid tax is delinquent; penalty.--All  
 1459 taxes provided for in this act shall become delinquent and bear  
 1460 penalties on the amount of said taxes in the same manner as  
 1461 county taxes.

1462 Section 41. Tax exemption.--As the exercise of the powers  
 1463 conferred by this act constitute the performance of essential  
 1464 public functions, and as the projects of the district will  
 1465 constitute public property used for public purposes, all assets  
 1466 and properties of the district, and all bonds issued hereunder  
 1467 and interest paid thereon, and all fees, charges, and other  
 1468 revenues derived by the district from the projects provided by  
 1469 this act shall be exempt from all taxes by the state or by any  
 1470 political subdivision, agency, or instrumentality thereof;  
 1471 provided, however, that nothing in this act shall be deemed to

HB 1479

2005

1472 exempt from taxation any property, project, facility, or  
1473 business activity or enterprise that cannot validly be  
1474 undertaken as a public function by special taxing districts or  
1475 other public bodies under the laws and constitution of this  
1476 state; and further, that nothing in this act shall be deemed to  
1477 exempt any property, project, facility, or business activity or  
1478 enterprise of the district, or revenues derived therefrom, which  
1479 would be subject to taxation under the general laws of Florida  
1480 if such property, project, or facility were owned or undertaken  
1481 by a municipal corporation.

1482 Section 42. Special assessments.--

1483 (1) The board may provide for the construction or  
1484 reconstruction of assessable improvements as defined in section  
1485 4, and for the levying of special assessments upon benefited  
1486 property for the payment thereof, under the provisions of this  
1487 section.

1488 (2) Such special assessments may be levied and assessed in  
1489 either of the alternate methods provided in subsection (6) or  
1490 subsection (7), and except for such procedure, all the other  
1491 provisions of this section and this act shall apply to levy of  
1492 such special assessments under either subsection (6) or  
1493 subsection (7).

1494 (3) The initial proceeding under subsection (6) or  
1495 subsection (7) of this section shall be the passage by the board  
1496 of a resolution ordering the construction or reconstruction of  
1497 such assessable improvements, indicating the location by  
1498 terminal points and routes and either giving a description of  
1499 the improvements by its material, nature, character, and size or  
1500 giving two or more descriptions with the directions that the

HB 1479

2005

1501 material, nature, character, and size shall be subsequently  
 1502 determined in conformity with one of such descriptions. Drainage  
 1503 improvements need not be continuous and may be in more than one  
 1504 locality. The resolution ordering any such improvement may give  
 1505 any short and convenient designation to each improvement ordered  
 1506 thereby, and the property against which assessments are to be  
 1507 made for the cost of such improvement may give any short and  
 1508 convenient designation to each improvement ordered thereby, and  
 1509 the property against which assessments are to be made for the  
 1510 cost of such improvement may be designated as an assessment  
 1511 district, followed by a letter, number, or name to distinguish  
 1512 it from other assessment districts, after which it shall be  
 1513 sufficient to refer to such improvement and property by such  
 1514 designation in all proceedings and assessments, except in the  
 1515 notices required by this section.

1516 (4) As soon as possible after the passage of such  
 1517 resolution the engineer for the district shall prepare, in  
 1518 duplicate, plans and specifications for each improvement ordered  
 1519 thereby and an estimate of the cost thereof. Such cost shall  
 1520 include, in addition to the items of cost as defined in this  
 1521 act, the following items of incidental expenses:

1522 (a) Printing and publishing notices and proceedings.

1523 (b) Costs of abstracts of title.

1524 (c) Any other expense necessary or proper in conducting  
 1525 the proceedings and work provided for in this section, including  
 1526 the estimated amount of discount, if any, financial expenses  
 1527 upon the sale of assessment bonds or any other obligations  
 1528 issued hereunder for which such special assessment bonds or any  
 1529 other obligations issued hereunder for which such special

HB 1479

2005

1530 assessments are to be pledged, and interest prior to and until  
 1531 not more than 2 years after the completion of said assessable  
 1532 improvements. If the resolution shall provide alternative  
 1533 descriptions of material, nature, character and size, such  
 1534 estimate shall include an estimate of the cost of the  
 1535 improvement of each such description.

1536 (5) The district engineer shall next prepare in duplicate  
 1537 a tentative apportionment of the estimated total cost of the  
 1538 improvement as between the district and each lot or parcel of  
 1539 land subject to special assessment under the resolution, such  
 1540 apportionment to be made in accordance with the provisions of  
 1541 the resolution and in relation to apportionment of cost provided  
 1542 herein for the preliminary assessment roll. Such tentative  
 1543 apportionment of total estimated cost shall not be held to limit  
 1544 or restrict the duties of the engineer in the preparation of  
 1545 such preliminary assessment roll under subsection (6). One of  
 1546 the duplicates of such plans, specifications, and estimates and  
 1547 such tentative apportionment shall be filed with the secretary  
 1548 of the board and the other duplicate shall be retained by the  
 1549 engineer in his or her files, all thereof to remain open to  
 1550 public inspection.

1551 (6)(a) If the special assessments are to be levied under  
 1552 this subsection, the secretary of the board upon filing with him  
 1553 or her of such plans, specifications, estimates, and tentative  
 1554 apportionment of cost shall publish once in a newspaper  
 1555 published in Broward County in general circulation within the  
 1556 district, a notice stating that at a meeting of the board on a  
 1557 certain day and hour, not earlier than 15 days after such  
 1558 publication, the board will hear objections of all interested

HB 1479

2005

1559 persons to the confirmation of such resolution, which notice  
 1560 shall state in brief and general terms a description of the  
 1561 proposed assessable improvements with the location thereof, and  
 1562 shall also state that plans, specifications, estimates, and  
 1563 tentative apportionment of cost thereof are on file with the  
 1564 secretary of the board. A copy of the notice shall be mailed to  
 1565 the landowners of the land to be benefited by construction of  
 1566 the assessable improvement. The landowners shall be determined  
 1567 by reference to the last available tax roll of Broward County.  
 1568 The secretary of the board shall keep a record in which shall be  
 1569 inscribed, at the request of any person, firm, or corporation  
 1570 having or claiming to have any interest in any lot or parcel of  
 1571 land, the name and post office address of such person, firm, or  
 1572 corporation, together with a brief description or designation of  
 1573 such lot or parcel, and it shall be the duty of the secretary of  
 1574 the board to mail a copy of such notice to such person, firm, or  
 1575 corporation at such address at least 10 days before the time for  
 1576 the hearing as stated in such notice, but the failure of the  
 1577 secretary of the board to keep such record or so to inscribe any  
 1578 name or address or to mail any such notice shall not constitute  
 1579 a valid objection to holding the hearing as provided in this  
 1580 section or to any other action taken under the authority of this  
 1581 section.

1582 (b) At the time named in such notice, or to which an  
 1583 adjournment may be taken by the board, the board shall receive  
 1584 any objections of interested persons and may then or thereafter  
 1585 repeal or confirm such resolution with such amendments, if any,  
 1586 as may be desired by the board and which do not cause any  
 1587 additional property to be specially assessed.

HB 1479

2005

1588       (c) All objections to any such resolution on the ground  
 1589 that it contains items which cannot be properly assessed against  
 1590 property, or that it is, for any default or defect in the  
 1591 passage or character of the resolution or the plans or  
 1592 specifications or estimate, void or voidable in whole or in  
 1593 part, or that it exceeds the power of the board, shall be made  
 1594 in writing in person or by attorney, and filed with the  
 1595 secretary of the board at or before the time or adjourned time  
 1596 of such hearing. Any objections against the making of any  
 1597 assessable improvements not so made shall be considered as  
 1598 waived, and if any objection shall be made and overruled or  
 1599 shall not be sustained, the confirmation of the resolution shall  
 1600 be the final adjudication of the issue presented unless proper  
 1601 steps shall be taken in a court of competent jurisdiction to  
 1602 secure relief within 20 days.

1603       (d) Whenever any resolution providing for the construction  
 1604 or reconstruction of assessable improvements and for the levying  
 1605 of special assessments upon benefited property for the payment  
 1606 thereof shall have been confirmed, and said special assessments  
 1607 are levied under this subsection as herein above provided, or at  
 1608 any time thereafter, the board may issue assessment bonds  
 1609 payable out of such assessments when collected. Such bonds shall  
 1610 mature not later than 2 years after the maturity of the last  
 1611 annual installment in which said special assessments may be  
 1612 paid, as provided in subsection (7), and shall bear such  
 1613 interest as the board may determine not to exceed 10 percent per  
 1614 year. Such assessment bonds shall be executed, shall have such  
 1615 provisions for redemption prior to maturity, and shall be sold  
 1616 in the manner and be subject to all of the applicable provisions



HB 1479

2005

1617 contained in this act applicable to other bonds, except as the  
 1618 same are inconsistent with the provisions of this section. The  
 1619 amount of such assessment bonds for any assessable improvement,  
 1620 prior to the confirmation of the preliminary assessment roll  
 1621 provided for in this subsection shall not exceed the estimated  
 1622 amount of the cost of such assessable improvements which are to  
 1623 be specially assessed against the lands and real estate of the  
 1624 engineer referred to in this section.

1625 (e) After the passage of the resolution authorizing the  
 1626 construction or reconstruction of assessable improvements has  
 1627 been confirmed as provided for above where special assessments  
 1628 are levied under this subsection or after the final confirmation  
 1629 of the assessment roll where such assessments are levied under  
 1630 subsection (7), the board may publish at least once in a  
 1631 newspaper published in Broward County in general circulation  
 1632 within the district, a notice calling for sealed bids to be  
 1633 received by the board on a date not earlier than 15 days after  
 1634 the first publication for the construction of the work, unless  
 1635 in the initial resolution the board shall have declared its  
 1636 intention to have the work done by district forces without  
 1637 contract. The notice shall refer in general terms to the extent  
 1638 and nature of the improvements and may identify the same by the  
 1639 short designation indicated in the initial resolution and by  
 1640 reference to the plans and specifications on file. If the  
 1641 initial resolution shall have given two or more alternative  
 1642 descriptions of the assessable improvements as to its material,  
 1643 nature, character, and size, and if the board shall not have  
 1644 theretofore determined upon a definite description, the notice  
 1645 shall call for bids upon each of such descriptions. Bids may be

HB 1479

2005

1646 requested for the work as whole or for any part thereof  
 1647 separately and bids may be asked for any one or more of such  
 1648 assessable improvements authorized by the same or different  
 1649 resolutions, but any bid covering work upon more than one  
 1650 improvement shall be in such form as to permit a separation of  
 1651 cost as to each improvement. The notice shall require bidders to  
 1652 file with their bids either a certified check drawn upon an  
 1653 incorporated bank or trust company in such amount or percentage  
 1654 of their respective bids, as the board shall deem advisable, or  
 1655 a bid bond in like amount with corporate surety satisfactory to  
 1656 the board to insure the execution of a contract to carry out the  
 1657 work in accordance with such plans and specifications and insure  
 1658 the filing at the making of such contract, of a bond in the  
 1659 amount of the contract price with corporate surety satisfactory  
 1660 to the board conditioned for the performance of the work in  
 1661 accordance with such contract. The board shall have the right to  
 1662 reject any or all bids, and if all bids are rejected the board  
 1663 may readvertise or may determine to do the work by the district  
 1664 forces without contract.

1665 (f) Promptly after the completion of the work, in the case  
 1666 of special assessments levied under subsection (6), the engineer  
 1667 for the district, who is hereby designated as the official of  
 1668 the district to make the preliminary assessment of benefits from  
 1669 assessable improvements, shall prepare a preliminary assessment  
 1670 roll and file the same with the secretary of the board which  
 1671 roll shall contain the following:

1672 1. A description of abutting lots and parcels of land or  
 1673 lands which will benefit from such assessable improvements and  
 1674 the amount of such benefits to each such lot or parcel of land.

HB 1479

2005

1675 Such lots and parcels shall include the property of Broward  
 1676 County and any school district or other political subdivision.  
 1677 There shall also be given the name of the owner of record of  
 1678 each lot or parcel where practicable, and in all cases there  
 1679 shall be given a statement of the method of assessment used by  
 1680 the engineer for determining the benefits.

1681 2. The total cost of the improvements and the amount of  
 1682 incidental expense.

1683 (g) The preliminary roll shall be advisory only and shall  
 1684 be subject to the action of the board as hereafter provided.  
 1685 Upon the filing with the secretary of the board of the  
 1686 preliminary assessment roll, the secretary of the board shall  
 1687 publish at least once in a newspaper published in Broward County  
 1688 in general circulation within the district a notice stating that  
 1689 at a meeting of the board to be held on a certain day and hour,  
 1690 not less than 15 days from the date of such publication, which  
 1691 meeting may be a regular, adjourned, or special meeting, all  
 1692 interested persons may appear and file written objections to the  
 1693 confirmation of such roll. Such notice shall state the class of  
 1694 the assessable improvements and the location thereof by terminal  
 1695 points and route.

1696 (h) At the time and place stated in such notice, the board  
 1697 shall meet and receive the objections in writing of all  
 1698 interested persons as stated in such notice. The board may  
 1699 adjourn the hearing from time to time. After the completion  
 1700 thereof the board shall annul, sustain, or modify in whole or in  
 1701 part the prima facie assessment as indicated on such roll,  
 1702 either by confirming the prima facie assessment against any or  
 1703 all lots or parcels described therein or by canceling,

HB 1479

2005

1704 increasing, or reducing the same, according to the special  
 1705 benefits which the board decides each such lot or parcel has  
 1706 received or will receive on account of such improvement. If any  
 1707 property that may be chargeable under this section shall have  
 1708 been omitted from the preliminary roll or if the prima facie  
 1709 assessment shall not have been made against it, the board may  
 1710 place on such roll an apportionment to such property. The board  
 1711 shall not confirm any assessment in excess of the special  
 1712 benefits to the property assessed and the assessments so  
 1713 confirmed shall be in proportion to the special benefits.  
 1714 Forthwith after such confirmation such assessment roll shall be  
 1715 delivered to the secretary of the board. The assessment so made  
 1716 shall be final and conclusive as to each lot or parcel assessed  
 1717 unless proper steps are taken within 30 days in a court of  
 1718 competent jurisdiction to secure relief. If the assessment  
 1719 against any property shall be sustained or reduced or abated by  
 1720 the court, the secretary of the board shall note that fact on  
 1721 the assessment roll opposite the description of the property  
 1722 affected thereby. The amount of the special assessment against  
 1723 any lot or parcel which may be abated by the court, unless the  
 1724 assessment upon all benefited property be abated, or the amount  
 1725 by which such assessment is so reduced, may by resolution of the  
 1726 board be made chargeable against the district at large; or, at  
 1727 the discretion of the board, a new assessment roll may be  
 1728 prepared and confirmed in the manner herein above provided for  
 1729 the preparation and confirmation of the original assessment  
 1730 roll.

1731 (i) Pending the final confirmation of such special  
 1732 assessments in the manner provided in this subsection, the

HB 1479

2005

1733 district shall have a lien on all such lands and real estate  
 1734 after the confirmation of the initial resolution, in the manner  
 1735 provided in this subsection.

1736 (7)(a) The district engineer, under the procedure provided  
 1737 for in this subsection shall next, after the passage of the  
 1738 initial resolution and filing of the plans and estimates of cost  
 1739 by the district engineer, prepare an assessment roll for the  
 1740 district in duplicate, which assessment roll shall contain an  
 1741 apportionment of the estimated total cost of the improvement as  
 1742 between the district and each lot or parcel of land subject to  
 1743 the special assessment under the initial resolution, such  
 1744 apportionment to be made in accordance with the provisions of  
 1745 the initial resolution. One of the duplicates of said assessment  
 1746 roll shall be filed with the secretary of the board and the  
 1747 other duplicate shall be retained by the district engineer in  
 1748 his or her files, all thereof to remain open to public  
 1749 inspection.

1750 (b) Upon the completion and filing of said assessment roll  
 1751 the secretary to the board shall cause a copy thereof to be  
 1752 published once in a newspaper published in Broward County and in  
 1753 general circulation within the district, together with a notice  
 1754 directed to all property owners interested in said special  
 1755 assessments, stating that at a meeting of the board on a certain  
 1756 day and hour, not earlier than 15 days after such publication,  
 1757 the board sitting as an equalizing board, will hear objections  
 1758 of all interested persons to the final confirmation of such  
 1759 assessment roll, and will finally confirm such assessment roll  
 1760 or take such action relative thereto as it deems necessary and  
 1761 advisable. A copy of the notice shall be mailed to the

HB 1479

2005

1762 landowners of the land to be benefited by construction of the  
 1763 assessable improvement. The landowners shall be determined by  
 1764 reference to the last available tax roll of Broward County. The  
 1765 secretary of the board shall keep a record in which shall be  
 1766 inscribed, at the request of any person, firm, or corporation  
 1767 having or claiming to have any interest in any lot or parcel of  
 1768 land, the name and post office address of such person, firm, or  
 1769 corporation, together with a brief description or designation of  
 1770 such lot or parcel, and it shall be the duty of the secretary of  
 1771 the board to mail a copy of such notice to such person, firm, or  
 1772 corporation at such address at least 10 days before the time for  
 1773 the hearing as stated in such notice, but the failure of the  
 1774 secretary of the board to keep such record or so to inscribe any  
 1775 name or address or to mail any such notice shall not constitute  
 1776 a valid objection to holding the hearing as provided in this  
 1777 section or to any other action taken under the authority of this  
 1778 section.

1779 (c) At the time and place named in the notice provided for  
 1780 in the paragraph (b), the board shall meet as an equalizing  
 1781 board to hear and consider any and all complaints as to said  
 1782 special assessments, and shall adjust and equalize the said  
 1783 special assessments on a basis of justice and right, and when so  
 1784 equalized and approved such special assessments shall stand  
 1785 confirmed and remain legal, valid, and binding liens upon the  
 1786 properties upon which such special assessments are made, until  
 1787 paid in accordance with the provisions of this act; provided,  
 1788 however, that upon the completion of such improvements, if the  
 1789 actual cost of such assessable improvements is less than the  
 1790 amount of such special assessments levied, the district shall

HB 1479

2005

1791 rebate to the owners of any properties which shall have been  
 1792 specially assessed for such assessable improvements the  
 1793 difference in the special assessments as originally made,  
 1794 levied, and confirmed, and the proportionate part of the actual  
 1795 cost of said assessable improvements as finally determined upon  
 1796 the completion of said assessable improvements; and in the event  
 1797 that the actual cost of said assessable improvements shall be  
 1798 more than the amount of such special assessments confirmed and  
 1799 levied, finally determined upon the completion of said  
 1800 assessable improvements, the proportionate part of such excess  
 1801 cost of such assessable improvements may be levied against all  
 1802 of the lands and properties against which such special  
 1803 assessments were originally levied, or, in the alternative, the  
 1804 board may, in its discretion, pay such excess cost from any  
 1805 legally available funds.

1806 (d) All objections to any such assessment roll on the  
 1807 ground that it contains items which cannot be properly assessed  
 1808 against property, or that it is, for any default or defect in  
 1809 the passage or character of the assessment roll or the plans or  
 1810 specifications or estimate, void or voidable in whole or in  
 1811 part, or that it exceeds the power of the board, shall be made  
 1812 in writing in person or by attorney, and filed with the  
 1813 secretary of the board at or before the time or adjourned time  
 1814 of such hearing on the assessment roll. Any objections against  
 1815 the making of any assessable improvements not so made shall be  
 1816 considered as waived, and if any objections shall be made and  
 1817 overruled or shall not be sustained, the confirmation of the  
 1818 assessment roll shall be the final adjudication of the issue

HB 1479

2005

1819 presented unless proper steps shall be taken in a court of  
 1820 competent jurisdiction to secure relief within 20 days.

1821 (e) All the provisions of subsection (6) not inconsistent  
 1822 with this subsection shall apply to the levy of special  
 1823 assessments under this subsection.

1824 (8)(a) Any assessment may be paid at the office of the  
 1825 secretary of the board within 60 days after the confirmation  
 1826 thereof, without interest. Thereafter all assessments shall be  
 1827 payable in equal installments, with interest as determined by  
 1828 the board, not to exceed 10 percent per year, from the  
 1829 expiration of said 60 days in each of the succeeding number of  
 1830 years which the board shall determine by resolution, not  
 1831 exceeding 20; provided, however, that the board may provide that  
 1832 any assessment may be paid at any time before due, together with  
 1833 interest accrued thereon to the date of payment, if such prior  
 1834 payment shall be permitted by the proceedings authorizing any  
 1835 assessment bonds or other obligations for the payment of which  
 1836 such special assessments have been pledged.

1837 (b) All such special assessments levied pursuant to this  
 1838 act may, in the discretion of the board, be collected by the tax  
 1839 collector of the county at the same time as the general county  
 1840 taxes are collected by the tax collector of the county, and the  
 1841 board shall in such event certify to the county tax collector in  
 1842 each year a list of all such special assessments and a  
 1843 description of and names of the owners of the properties against  
 1844 such special assessments have been levied and the amounts due  
 1845 thereof in such year, and interest thereon for any deficiencies  
 1846 for prior years. The amount to be collected in such year may  
 1847 include, in the discretion of the board, the principal



HB 1479

2005

1848 installment of such special assessments which will become due at  
 1849 any time in the next succeeding fiscal year, and all or any part  
 1850 of the interest which will become due on such special  
 1851 assessments during such next fiscal year, together with any  
 1852 deficiencies for prior years.

1853 (c) The board may, in lieu of providing for the collection  
 1854 of said special assessments by the tax collector of the county,  
 1855 provide for the collection of said special assessments by the  
 1856 district under such terms and conditions as the board shall  
 1857 determine. In such event, the bills or statements for the  
 1858 amounts due in any fiscal year shall be mailed to the owners of  
 1859 all properties affected by such special assessments at such time  
 1860 or times as the board shall determine and such bills or  
 1861 statements may include all or any part of the principal and  
 1862 interest which will mature and become due on the annual  
 1863 installments of such special assessments during the fiscal year  
 1864 in which installments of such special assessments are payable.

1865 (d) All charges of the county tax collector or of the  
 1866 district, and the fees, costs, and expenses of any paying  
 1867 agents, trustees, or other fiduciaries for assessment bonds  
 1868 issued under this act, shall be deemed to be costs of the  
 1869 operation and maintenance of any drainage improvements in  
 1870 connection with which such special assessments were levied and  
 1871 the board shall be authorized and directed to provide for the  
 1872 payment each year of such costs of collection, fees, and other  
 1873 expenses from the maintenance tax as provided in this act as  
 1874 shall be mutually agreed upon between the board and the county  
 1875 tax collector as additional compensation for his or her services

HB 1479

2005

1876 for each such assessment district in which the special  
 1877 assessments are collected by him or her.

1878 (e) All assessments shall constitute a lien upon the  
 1879 property so assessed from the date of final confirmation  
 1880 thereof, of the same nature and to the same extent as the lien  
 1881 for general county taxes falling due in the same year or years  
 1882 in which such assessments or installments thereof fall due, and  
 1883 any assessment or installment not paid when due shall be  
 1884 collectable with such interest and with reasonable attorney's  
 1885 fee and costs, but without penalties, by the district by  
 1886 proceedings in a court of equity to foreclose the line of  
 1887 assessments as a lien for mortgages is or may be foreclosed  
 1888 under the laws of the state; provided that any such proceedings  
 1889 to foreclose shall embrace all installments of principal  
 1890 remaining unpaid with accrued interest thereon, which  
 1891 installments shall, by virtue of the institution of such  
 1892 proceedings, immediately become due and payable. Nevertheless,  
 1893 if, prior to any sale of the property under decree of  
 1894 foreclosure in such proceedings, payment is made of the  
 1895 installment or installments which are shown to be due under the  
 1896 provisions of subsection (6) or subsection (7), and by this  
 1897 subsection and all costs, including interest and reasonable  
 1898 attorney's fees, such payment shall have the effect of restoring  
 1899 the remaining installments to their original maturities as  
 1900 provided by the resolution passed pursuant to subsection (8) and  
 1901 the proceedings shall be dismissed. It shall be the duty of the  
 1902 board to enforce the prompt collection of assessment by the  
 1903 means herein provided, and such duty may be enforced at the suit  
 1904 of any holder of bonds issued under this act in a court of

HB 1479

2005

1905 competent jurisdiction by mandamus or other appropriate  
 1906 proceedings or action. Not later than 30 days after the annual  
 1907 installments are due and payable, it shall be the duty of the  
 1908 board to direct the attorney for the district to institute  
 1909 actions within 2 months after such direction to enforce the  
 1910 collection of all special assessments for assessable  
 1911 improvements made under this section and remaining due and  
 1912 unpaid at the time of such direction. Such action shall be  
 1913 prosecuted in the manner and under the conditions in and under  
 1914 which mortgages are foreclosed under the laws of the state. It  
 1915 shall be lawful to join in one action the collection of  
 1916 assessments against any or all property assessed by virtue of  
 1917 the same assessment roll unless the court shall deem such  
 1918 joinder prejudicial to the interest of any defendant. The court  
 1919 shall allow a reasonable attorney's fee for the attorney for the  
 1920 district and the same shall be collectable as a part of or in  
 1921 addition to the costs of the action. At the sale pursuant to  
 1922 decree in any such action, the district may be a purchaser to  
 1923 the same extent as an individual person or corporation, except  
 1924 that the part of the purchase price represented by the  
 1925 assessments sued upon and the interest thereon need not be paid  
 1926 in cash. Property so acquired by the district may be sold or  
 1927 otherwise disposed of.

1928 (f) All assessments and charges made under the provisions  
 1929 of this section for the payment of all or any part of the cost  
 1930 of any assessable improvements for which assessment bonds shall  
 1931 have been issued under the provisions of this act, or which have  
 1932 been pledged as additional security for any other bonds or  
 1933 obligations issued under this act, shall be maintained in a

HB 1479

2005

1934 special fund or funds and be used only for the payment of  
 1935 principal or interest on such assessment bonds or other bonds or  
 1936 obligations.

1937 (g) Broward County and each school district and other  
 1938 political subdivision wholly or partly within the district shall  
 1939 possess the same power and be subject to the same duties and  
 1940 liabilities in respect of assessments under this section  
 1941 affecting the real estate of such county, school district, or  
 1942 other political subdivision which private owners of real estate  
 1943 possess or are subject to hereunder, and such real estate of any  
 1944 such county, school district, and political subdivision shall be  
 1945 subject to liens for said assessments in all cases where the  
 1946 same property would be subject to such liens had it at the time  
 1947 the lien attached been owned by a private owner.

1948 Section 43. Issuance of certificates of indebtedness based  
 1949 on assessments for assessable improvements; assessment bonds.--

1950 (1) The board may, after any assessments for assessable  
 1951 improvements are made, determined, and confirmed as provided in  
 1952 section 42, issue certificates of indebtedness for the amount so  
 1953 assessed against the abutting property or property otherwise  
 1954 benefited, as the case may be, and separate certificates shall  
 1955 be issued against each part or parcel of land or property  
 1956 assessed, which certificates shall state the general nature of  
 1957 the improvement for which the said assessment is made. Said  
 1958 certificates shall be payable in annual installments in  
 1959 accordance with the installments of the special assessment for  
 1960 which they are issued. The board may determine the interest to  
 1961 be borne by such certificates, not to exceed 10 percent per  
 1962 year, and may sell such certificates at either private or public

HB 1479

2005

1963 sale and determine the form, manner of execution, and other  
 1964 details of such certificates. Such certificates shall recite  
 1965 that they are payable only from the special assessments levied  
 1966 and collected from the part or parcel of land or property  
 1967 against which they are issued. The proceeds of such certificates  
 1968 may be pledged for the payment of principal of and interest on  
 1969 any revenue bonds or general obligation bonds issued to finance  
 1970 in whole or in part such assessable improvement, or, if not so  
 1971 pledged, may be used to pay the cost or part of the cost of such  
 1972 assessable improvements.

1973 (2) The district may also issue assessment bonds or other  
 1974 obligations payable from a special fund into which such  
 1975 certificates of indebtedness referred to in the subsection (1)  
 1976 may be deposited; or, if such certificates of indebtedness have  
 1977 not been issued, the district may assign to such special fund  
 1978 for the benefit of the holders of such assessment bonds or other  
 1979 obligations, or to a trustee for such bondholders, the  
 1980 assessment liens provided for in this act unless such  
 1981 certificates of indebtedness or assessment liens have been  
 1982 theretofore pledged for any bonds or other obligations  
 1983 authorized hereunder. In the event of the creation of such  
 1984 special fund and the issuance of such assessment bonds or other  
 1985 obligations, the proceeds of such certificates of indebtedness  
 1986 of assessment liens deposited therein shall be used only for the  
 1987 payment of the assessment bonds or other obligations issued as  
 1988 provided in this section. The district is hereby authorized to  
 1989 covenant with the holders of such assessment bonds or other  
 1990 obligations that it will diligently and faithfully enforce and  
 1991 collect all the special assessments and interest and penalties

HB 1479

2005

1992 thereon for which such certificates of indebtedness or  
 1993 assessment liens have been deposited in or assigned to such fund  
 1994 and to foreclose such assessment liens so assigned to such  
 1995 special fund or represented by the certificates of indebtedness  
 1996 deposited in said special fund, after such assessment liens have  
 1997 become delinquent, and deposit the proceeds derived from such  
 1998 foreclosure, including interest and penalties, in such special  
 1999 fund, and to make any other covenants deemed necessary or  
 2000 advisable in order to properly secure the holders of such  
 2001 assessment bonds or other obligations.

2002 (3) The assessment bonds or other obligations issued  
 2003 pursuant to this section shall have such dates of issue and  
 2004 maturity as shall be deemed advisable by the board, provided,  
 2005 however, that the maturities of such assessment bonds or other  
 2006 obligations shall not be more than 2 years after the due date of  
 2007 the last installment which will be payable on any of the special  
 2008 assessments for which such assessment liens, or the certificates  
 2009 of indebtedness representing such assessment liens, are assigned  
 2010 to or deposited in such special fund.

2011 (4) Such assessment bonds or other obligations issued  
 2012 under this section shall bear such interest as the board may  
 2013 determine not to exceed 10 percent per year, shall be executed,  
 2014 shall have such provisions for redemption prior to maturity, and  
 2015 shall be sold in the manner and be subject to all of the  
 2016 applicable provisions contained in this act for revenue bonds,  
 2017 except as the same may be inconsistent with the provisions of  
 2018 this section.

2019 (5) All assessment bonds or other obligations issued under  
 2020 the provisions of this act, except certificates of indebtedness

HB 1479

2005

2021 issued against separate lots or parcels of land or property as  
 2022 provided in this section, shall be and constitute and have all  
 2023 the qualities and incidents of negotiable instruments under the  
 2024 law merchant and the laws of the state.

2025 Section 44. Foreclosure of liens.--Any lien in favor of  
 2026 the district arising under chapter 298, Florida Statutes, or  
 2027 under this act may be foreclosed by the district by foreclosure  
 2028 proceedings in the name of the district in the circuit court in  
 2029 like manner as is provided in chapter 173, Florida Statutes, and  
 2030 amendments thereto, and the provisions of said chapter shall be  
 2031 applicable to such proceedings with the same force and effect as  
 2032 if said provisions were expressly set forth in this act. Any act  
 2033 required or authorized to be done by or on behalf of a city or  
 2034 town in foreclosure proceedings under chapter 173, Florida  
 2035 Statutes, may be performed by such officer or agent of the  
 2036 district as the board of supervisors may designate. Such  
 2037 foreclosure proceedings may be brought at any time after the  
 2038 expiration of 1 year after the date any tax, or installment  
 2039 thereof, becomes delinquent.

2040 Section 45. Payment of taxes and redemption of tax liens  
 2041 by the district; sharing in proceeds of tax sale under section  
 2042 197.520, Florida Statutes, as amended.--

2043 (1) The district has the right to:

2044 (a) Pay any delinquent state, county, district, municipal,  
 2045 or other tax or assessment upon lands located wholly or  
 2046 partially within the boundaries of the district.

2047 (b) Redeem or purchase any tax sales certificate issued or  
 2048 sold on account of any state, county, district, municipal, or

HB 1479

2005

2049 other taxes or assessments upon lands located wholly or  
 2050 partially within the boundaries of the district.

2051 (2) Delinquent taxes paid, or tax sales certificates  
 2052 redeemed or purchased, by the district, together with all  
 2053 penalties for the default in payment of the same and all costs  
 2054 in collecting the same and a reasonable attorney's fee, shall  
 2055 constitute a lien in favor of the district of equal dignity with  
 2056 the liens of state and county taxes and other taxes of equal  
 2057 dignity with state and county taxes, upon all the real property  
 2058 against which said taxes were levied. The lien of the district  
 2059 may be foreclosed in the manner provided in this act.

2060 (3) In any sale of land pursuant to section 197.520,  
 2061 Florida Statutes, and amendments thereto, the district may  
 2062 certify to the clerk of the circuit court of the county holding  
 2063 such sale, the amount of taxes due to the district upon the  
 2064 lands sought to be sold, and the district shall share in the  
 2065 disbursement of the sales proceeds in accordance with the  
 2066 provisions of this act and under law.

2067 Section 46. Mandatory use of certain district facilities  
 2068 and services.--The district may require all lands, buildings,  
 2069 and premises, and all persons, firms, and corporations within  
 2070 the district to use the drainage, reclamation, and water and  
 2071 sewer facilities of the district. Subject to such exceptions as  
 2072 may be provided by the resolutions, rules, or bylaws of the  
 2073 board, and subject to the terms and provisions of any resolution  
 2074 authorizing any bonds and agreements with bondholders, no  
 2075 drainage and reclamation or water and sewer facilities shall be  
 2076 constructed or operated within the district unless the board



HB 1479

2005

2077 gives its consent thereto and approves the plans and  
 2078 specifications therefor.

2079 Section 47. Bids required.--No contract shall be let by  
 2080 the board for the construction or maintenance of any project  
 2081 authorized by this act, nor shall any goods, supplies, or  
 2082 materials be purchased when the amount thereof to be paid by  
 2083 said district shall exceed \$4,000, unless notice of bids shall  
 2084 be advertised once a week for 2 consecutive weeks in a newspaper  
 2085 published in Broward County and in general circulation within  
 2086 the district, and in each case the bid of the lowest responsible  
 2087 bidder shall be accepted, unless all bids are rejected because  
 2088 the bids are too high. The board may require the bidders to  
 2089 furnish bond with responsible surety to be approved by the  
 2090 board. Nothing in this section shall prevent the board from  
 2091 undertaking and performing the construction, operation, and  
 2092 maintenance of any project or facility authorized by this act,  
 2093 by the employment of labor, material, and machinery.

2094 Section 48. Maintenance of projects across rights-of-  
 2095 way.--The district shall have the power to construct and operate  
 2096 its projects in, along, or under any dedications to the public,  
 2097 platted rights-of-way, platted reservations, streets, alleys,  
 2098 highways, or other public places or ways, and across any drain,  
 2099 ditch, canal, floodway, holding basin, excavation, grade, fill,  
 2100 or cut, within or without the district.

2101 Section 49. Agreements with state commissions and  
 2102 others.--The board shall have the power to retain and enter into  
 2103 agreements with fiscal agents, financial advisors, state  
 2104 commissions, engineers, and other consultants or advisors with  
 2105 respect to the issuance and sale of any bonds, and the cost and

HB 1479

2005

2106 expense thereof may be treated as part of the cost and expense  
 2107 of such project. Upon request of the board any state commission  
 2108 may provide such technical assistance or other services relating  
 2109 to bond issues as may be necessary or desirable under the  
 2110 circumstances.

2111 Section 50. Agreements with other political bodies for the  
 2112 joint discharge of common functions.--The board and any other  
 2113 political bodies, whether now in existence or hereafter created,  
 2114 are authorized to enter into and carry into effect contracts and  
 2115 agreements relating to the common powers, duties, and functions  
 2116 of the board and any other political bodies, to the end that  
 2117 there may be effective cooperation and coordination in  
 2118 discharging their common functions, powers, and duties.

2119 Section 51. Fees, rentals, and charges; procedure for  
 2120 adoption and modifications; minimum revenue requirements.--

2121 (1) The district is authorized to prescribe, fix,  
 2122 establish, and collect rates, fees, rentals, or other charges  
 2123 (hereinafter sometimes referred to as "revenues"), and to revise  
 2124 the same from time to time, for the facilities and services  
 2125 furnished by the district, within or without the limits of the  
 2126 district; including, but not limited to, drainage facilities,  
 2127 recreation facilities, and water and sewer systems, to recover  
 2128 the costs of making connection with any district facility or  
 2129 system; and to provide for reasonable penalties against any user  
 2130 or property for any such rates, fees, rentals, or other charges  
 2131 that are delinquent.

2132 (2) No such rates, fees, rentals, or other charges for any  
 2133 of the facilities or services of the district shall be fixed  
 2134 until after a public hearing at which all the users of the

HB 1479

2005

2135 proposed facility or services, owners, tenants, or occupants  
 2136 served or to be served thereby and all other interested persons  
 2137 shall have an opportunity to be heard concerning the proposed  
 2138 rates, fees, rentals, or other charges. Notice of such public  
 2139 hearing setting forth the proposed schedule or schedules of  
 2140 rates, fees, rentals, and other charges shall have been  
 2141 published in a newspaper in Broward County in general  
 2142 circulation within the district at least once at least 10 days  
 2143 prior to such public hearing, which may be adjourned from time  
 2144 to time. After such hearing such schedule or schedules, either  
 2145 as initially proposed, or as modified or amended, may be finally  
 2146 adopted. A copy of the schedule or schedules of such rates,  
 2147 fees, rentals, or charges as finally adopted shall be kept on  
 2148 file in an office designated by the board and shall be open at  
 2149 all reasonable times to public inspection. The rates, fees,  
 2150 rentals, or charges so fixed for any class of users or property  
 2151 served shall be extended to cover any additional users or  
 2152 properties thereafter served which shall fall in the same class,  
 2153 without the necessity of any notice or hearing. Any change or  
 2154 revision of rates, fees, rentals, or charges may be made in the  
 2155 same manner as the same were originally established, as  
 2156 hereinabove provided, except that if such changes or revisions  
 2157 are made substantially pro rata as to all classes of the type of  
 2158 service involved no notice or hearing shall be required.

2159 (3) Such rates, fees, rentals, and charges shall be just,  
 2160 equitable, and uniform for users of the same class, and where  
 2161 appropriate may be based or computed either upon the amount of  
 2162 service furnished or upon the number or average number of  
 2163 persons residing or working or otherwise occupying the premises

HB 1479

2005

2164 served, or upon any other factor affecting the use of the  
 2165 facilities furnished, or upon any combination of the foregoing  
 2166 factors, as may be determined by the board on an equitable  
 2167 basis.

2168 (4) The rates, fees, rentals, or other charges prescribed  
 2169 shall be such as will produce revenues, together with any other  
 2170 assessments, taxes, revenues, or funds available or pledged for  
 2171 such purpose, at least sufficient to provide for the items  
 2172 hereinafter listed, but not necessarily in the order stated:

2173 (a) To provide for all expenses of operation and  
 2174 maintenance of such facility or service.

2175 (b) To pay when due all bonds and interest thereon for the  
 2176 payment of which such revenues are, or shall have been, pledged  
 2177 or encumbered, including reserves for such purpose.

2178 (c) To provide for any other funds which may be required  
 2179 under the resolution or resolutions authorizing the issuance of  
 2180 bonds pursuant to this act.

2181 (5) The board shall have the power to enter into contracts  
 2182 for the use of the projects of the district and with respect to  
 2183 the services and facilities furnished or to be furnished by the  
 2184 district, including, but not limited to, service agreements with  
 2185 landowners and others within or without the district providing  
 2186 for the drainage of land by the district or the furnishing of  
 2187 any of the other services and facilities of the district, for  
 2188 such consideration and on such other terms and conditions as the  
 2189 board may approve. No hearing or notice thereof shall be  
 2190 required prior to the authorization or execution by the board of  
 2191 any such contract or agreement, and the same shall not be  
 2192 subject to revision except in accordance with their terms. Such

HB 1479

2005

2193 contracts or agreements, and revenues or service charges  
 2194 received or to be received by the district thereunder, may be  
 2195 pledged as security for any of the lands of the district.

2196 Section 52. Recovery of delinquent charges.--In the event  
 2197 that any of the rates, fees, rentals, charges, or delinquent  
 2198 penalties shall not be paid as and when due and shall be in  
 2199 default for 30 days or more, the unpaid balance thereof and all  
 2200 interest accrued thereon, together with reasonable attorney's  
 2201 fees and costs, may be recovered by the district in a civil  
 2202 action.

2203 Section 53. Discontinuance of service.--In the event that  
 2204 the fees, rentals, or other charges for the services and  
 2205 facilities of any project are not paid when due, the board shall  
 2206 have the power to discontinue and shut off the same until such  
 2207 fees, rentals, or other charges, including interest, penalties,  
 2208 and charges for the shutting off and discontinuance and the  
 2209 restoration of such services and facilities, are fully paid, and  
 2210 for such purposes may enter on any lands, waters, and premises  
 2211 of any person, firm, corporation, or body, public or private,  
 2212 within or without the district limits. Such delinquent fees,  
 2213 rentals, or other charges, together with interest, penalties,  
 2214 and charges for the shutting off and discontinuance and the  
 2215 restoration of such services and facilities, and the reasonable  
 2216 attorney's fees and other costs, may be recovered by the  
 2217 district, which may also enforce payment of such delinquent  
 2218 fees, rentals, or other charges by any other lawful method of  
 2219 enforcement.

2220 Section 54. Action taken on consent of landowners.--Any  
 2221 action required under this act or under chapter 298, Florida

HB 1479

2005

2222 Statutes, to be taken on public hearing for the purpose of  
 2223 receiving and passing on objections by landowners may be taken  
 2224 without such notice or hearing upon the written consent of all  
 2225 of the landowners affected by such action.

2226 Section 55. Enforcement and penalties.--The board or any  
 2227 aggrieved person may have recourse to such remedies in law and  
 2228 equity as may be necessary to ensure compliance with the  
 2229 provisions of this act, including injunctive relief to enjoin or  
 2230 restrain any person violating the provisions of this act; and  
 2231 any bylaws, resolutions, regulations, rules, codes, and orders  
 2232 adopted under this act. In case any building or structure is  
 2233 erected, constructed, reconstructed, altered, repaired,  
 2234 converted, or maintained, or any building, structure, land, or  
 2235 water is used, in violation of this act, or of any code, order,  
 2236 resolution or other regulation made under authority conferred by  
 2237 this act or under law, the board and any citizen residing in the  
 2238 district may institute any appropriate action or proceeding to  
 2239 prevent such unlawful erection, construction, reconstruction,  
 2240 alteration, repair, conversion, maintenance, or use; to  
 2241 restrain, correct, or avoid such violation; to prevent the  
 2242 occupancy of such building, structure, land, or water; and to  
 2243 prevent any illegal act, conduct, business, or use in or about  
 2244 such premises, land, or water.

2245 Section 56. Suits against the district.--No suit or action  
 2246 shall be brought or maintained against the district for damages  
 2247 arising out of tort or breach of contract, including, without  
 2248 limitation, any claim arising upon account of an act causing a  
 2249 wrongful death, unless written notice of such claim is received  
 2250 within 180 days after receiving the alleged injury given to the

HB 1479

2005

2251 secretary of the board, with detailed specifications as to the  
 2252 time, place, and manner of injury. No such suit or action shall  
 2253 be brought or maintained unless brought within 24 months after  
 2254 the time of the injury or damages.

2255 Section 57. Exemption of district property from  
 2256 execution.--All district property shall be exempt from levy and  
 2257 sale by virtue of an execution and no execution or other  
 2258 judicial process shall issue against such property, nor shall  
 2259 any judgment against the district be a charge or lien on its  
 2260 property or revenues, provided that nothing herein contained  
 2261 shall apply to or limit the rights of bondholders to pursue any  
 2262 remedy for the enforcement of any lien or pledge given by the  
 2263 district in connection with any of the bonds or obligations of  
 2264 the district.

2265 Section 4. Chapters 71-580, 84-398, 85-387, 87-505, 89-  
 2266 440, 91-353, 92-245, 94-445, and 96-537, Laws of Florida, are  
 2267 repealed.

2268 Section 5. If any one or more of the sections or  
 2269 provisions of this act or the application of such sections or  
 2270 provisions to any situation, circumstances, or person, shall for  
 2271 any reason be held to be unconstitutional, such  
 2272 unconstitutionality shall not affect any other sections or  
 2273 provisions as to any other situation, circumstances or person,  
 2274 and it is intended that this law shall be construed and applied  
 2275 as if such section or provision had not been included herein for  
 2276 any unconstitutional application.

2277 Section 6. This act shall take effect upon becoming a law.