

CHAMBER ACTION

1 The Finance & Tax Committee recommends the following:

2  
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to the North Springs Improvement District,  
7 Broward County; codifying, amending, reenacting, and  
8 repealing chapters 71-580, 84-398, 85-387, 87-505, 89-440,  
9 91-353, 92-245, 94-445, and 96-537, Laws of Florida,  
10 relating to the district; providing legislative intent;  
11 deleting gender-specific references; providing a district  
12 charter; providing an effective date.

13  
14 Be It Enacted by the Legislature of the State of Florida:

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

24           Section 2. Chapters 71-580, 84-398, 85-387, 87-505, 89-  
 25 440, 91-353, 92-245, 94-445, and 96-537, Laws of Florida,  
 26 relating to the North Springs Improvement District are codified,  
 27 amended, reenacted, and repealed as herein provided.

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

30           Section 1. Creation of the district ratified and approved;  
 31 change of name of district to North Springs Improvement  
 32 District.--The decree of the circuit court in and for the  
 33 Seventeenth Judicial Circuit in and for Broward County, Florida,  
 34 entered in Case Number 71-1724, creating and incorporating the  
 35 North Springs Drainage District as a public corporation of this  
 36 state, and all subsequent proceedings taken in the circuit court  
 37 concerning that district, are hereby ratified, confirmed, and  
 38 approved, except that the boundaries of said district shall be  
 39 as hereinafter described. The North Springs Drainage District  
 40 shall henceforth be known by the name of North Springs  
 41 Improvement District, an independent special district, and shall  
 42 continue to be a public corporation of this state and have  
 43 perpetual existence. All lawful debts, bonds, obligations,  
 44 contracts, franchises, promissory notes, audits, minutes,  
 45 resolutions, and other undertakings of the North Springs  
 46 Drainage District are hereby validated and shall continue to be  
 47 valid and binding on the North Springs Improvement District in  
 48 accordance with their respective terms, conditions, covenants,  
 49 and tenor. Any proceeding heretofore begun by the North Springs  
 50 Drainage District under chapter 298, Florida Statutes, or any  
 51 other law, for the construction of any improvements, works, or

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52 | facilities, for the assessment of benefits and damages or for  
 53 | the borrowing of money shall not be impaired or avoided by this  
 54 | act, but may be continued and completed in the name of the North  
 55 | Springs Improvement District.

56 | Section 2. Boundaries.--The boundaries of the district  
 57 | shall be:

58 |  
 59 | A tract of land being Sections 5, 6, 7, 8, 9 and 10, a  
 60 | portion of Sections 3 and 4, all in Township 48 South,  
 61 | Range 41 East, Broward County, Florida, and Sections  
 62 | 31, 32 and 33, Township 47 South, Range 41 East,  
 63 | Broward County, Florida, described as follows:

64 | BEGINNING at the southwest corner of said Section 7;

65 |  
 66 | thence North 00°03'12" West (Bearings are relative to  
 67 | State Plane Coordinates as shown on STONER/KEITH  
 68 | RESURVEY OF A PORTION OF TOWNSHIP 47 SOUTH, RANGE 41  
 69 | EAST, ALL OF TOWNSHIP 48 SOUTH, RANGE 41 EAST, & ALL  
 70 | OF TOWNSHIP 49 SOUTH, RANGE 41 EAST, according to the  
 71 | plat thereof, recorded in Miscellaneous Plat Book 3 at  
 72 | Page 44 of the Public Records of said Broward County),  
 73 | along the west line of the Southwest Quarter (SW 1/4)  
 74 | of said Section 7, a distance of 2647.42 feet to the  
 75 | northwest corner of said Southwest Quarter (SW 1/4);

76 |  
 77 | thence continue North 00°03'12" West, along the west  
 78 | line of the Northwest Quarter (NW 1/4) of said Section  
 79 | 7, a distance of 2647.42 feet to the northwest corner

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80 of said Section 7 and the southwest corner of said  
81 Section 6;

82  
83 thence North 00°02'58" West, along the west line of  
84 the Southwest Quarter (SW 1/4) of said Section 6, a  
85 distance of 3252.81 feet to the northwest corner of  
86 said Southwest Quarter (SW 1/4);

87  
88 thence North 00°02'27" West, along the west line of  
89 the Northwest Quarter (NW 1/4) of said Section 6, a  
90 distance of 3253.12 feet to the northwest corner of  
91 said Section 6 and the southwest corner of said  
92 Section 31;

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

98  
99 thence continue North 00°03'47" West, along the west  
100 line of the Northwest Quarter (NW 1/4) of said Section  
101 31, a distance of 2642.42 feet to the northwest corner  
102 of said Section 31;

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

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

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

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

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

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

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136 thence South 01°21'19" East, along the east line of  
137 said Northeast Quarter (NE 1/4), a distance of 2638.16  
138 feet to the southeast corner of said Northeast Quarter  
139 (NE 1/4);

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

146  
147 thence South 89°44'30" West, along the north line of  
148 the Northeast Quarter (NE 1/4) of said Section 4, a  
149 distance of 60.00 feet to the most westerly corner of  
150 that parcel of land described in Official Record Book  
151 55 at Page 500 of said Public Records of Broward  
152 County;

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

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

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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

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

174  
175 thence South 00°53'22" East, along the east line of  
176 said Southeast Quarter (SE 1/4), a distance of 3401.43  
177 feet to the southeast corner of said Section 3 and the  
178 northeast corner of said Section 10;

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

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

189  
190 thence North 89°25'05" West, along the south line of  
191 said Southeast Quarter (SE 1/4), a distance of 2637.48

192 | feet to the southwest corner of said Southeast Quarter  
 193 | (SE 1/4);

194 |  
 195 | thence continue North 89°25'05" West, along the south  
 196 | line of the Southwest Quarter (SW 1/4) of said Section  
 197 | 10, a distance of 2637.47 feet to the southwest corner  
 198 | of said Section 10 and the southeast corner of said  
 199 | Section 9;

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

205 |  
 206 | thence continue North 89°26'06" West, along the south  
 207 | line of the Southwest Quarter (SW 1/4) of said Section  
 208 | 9, a distance of 2641.24 feet to the southwest corner  
 209 | of said Section 9 and the southeast corner of said  
 210 | Section 8;

211 |  
 212 | thence North 89°25'53" West, along the south line of  
 213 | the Southeast Quarter (SE 1/4) of said Section 8, a  
 214 | distance of 2639.96 feet to the southwest corner of  
 215 | said Southeast Quarter (SE 1/4);

216 |  
 217 | thence North 89°25'52" West, along the south line of  
 218 | the Southwest Quarter (SW 1/4) of said Section 8, a  
 219 | distance of 2639.96 feet to the southwest corner of



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220 said Section 8 and the southeast corner of said  
 221 Section 7;

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

227  
 228 thence North 89°46'05" West, along the south line of  
 229 the Southwest Quarter (SW 1/4) of said Section 7, a  
 230 distance of 2399.06 feet to the POINT OF BEGINNING.

231  
 232 Said land being in Broward County, Florida.

233  
 234 Containing 7040.325 acres, more or less.

235  
 236 Section 3. Applicability of certain provisions of chapter  
 237 298, Florida Statutes, to the North Springs Improvement  
 238 District; inconsistent laws inapplicable.--The provisions of  
 239 chapter 298, Florida Statutes, and all amendments thereto, now  
 240 existing or hereafter enacted, are declared to be applicable to  
 241 the North Springs Improvement District insofar as not  
 242 inconsistent with the provisions of this act or any subsequent  
 243 special acts relating to the North Springs Improvement District.  
 244 Notwithstanding the foregoing, the provisions of sections  
 245 298.11, 298.12, 298.14, 298.15, 298.17, 298.18, 298.19, 298.20,  
 246 298.23, 298.24, 298.25, 298.401, 298.41, 298.48, 298.52, 298.54,  
 247 298.56, 298.57, 298.61, 298.70, 298.71, 298.73, and 298.74,

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248 Florida Statutes, and amendments thereto, shall not be  
249 applicable to the North Springs Improvement District.

250 Section 4. Definitions.--Unless the context shall indicate  
251 otherwise, the following words as used in this act shall have  
252 the following meanings:

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

262 (2) "Bond" includes "certificate," and provisions  
263 applicable to bonds shall be equally applicable to certificates.  
264 "Bond" includes general obligation bonds, assessment bonds,  
265 refunding bonds, revenue bonds, and such other obligations in  
266 the nature of bonds as are provided for in this act, as the case  
267 may be.

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

273 (4) "Cost," when used with reference to any project,  
274 includes, but is not limited to, the expenses of determining the  
275 feasibility or practicability of acquisition, construction, or

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276 reconstruction; the cost of surveys, estimates, plans, and  
277 specifications; the cost of acquisition, construction, or  
278 reconstruction; the cost of improvements; engineering, fiscal,  
279 and legal expenses and charges; the cost of all labor,  
280 materials, machinery, and equipment; the cost of all lands,  
281 properties, rights, easements, and franchises acquired; federal,  
282 state, and local taxes and assessments; financing charges; the  
283 creation of initial reserve and debt service funds; working  
284 capital; interest charges incurred or estimated to be incurred  
285 on money borrowed prior to and during construction and  
286 acquisition and for such period of time after completion of  
287 construction or acquisition as the board may determine; the cost  
288 of issuance of bonds pursuant to this act, including  
289 advertisements and printing, the cost of any election held  
290 pursuant to this act, and all other expenses of issuance of  
291 bonds; discount, if any, on the sale or exchange of bonds;  
292 administrative expenses; such other expenses as may be necessary  
293 or incidental to the acquisition, construction, or  
294 reconstruction of any project or to the financing thereof, or  
295 the development of any lands within the district; and  
296 reimbursement of any public or private body, person, firm, or  
297 corporation for any moneys advanced in connection with any of  
298 the foregoing items of cost. Any obligation or expense incurred  
299 prior to the issuance of bonds in connection with the  
300 acquisition, construction, or reconstruction of any project or  
301 improvements thereon, or in connection with any other  
302 development of land that the board of the district shall

303 determine to be necessary or desirable in carrying out the  
 304 purposes of this act, may be treated as a part of such cost.

305 (5) "District" means the North Springs Improvement  
 306 District and "district manager" means the manager of the  
 307 district.

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

314 (7) "Project" means any development, improvement,  
 315 property, utility, facility, works, road, enterprise, service,  
 316 or convenience, now existing or hereafter undertaken or  
 317 established under the provisions of this act or under chapter  
 318 298, Florida Statutes.

319 (8) "Sewer system" means any plant, system, facility, or  
 320 property and additions, extensions, and improvements thereto at  
 321 any future time constructed or acquired as part thereof useful  
 322 or necessary or having the present capacity for future use in  
 323 connection with the collection, treatment, purification, or  
 324 disposal of sewage, including, without limitation, industrial  
 325 wastes resulting from any processes of industry, manufacture,  
 326 trade, or business or from the development of any natural  
 327 resources; and, without limiting the generality of the  
 328 foregoing, shall include treatment plants, pumping stations,  
 329 lift stations, valves, force mains, intercepting sewers,  
 330 laterals, pressure lines, mains, and all necessary appurtenances

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331 and equipment, all sewer mains, laterals, and other devices for  
332 the reception and collection of sewage from premises connected  
333 therewith, and all real and personal property and any interest  
334 therein rights, easements, and franchises of any nature  
335 whatsoever relating to any such system and necessary or  
336 convenient for operation thereof.

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

348 (10) "Water system" means any plant, system, facility, or  
349 property and additions, extensions, and improvements thereto at  
350 any future time constructed or acquired as part thereof, useful  
351 or necessary or having the present capacity for future use in  
352 connection with the development of sources, treatment, or  
353 purification and distribution of water and, without limiting the  
354 generality of the foregoing, includes dams, reservoirs, storage  
355 tanks, mains, lines, valves, pumping stations, laterals, and  
356 pipes for the purpose of carrying water to the premises  
357 connected with such system, and all rights, easements, and

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358 franchises of any nature whatsoever relating to any such system  
359 and necessary or convenient for the operation thereof.

360 Section 5. Board; election; organization; terms of office;  
361 quorum; report and minutes.--

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

372 (2) In the month of June of each fourth year commencing  
373 June of 1972, there shall be held a meeting of the landowners of  
374 the district at the office of the district in Broward County,  
375 for the purpose of electing three supervisors for said district.  
376 One supervisor shall be elected solely by those landowners  
377 owning property within the city limits of the City of Parkland,  
378 and this supervisor must be a landowner who owns property within  
379 the city limits of the City of Parkland. One supervisor shall be  
380 elected solely by those landowners owning property within the  
381 city limits of the City of Coral Springs, and this supervisor  
382 must be a landowner who owns property within the city limits of  
383 the City of Coral Springs. One supervisor shall be elected at  
384 large by all landowners of the district, regardless of where his  
385 or her property is located. Candidates for each supervisor

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386 position will be nominated during the meeting of landowners, and  
387 the nominee who receives the highest number of votes for a  
388 supervisor position shall be declared elected. Notice of said  
389 landowners' meeting shall be published once a week for 2  
390 consecutive weeks in a newspaper in Broward County which is in  
391 general circulation within the district, the last of said  
392 publication to be not less than 14 days nor more than 28 days  
393 before the date of the election. The landowners when assembled  
394 at such meeting shall organize by electing a chair that shall  
395 conduct the meeting. At such meeting each landowner shall be  
396 entitled to cast one vote per acre of land owned by him or her  
397 and located within the district. A landowner may vote in person  
398 or by proxy in writing. Fractions of an acre shall be treated as  
399 1 acre, entitling the landowner to one vote with respect  
400 thereto.

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

404 (4) All supervisors shall hold office for the terms for  
405 which they are elected or appointed and until their successors  
406 shall be chosen and qualify. In case of a vacancy in the office  
407 of any supervisor, the remaining supervisor or supervisors (even  
408 though less than a quorum) may fill such vacancy by appointment  
409 of a new supervisor or supervisors for the unexpired term of the  
410 supervisor who vacated his or her office.

411 (5) As soon as practicable after each election, the board  
412 shall organize by choosing one of their number president of the

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413 board and by electing a secretary, who need not be a member of  
414 the board.

415 (6) A majority of the members of the board shall  
416 constitute a quorum.

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

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

435 Section 6. Appointment and duties of district  
436 manager.--For the purpose of preserving and maintaining any  
437 facility constructed or erected under the provisions of this act  
438 or under the provisions of chapter 298, Florida Statutes, and  
439 for maintaining and operating the equipment owned by the  
440 district and such other duties as may be prescribed by the



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441 board, the board may employ and fix the compensation of a  
442 district manager who shall have charge and supervision of the  
443 works of the district.

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

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

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

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

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

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

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

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

494       (3) To acquire and maintain appropriate sites for storage  
 495 and maintenance of the equipment of the district; and to acquire  
 496 and maintain and construct a suitable building to house the  
 497 office and records of the district.

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

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

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

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

519       (8) To hold, control, and acquire by donation, purchase,  
 520 or condemnation, any easement, reservation, or dedication in the  
 521 district, for any of the purposes herein provided. To condemn as

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522 provided by chapters 73 and 74, Florida Statutes, or acquire, by  
523 purchase or grant for use in the district any land or property  
524 within the district necessary for the purposes of this act.

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

531 (9) To assess and impose an ad valorem tax, an annual  
532 drainage tax, and a maintenance tax as hereinafter provided.

533 (10) To impose and foreclose special assessments liens as  
534 hereinafter provided.

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

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

546 (13) To cooperate with or contract with other water  
547 control districts or other governmental agencies as may be  
548 necessary, convenient, incidental, or proper in connection with

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549 any of the powers, duties, or purposes of the district as stated  
550 in this act.

551 (14) To employ engineers, attorneys, agents, employees,  
552 and representatives as the board of supervisors may from time to  
553 time determine necessary and to fix their compensation and  
554 duties.

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

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

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

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

573 (19) To regulate the supply and level of water within the  
574 district; to divert waters from one area, lake, pond, river,  
575 stream, basin, or drainage or water flood control facility to  
576 any other area, lake, pond, river, stream, basin, or drainage

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577 and water flood control facility; to regulate, control, and  
578 restrict the development and use of natural or artificial  
579 streams or bodies of water, lakes, or ponds; and to take all  
580 measures determined by the board to be necessary or desirable to  
581 prevent or alleviate land erosion. The powers granted to the  
582 district by this subsection shall be concurrent within the  
583 boundaries of the district with other public bodies, agencies,  
584 or authorities as may be authorized by law. The district is  
585 eligible to receive moneys, disbursements, and assistance from  
586 the state available to flood control or water management  
587 districts and the navigation districts or agencies.

588 (20) To own, acquire, construct, reconstruct, equip,  
589 operate, maintain, extend, and improve water systems and sewer  
590 systems or combined water and sewer systems; to regulate the use  
591 of sewers and the supply of water within the district and to  
592 prohibit or regulate the use and maintenance of outhouses,  
593 privies, septic tanks, or other sanitary structures or  
594 appliances within the district; to prescribe methods of  
595 pretreatment of wastes not amenable to treatment with domestic  
596 sewage before accepting such wastes for treatment and to refuse  
597 to accept such wastes when not sufficiently pretreated as may be  
598 prescribed, and to prescribe penalties for the refusal of any  
599 person or corporation to so pretreat such wastes; to sell or  
600 otherwise dispose of the effluent, sludge, or other byproducts  
601 as a result of sewage treatment; and to construct and operate  
602 connecting, intercepting, or outlet sewers and sewer mains and  
603 pipes and water mains, conduits, or pipelines in, along, or  
604 under any street, alleys, highways, or other public places or

605 ways within or without the district, when deemed necessary or  
 606 desirable by the board. The plans for any water or sewer system  
 607 shall be subject to the approval of the state board of health.

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

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

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

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

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

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

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



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661 hearing, which shall be not less than 7 days after the second  
662 publication. At the time and place designated in the notice, the  
663 board shall hear all objections to the budget as proposed and  
664 make such changes as the board deems necessary. At the  
665 conclusion of the budget hearing the board shall, by resolution,  
666 adopt the budget as finally approved by the board.

667 Section 13. Notice and call of meetings of landowners;  
668 quorum; adjournments; representation at meetings; taking action  
669 without meeting.--

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

683 (2) The board may call special meetings of the landowners  
684 at any time to receive reports of the board or for such other  
685 purpose as the board may determine. A special meeting of the  
686 landowners may also be called at any time upon notice as  
687 provided hereinabove at the written request of the owners of not  
688 less than 25 percent in acreage of the land within the district

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689 for the purpose of taking any lawful action by the landowners of  
 690 the district. Such special meeting shall be called by any court  
 691 of competent jurisdiction in the event that the board fails to  
 692 do so upon request as provided in the preceding sentence. Except  
 693 as otherwise provided in section 5 of this act, with respect to  
 694 the election of supervisors, action taken at a meeting of the  
 695 landowners shall be by affirmative vote of the owners of at  
 696 least a majority in acreage of the land within the district  
 697 represented at such meeting.

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

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

713 Section 14. Water control plan; proceedings thereof.--The  
 714 board may proceed to adopt a water control plan in accordance  
 715 with the provisions of chapter 298, Florida Statutes, or in

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716 accordance with the provisions of this section, in which case  
717 the following shall apply:

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

741 (2) Upon the completion of such plan, the board shall hold  
742 a hearing thereon to hear objections thereto and shall give  
743 notice of the time and place fixed for such hearing by

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744 publication once each week for 2 consecutive weeks in a  
745 newspaper published in Broward County in general circulation  
746 within the district, and shall permit the inspection of said  
747 plan at the office of the district by all persons interested.  
748 All objections to said plan shall be filed at or before the time  
749 fixed in said notice for the hearing and shall be in writing.

750 (3) After said hearing the board shall consider the  
751 proposed plan and any objections thereto, and may modify,  
752 reject, or adopt the plan, or may continue the hearing to a day  
753 certain for further consideration of the proposed plan or  
754 modifications thereof.

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

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

765 (6) Within 20 days after the final adoption of the water  
766 control plan by the board, the secretary of the district shall  
767 prepare and transmit a certified copy thereof to the clerk of  
768 the circuit court and at the same time the board shall file with  
769 said clerk a petition that the said court appoint three  
770 commissioners to appraise the lands to be acquired for rights-  
771 of-way, holding basins, and other drainage works of the district

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772 and to assess benefits and damages accruing to all lands within  
773 the district by reason of the execution of the water control  
774 plan. Immediately after the filing of such petition the judge of  
775 said court in whose division the petition shall have been  
776 assigned shall by an order appoint three commissioners, who  
777 shall be freeholders residing within the state, and who shall  
778 not be landowners in said district, nor of kin within the fourth  
779 degree of consanguinity to any person owning land in said  
780 district. A majority of said commissioners shall constitute a  
781 quorum and shall control the action of the commissioners on all  
782 questions.

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

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800 commissioners, and the attorney for the district, other agents,  
801 and employees thereof shall cooperate with the commissioners and  
802 furnish to them such advice, assistance, and cooperation as they  
803 shall require.

804 (8) (a) Immediately after qualifying, the commissioners  
805 shall commence the performance of their duties and the chief  
806 engineer, or one of his or her assistants, shall accompany said  
807 commissioners when engaged in the discharge of their duties and  
808 shall render his or her opinion in writing when called for. Said  
809 commissioners shall proceed to view the premises and determine  
810 the value of the lands within or without the district to be  
811 acquired and used for rights-of-way, holding basins, and other  
812 works described in the water control plan, and they shall  
813 appraise all benefits and damages which will accrue to all lands  
814 by reason of the execution of the water control plan. The  
815 commissioners in appraising benefits to lands, public highways,  
816 railroads, and other rights-of-way shall not consider what  
817 benefits will be derived by such property after other ditches,  
818 improvements, or other plans of reclamation shall have been  
819 constructed, but they shall appraise only such benefits as will  
820 be derived from the construction of the works and improvements  
821 described in the water control plan or as the same may afford an  
822 outlet for drainage or protection from overflow of such  
823 property. The commissioners shall give due consideration and  
824 credit to any other drainage works which have already been  
825 constructed and which afford partial or complete protection to  
826 any tract or parcel of land within the district. The public  
827 highways, railroads, and other rights-of-way shall be appraised

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828 according to the increased physical efficiency and decreased  
829 maintenance cost of roadways by reason of the improvements. The  
830 commissioners shall have no power to change the water control  
831 plan. The commissioners shall prepare a report of their  
832 findings, which shall be arranged in tabular form, the columns  
833 of which shall be headed as follows: Column 1 "Owner of Property  
834 Appraised"; Column 2 "Description of Property Appraised"; Column  
835 3 "Number of Acres Appraised"; Column 4 "Amount of Benefits  
836 Appraised"; Column 5 "Amount of Damages Appraised"; Column 6  
837 "Number of Acres to be Taken for Rights-of-way, Holding Basins,  
838 etc."; and Column 7 "Value of Property to be Taken." They shall  
839 also, by and with the advice of the chief engineer, estimate the  
840 cost of the works described in the water control plan, which  
841 estimate shall include the cost of property required for rights-  
842 of-way, holding basins, and other works, the probable expense of  
843 organization and administration as estimated by the board of  
844 supervisors, and all of the expenses of the district during the  
845 period of executing the water control plan. Before appraisals of  
846 compensation and damages are made, the board may report to the  
847 commissioners the parcels of land it may wish to purchase and  
848 for which it may wish appraisals to be made, both for easement  
849 and for purchase in fee simple, and the board may specify the  
850 particular purpose for which, and the extent to which, an  
851 easement in any property is desired, describing definitely such  
852 purpose and extent. Wherever so instructed to do by the board,  
853 the commissioners shall appraise lands that may be necessary or  
854 desirable for the district to own and, when so requested by the  
855 board, the commissioners shall also appraise both the total

856 value of the land and also the damages due to any easement  
 857 required for the purposes of the district.

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

863 (9) Upon the filing of the report of the commissioners,  
 864 the clerk shall give notice thereof by causing publication to be  
 865 made once a week for 2 consecutive weeks in a newspaper  
 866 published in Broward County in general circulation within the  
 867 district. It shall not be necessary for the clerk to name the  
 868 parties interested, nor to describe separate lots or tracts of  
 869 land in giving said notice, but it shall be sufficient to  
 870 publish the said notice in the following form:

871  
 872 "NOTICE OF FILING COMMISSIONERS' REPORT FOR NORTH SPRINGS  
 873 IMPROVEMENT DISTRICT.

874  
 875 Notice is hereby given that the Commissioners heretofore  
 876 appointed to appraise benefits and damages to property and lands  
 877 located within North Springs Improvement District in the State  
 878 of Florida and to appraise the cash value of the land necessary  
 879 to be taken for rights-of-way, holding basins, and other works  
 880 of said district did file their report in the office of the  
 881 undersigned Clerk of the Circuit Court, upon the ..... day of  
 882 ....., 20....., and you, and each of you, are hereby  
 883 notified that you may examine said report and file exceptions to



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884 same on or before the ..... day of ....., 20.....  
 885 (which date shall be not less than 28 days nor more than 30 days  
 886 after the first date of publication).

887  
 888 .....  
 889 Clerk of the Circuit Court  
 890 of Broward County, Florida"

891  
 892 (10) The state board of drainage commissioners, the  
 893 drainage district, or any owner of land or other property to be  
 894 affected by said report, may file exception to any part, or all,  
 895 of the report of said commissioners within the time specified in  
 896 the notice prescribed in subsection (9). All exceptions shall be  
 897 heard and determined by the court. If no exceptions are filed,  
 898 or if it is shown, upon the hearing of all of said exceptions,  
 899 that the estimated cost of construction of improvements  
 900 contemplated in the water control plan is less than the benefits  
 901 assessed against the lands in said district, the court shall  
 902 approve and confirm said commissioners' report. However, if the  
 903 court upon hearing the objections filed, finds that any or all  
 904 such objections should be sustained, it shall order the report  
 905 changed to conform with such findings, and when so changed the  
 906 court shall approve and confirm such report and enter its decree  
 907 accordingly. The court shall adjudge and apportion the costs  
 908 incurred by the exceptions filed, and shall condemn any land or  
 909 other property that is shown by the report of the commissioners  
 910 to be needed for rights-of-way, holding basins or other works,  
 911 following the procedure provided in chapters 73 and 74, Florida

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912 Statutes; provided, however, that any property owner may accept  
913 the assessment of damages in his or her favor made by the  
914 commissioners, or acquiesce in their failure to assess damages  
915 in his or her favor, and shall be construed to have done so,  
916 unless he or she gives the supervisors of the district, on or  
917 before the time shall have expired for filing exceptions, as  
918 provided in this act, notice in writing that he or she demands  
919 an assessment of his or her damages by a jury. If the property  
920 owner demands an assessment of his or her damages by a jury, the  
921 supervisors of the district shall institute in the Circuit Court  
922 of Broward County an action to condemn the lands and other  
923 property that must be taken or damaged in the making of such  
924 improvements, with the right and privilege of paying into the  
925 court a sum to be fixed by the circuit court or judge, and  
926 proceeding with the work, before the assessment by the jury. Any  
927 person or party interested may prosecute and appeal to the  
928 appropriate district court of appeal in the manner and within  
929 the time provided by the Florida appellate rules.

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

936 Section 15. Adoption, revision, and revocation of water  
937 control plan.--In addition to and not in limitation of its power  
938 to provide for and adopt a water control plan provided in  
939 section 14 and under chapter 298, Florida Statutes, and

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940 amendments thereto, the board may at any time and from time to  
941 time adopt, revoke, or modify in whole or in part, any water  
942 control plan or any plan providing for the drainage of lands  
943 within the district, and may provide for such new and additional  
944 drainage facilities, canals, ditches, levees, and other works as  
945 the board may determine. In connection with the revision of any  
946 water control plan or the providing of any new or additional  
947 drainage facilities, canals, ditches, levees, or other works, or  
948 in the event the total taxes and assessments theretofore levied  
949 or the funds derived from the sale of bonds are insufficient to  
950 pay the cost of any drainage works, benefits may be reassessed,  
951 additional assessments made, and taxes levied in accordance with  
952 the procedures provided in this act or in chapter 298, Florida  
953 Statutes. The board may at any time approve and make effective  
954 technical changes or modifications in any water control plan or  
955 drainage not affecting assessed benefits, levy of taxes, or the  
956 security of bondholders.

957 Section 16. Assessing land for reclamation; apportionment  
958 of tax; lands belonging to state assessed; drainage tax  
959 record.--After the lists of lands, with the assessed benefits  
960 and the decree and judgment of court, have been filed in the  
961 office of the clerk of the circuit court as provided in section  
962 14, the board shall, without any unnecessary delay, levy a tax  
963 of such portion of said benefits on all lands in the district to  
964 which benefits have been assessed, as may be found necessary by  
965 the board of supervisors to pay the costs of the completion of  
966 the proposed works and improvements, as shown in said water  
967 control plan and in carrying out the objects of said district;

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968 and, in addition thereto, 10 percent of said total amount for  
969 emergencies. The said tax shall be apportioned to, and levied  
970 on, each tract of land in said district in proportion to the  
971 benefits assessed, and not in excess thereof; and in case bonds  
972 are issued, as provided in this chapter, a tax shall be levied  
973 in a sum not less than an amount 90 percent of which shall be  
974 equal to the principal of said bonds. The amount of bonds to be  
975 issued for paying the cost of the works as set forth in the  
976 water control plan shall be ascertained and determined by the  
977 board; provided, however, that the total amount of all bonds to  
978 be issued by the district shall in no case exceed 90 per cent of  
979 the benefits assessed upon the lands of the district. The amount  
980 of the interest (as estimated by said board), which will accrue  
981 on such bonds, shall be included and added to the said tax, but  
982 the interest to accrue on account of the issuing of said bonds  
983 shall not be construed as a part of the costs of construction in  
984 determining whether or not the expenses and costs of making said  
985 improvements are equal to, or in excess of, the benefits  
986 assessed. The secretary of the board of supervisors, as soon as  
987 said total tax is levied, shall, at the expense of the district,  
988 prepare a list of all taxes levied, in the form of a well bound  
989 book, the book shall be endorsed and named "DRAINAGE TAX RECORD  
990 OF NORTH SPRINGS IMPROVEMENT DISTRICT, BROWARD COUNTY, FLORIDA"  
991 which endorsement shall be printed or written at the top of each  
992 page in said book, signed and certified by the president and  
993 secretary of the board, attested by the seal of the district,  
994 and the same shall thereafter become a permanent record in the  
995 office of said secretary.

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996        Section 17. Prepayment of taxes or assessments.--The board  
 997 may provide that any tax or assessment may be paid at any time  
 998 before due, together with interest accrued thereon to the date  
 999 of prepayment, and any prepayment premiums or penalties, if such  
 1000 prior payment shall be permitted by the proceedings authorizing  
 1001 any bonds or other obligations for the payment of which special  
 1002 assessments have been pledged or taxes levied.

1003        Section 18. Tax liens.--All taxes of the district provided  
 1004 for in this act or chapter 298, Florida Statutes, together with  
 1005 all penalties for default in the payment of the same and all  
 1006 costs in collecting the same including a reasonable attorney's  
 1007 fees fixed by the court and taxed as cost in the action brought  
 1008 to enforce payment, shall from January 1 for each year the  
 1009 property is liable to assessment and until paid constitute a  
 1010 lien of equal dignity with the liens for state and county taxes  
 1011 and other taxes of equal dignity with state and county taxes  
 1012 upon all the lands against which such taxes shall be levied. A  
 1013 sale of any of the real property within the district for state  
 1014 and county or other taxes shall not operate to relieve or  
 1015 release the property so sold from the lien for subsequent  
 1016 district taxes or installments of district taxes which lien may  
 1017 be enforced against such property as though no such sale thereof  
 1018 had been made. The provisions of chapter 192, Florida Statutes,  
 1019 and amendments thereto shall be applicable to district taxes  
 1020 with the same force and effect as if said provisions were  
 1021 expressly set forth in this act.

1022        Section 19. Issuance of bond anticipation notes.--In  
 1023 addition to the other powers provided for in this act and not in

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1024 limitation thereof, the district shall have the power, at any  
 1025 time and from time to time after the issuance of any bonds of  
 1026 the district shall have been authorized to borrow money for the  
 1027 purposes for which such bonds are to be issued in anticipation  
 1028 of the proceeds of the sale of such bonds and to issue bond  
 1029 anticipation notes in a principal sum not in excess of the  
 1030 authorized maximum amount of such bond issue. Such notes shall  
 1031 be in such denomination or denominations, bear interest at such  
 1032 rate as the board may determine not to exceed 10 percent per  
 1033 year, mature at such time or times not later than 5 years from  
 1034 the date of issuance, and be in such form and executed in such  
 1035 manner as the board shall prescribe. Such notes may be sold at  
 1036 either public or private sale, or if such notes shall be renewal  
 1037 notes, may be exchanged for notes then outstanding on such terms  
 1038 as the board shall determine. Such notes shall be paid from the  
 1039 proceeds of such bonds when issued. The board may, in its  
 1040 discretion, in lieu of retiring the notes by means of bonds,  
 1041 retire them by means of current revenues or from any taxes or  
 1042 assessments levied for the payment of such bonds, but in such  
 1043 event a like amount of the bonds authorized shall not be issued.

1044 Section 20. Short-term borrowing.--The district at any  
 1045 time may obtain loans, in such amount and on such terms and  
 1046 conditions as the board may approve, for the purpose of paying  
 1047 any of the expenses of the district or any costs incurred or  
 1048 that may be incurred in connection with any of the projects of  
 1049 the district, which loans shall have a term not exceeding 2  
 1050 years from the date of issuance thereof, and may be renewable  
 1051 for a like term or terms shall bear such interest as the board

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1052 may determine, not to exceed 10 percent per year, and may be  
1053 payable from and secured by a pledge of such funds, revenues,  
1054 taxes, and assessments as the board may determine. For the  
1055 purpose of defraying such costs and expenses, the district may  
1056 issue negotiable notes, warrants, or other evidences of debt  
1057 signed on behalf of the district by any one of the board duly  
1058 authorized by the board, such notes or other evidences of  
1059 indebtedness to be payable at such times, to bear such interest  
1060 as the board may determine not to exceed 10 percent per year,  
1061 and to be sold or discounted at such price or prices and on such  
1062 terms as the board may deem advisable. The board shall have the  
1063 right to provide for the payment thereof by pledging the whole  
1064 or any part of the funds, revenues, taxes, and assessments of  
1065 the district. The approval of the qualified electors who are  
1066 freeholders residing in the district shall not be necessary  
1067 except where required by the State Constitution.

1068 Section 21. Trust agreements.--In the discretion of the  
1069 board, any issue of bonds may be secured by a trust agreement by  
1070 and between the district and a corporate trustee or trustees,  
1071 which may be any trust company or bank having the powers of a  
1072 trust company within or without the state. The resolution  
1073 authorizing the issuance of the bonds or such trust agreement  
1074 may pledge the revenues to be received from any projects of the  
1075 district and may contain such provisions for protecting and  
1076 enforcing the rights and remedies of the bondholders as the  
1077 board may approve, including, without limitation, covenants  
1078 setting forth the duties of the district in relation to the  
1079 acquisition, construction, reconstructions, improvements,

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1080 maintenance, repair, operation, and insurance of any projects;  
 1081 the fixing and revising of the rates, fees, and charges; the  
 1082 custody, safeguarding, and application of all moneys; and for  
 1083 the employment of counseling engineers in connection with such  
 1084 acquisition, construction, reconstruction, improvement,  
 1085 maintenance, repair, or operation. It shall be lawful for any  
 1086 bank or trust company incorporated under the laws of the state  
 1087 which may act as a depository of the proceeds of bonds or of  
 1088 revenues to furnish such indemnifying bonds or to pledge such  
 1089 securities as may be required by the district. Such resolution  
 1090 or trust agreement may set forth the rights and remedies of the  
 1091 bondholders and of the trustee, if any, and may restrict the  
 1092 individual right of action by bondholders. The board may provide  
 1093 for the payment of the proceeds of the sale of the bonds and the  
 1094 revenues of any project to such officer, board, or depository as  
 1095 it may designate for the custody thereof, and for the method of  
 1096 disbursement thereof with such safeguards and restrictions as it  
 1097 may determine. All expenses incurred in carrying out the  
 1098 provisions of such resolution or trust agreement may be treated  
 1099 as part of the cost of operation of the project to which such  
 1100 trust agreement pertains.

1101 Section 22. Sale of bonds.--Bonds may be sold in blocks or  
 1102 installments at different times, or an entire issue or series  
 1103 may be sold at one time. Bonds may be sold at public or private  
 1104 sale after such advertisement, if any, as the board may deem  
 1105 advisable but not in any event at less than 90 percent of the  
 1106 par value thereof, together with accrued interest thereon. Bonds  
 1107 may be sold or exchanged for refunding bonds. Special assessment



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1108 and revenue bonds may be delivered as payment by the district of  
1109 the purchase price or lease of any project or part thereof, or a  
1110 combination of projects or parts thereof, or as the purchase  
1111 price or exchanged for any property, real, personal, or mixed,  
1112 including franchises, or services rendered by any contractor,  
1113 engineer, or other person, all at one time or in blocks from  
1114 time to time, in such manner and upon such terms as the board in  
1115 its discretion shall determine. The price or prices for any  
1116 bonds sold, exchanged, or delivered may be the money paid for  
1117 the bonds; the principal amount, plus accrued interest to the  
1118 date of redemption or exchange, or outstanding obligations  
1119 exchanged for refunding bonds; or in the case of special  
1120 assessment or revenue bonds, the amount of any indebtedness to  
1121 contractors or other persons paid with such bonds, or the fair  
1122 value of any properties exchanged for the bonds, as determined  
1123 by the board.

1124 Section 23. Authorization and form of bonds.--Bonds may be  
1125 authorized by resolution or resolutions of the board which shall  
1126 be adopted by a majority of all of the members thereof then in  
1127 office. Such resolution or resolutions may be adopted at the  
1128 same meeting at which they are introduced, and need not be  
1129 published or posted. The board may by resolution authorize the  
1130 issuance of bonds, fix the aggregate amount of bonds to be  
1131 issued, the purpose or purposes for which the moneys derived  
1132 therefrom shall be expended, the rate or rates of interest, not  
1133 to exceed 10 percent per year, the denomination of the bonds,  
1134 whether or not the bonds are to be issued in one or more series,  
1135 the date or dates of maturity, which shall not exceed 40 years

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1136 from their respective dates of issuance, the medium of payment,  
1137 the place or places within or without the state where payment  
1138 shall be made, registration privileges, redemption terms and  
1139 privileges (whether with or without premium), the manner of  
1140 execution, the form of the bonds including any interest coupons  
1141 to be attached thereto, the manner of execution of bonds and  
1142 coupons, any and all other terms, covenants, and conditions  
1143 thereof, and the establishment of revenue or other funds. Such  
1144 authorizing resolution may further provide that such bonds may  
1145 be executed manually or by engraved, lithographed or facsimile  
1146 signature, provided that where signatures are engraved,  
1147 lithographed, or otherwise reproduced in facsimile no bond shall  
1148 be valid unless countersigned by a registrar or other officer  
1149 designated by appropriate resolution of the board. The seal of  
1150 the district may be affixed, lithographed, engraved, or  
1151 otherwise reproduced in facsimile on such bonds. In case any  
1152 officer whose signature shall appear on any bonds or coupons  
1153 shall cease to be such officer before the delivery of such  
1154 bonds, such signature or facsimile shall nevertheless be valid  
1155 and sufficient for all purposes the same as if he or she had  
1156 remained in office until such delivery.

1157 Section 24. Interim certificates; replacement  
1158 certificates.--Pending the preparation of definitive bonds, the  
1159 board may issue interim certificates or receipts or temporary  
1160 bonds, in such form and with such provisions as the board may  
1161 determine, exchangeable for definitive bonds when such bonds  
1162 shall have been executed and are available for delivery. The

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1163 board may also provide for the replacement of any bonds that  
 1164 become mutilated, lost, or destroyed.

1165 Section 25. Negotiability of bonds.--Any bond issued under  
 1166 this act and any interim certificate, receipt, or temporary bond  
 1167 shall, in the absence of an express recital on the face thereof  
 1168 that it is nonnegotiable, be fully negotiable and shall be and  
 1169 constitute negotiable instruments within the meaning and for all  
 1170 purposes of the law merchant and the laws of Florida.

1171 Section 26. Defeasance.--The board may make such provision  
 1172 with respect to the defeasance of the right, title, and interest  
 1173 of the holders of any of the bonds and obligations of the  
 1174 district in any revenues, funds, or other properties by which  
 1175 such bonds are secured as the board deems appropriate and,  
 1176 without limitation on the foregoing, may provide that when such  
 1177 bonds or obligations become due and payable or shall have been  
 1178 called for redemption, and the whole amount of the principal and  
 1179 interest and premium, if any, due and payable upon the bonds or  
 1180 obligations then outstanding shall be paid, or sufficient moneys  
 1181 or direct obligations of the United States Government the  
 1182 principal of and the interest on which when due will provide,  
 1183 sufficient moneys, shall be held or deposited in trust for such  
 1184 purpose, and provision shall also be made for paying all other  
 1185 sums payable in connection with such bonds or other obligations,  
 1186 then and in such event the right, title, and interest of the  
 1187 holders of the bonds in any revenues, funds, or other properties  
 1188 by which such bonds are secured shall thereupon cease,  
 1189 determine, and become void, and the board may apply any surplus  
 1190 in any sinking fund established in connection with such bonds or

1191 obligations and all balances remaining in all other funds or  
 1192 accounts other than money held for the redemption or payment of  
 1193 the bonds or other obligations to any lawful purpose of the  
 1194 district as the board shall determine.

1195 Section 27. Issuance of additional bonds.--If the proceeds  
 1196 of any bonds shall be less than the cost of completing the  
 1197 project in connection with which such bonds are issued, the  
 1198 board may authorize the issuance of additional bonds, upon such  
 1199 terms and conditions as the board may provide in the resolution  
 1200 authorizing the issuance thereof, but only in compliance with  
 1201 the resolution or other proceedings authorizing the issuance of  
 1202 the original bonds.

1203 Section 28. Refunding bonds.--The district shall have the  
 1204 power to issue bonds to provide for the retirement or refunding  
 1205 of any bonds or obligations of the district that at the time of  
 1206 such issuance are or subsequently thereto become due and  
 1207 payable, or that at the time of issuance have been called or are  
 1208 or will be subject to call for redemption within 10 years  
 1209 thereafter, or the surrender of which can be procured from the  
 1210 holders thereof at prices satisfactory to the board. Refunding  
 1211 bonds may be issued at any time when in the judgment of the  
 1212 board such issuance will be advantageous to the district. No  
 1213 approval of the qualified electors who are freeholders residing  
 1214 in the district shall be required for the issuance of refunding  
 1215 bonds except in cases where such approval is required by the  
 1216 State Constitution. The board may by resolution confer upon the  
 1217 holders of such refunding bonds all rights, powers, and remedies  
 1218 to which the holders would be entitled if they continued to be

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1219 the owners and had possession of the bonds for the refinancing  
 1220 of which said refunding bonds are issued, including, but not  
 1221 limited to, the preservation of the lien of such bonds on the  
 1222 revenues of any project or on pledged funds, without  
 1223 extinguishment, impairment, or diminution thereof. The  
 1224 provisions of this act pertaining to bonds of the district  
 1225 shall, unless the context otherwise requires, govern the  
 1226 issuance of refunding bonds, the form and other details thereof,  
 1227 the rights of the holders thereof, and the duties of the board  
 1228 with respect to the same.

1229 Section 29. Revenue bonds.--

1230 (1) The district shall have the power to issue revenue  
 1231 bonds from time to time without limitation as to amount. Such  
 1232 revenue bonds may be secured by or payable from the gross or net  
 1233 pledge of the revenues to be derived from any project or  
 1234 combination of projects; from the rates, fees, or other charges  
 1235 to be collected from the users of any project or projects; from  
 1236 any revenue-producing undertaking or activity of the district;  
 1237 or from any other source or pledged security. Such bonds shall  
 1238 not constitute an indebtedness of the district, and the approval  
 1239 neither of the qualified electors nor of the qualified electors  
 1240 who are freeholders shall be required unless such bonds are  
 1241 additionally secured by the full faith, credit, and taxing  
 1242 power of the district.

1243 (2) Any two or more projects may be combined and  
 1244 consolidated into a single project, and may thereafter be  
 1245 operated and maintained as a single project. The revenue bonds  
 1246 authorized herein may be issued to finance any one or more such

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1247 projects, regardless of whether or not such projects have been  
1248 combined and consolidated into a single project. If the board  
1249 deems it advisable, the proceedings authorizing such revenue  
1250 bonds may provide that the district may thereafter combine the  
1251 projects then being financed or theretofore financed with other  
1252 projects to be subsequently financed by the district, and that  
1253 revenue bonds to be thereafter issued by the district shall be  
1254 on parity with the revenue bonds then being issued, all on such  
1255 terms, conditions, and limitations as shall be provided, and may  
1256 further provide that the revenues to be derived from the  
1257 subsequent projects shall at the time of the issuance of such  
1258 parity revenue bonds be also pledged to the holders of any  
1259 revenue bonds theretofore issued to finance the revenue  
1260 undertakings which are later combined with such subsequent  
1261 projects. The district may pledge for the security of the  
1262 revenue bonds a fixed amount, without regard to any fixed  
1263 proportion of the gross revenues of any project.

1264 Section 30. General obligation bonds.--

1265 (1) The district shall have the power from time to time to  
1266 issue general obligation bonds in an aggregate principal amount  
1267 of bonds outstanding at any one time not in excess of 35 percent  
1268 of the assessed value of the taxable property within the  
1269 district as shown on the pertinent tax records at the time of  
1270 the authorization of the general obligation bonds for which the  
1271 full faith and credit of the district is pledged. Except for  
1272 refunding bonds, no general obligation bonds shall be issued  
1273 unless the issuance thereof shall have been approved at an  
1274 election of freeholders held in accordance with the requirements

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1275 for such election as prescribed by the State Constitution. Such  
 1276 elections shall be called to be held in the district by the  
 1277 Board of County Commissioners of Broward County upon the request  
 1278 of the board of the district. The expenses of calling and  
 1279 holding such referendum elections shall be borne by the district  
 1280 and the district shall reimburse the county for any expenses  
 1281 incurred in calling or holding such elections. In the  
 1282 alternative, at the option of the board, the board may make such  
 1283 other provision for the registration of such qualified electors  
 1284 who are freeholders and the calling and holding of such  
 1285 elections as the board may from time to time deem appropriate.

1286 (2) The district may pledge its full faith and credit for  
 1287 the payment of the principal and interest on such general  
 1288 obligation bonds, and for any reserve or other funds provided  
 1289 therefor, and may unconditionally and irrevocably pledge itself  
 1290 to levy ad valorem taxes on all taxable property in the  
 1291 district, to the extent necessary for the payment thereof,  
 1292 without limitations as to rate or amount.

1293 (3) If the board shall determine to issue general  
 1294 obligation bonds for more than one different purpose, the  
 1295 approval of the issuance of the bonds for each and all such  
 1296 purposes may be submitted to the freeholders on one and the same  
 1297 ballot. The failure of the freeholders to approve the issuance  
 1298 of bonds for any one or more purposes shall not defeat the  
 1299 approval of bonds for any purpose that shall be approved by the  
 1300 freeholders.

1301 Section 31. Bonds as legal investment or  
 1302 security.--Notwithstanding any provisions of any other law to

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1303 | the contrary, all bonds issued under the provisions of this act  
 1304 | shall constitute legal investments for savings banks, banks,  
 1305 | trust companies, insurance companies, executors, administrators,  
 1306 | trustees, guardians, and other fiduciaries, and for any board,  
 1307 | body, agency, instrumentality, county, municipality, or other  
 1308 | political subdivision of the state, and shall be and constitute  
 1309 | securities which may be deposited by banks or trust companies as  
 1310 | security for deposits of state, county, municipal, or other  
 1311 | public funds, or by insurance companies as required for  
 1312 | voluntary statutory deposits.

1313 |       Section 32. Covenants.--Any resolution authorizing the  
 1314 | issuance of bonds may contain such covenants as the board may  
 1315 | deem advisable and all such covenants shall constitute valid and  
 1316 | legally binding and enforceable contracts between the district  
 1317 | and the bondholders, regardless of the time of issuance thereof.  
 1318 | Such covenants may include, without limitation, covenants  
 1319 | concerning the disposition of the bond proceeds; the use and  
 1320 | disposition of project revenues; the pledging of revenues,  
 1321 | taxes, and assessments; the obligations of the district with  
 1322 | respect to the operation of the project and the maintenance of  
 1323 | adequate project revenues; the issuance of additional bonds; the  
 1324 | appointment, powers, and duties of trustees and receivers; the  
 1325 | acquisition of outstanding bonds and obligations; restrictions  
 1326 | on the establishing of competing projects or facilities;  
 1327 | restrictions on the sale or disposal of the assets and property  
 1328 | of the district; the priority of assessment liens; the priority  
 1329 | of claims by bondholders on the taxing power of the district;  
 1330 | the maintenance of deposits to ensure the payment of revenues by



1331 users of district facilities and services; the discontinuance of  
 1332 district services by reason of delinquent payments; acceleration  
 1333 upon default; the execution of necessary instruments; the  
 1334 procedure for amending or abrogating covenants with the  
 1335 bondholders; and such other covenants as may be deemed necessary  
 1336 or desirable for the security of the bondholders.

1337 Section 33. Validity of bonds; validation proceedings.--

1338 (1) Any bonds issued by the district shall be  
 1339 incontestable in the hands of bona fide purchasers or holders  
 1340 for value and shall not be invalid because of any irregularity  
 1341 or defects in the proceedings for the issue and sale thereof.  
 1342 Prior to the issuance of any bonds, the district may, but is not  
 1343 required to, publish a notice at least once in a newspaper or  
 1344 newspapers published or of general circulation in Broward County  
 1345 and within the district stating the date of adoption of the  
 1346 resolution authorizing such obligations, the amount, the maximum  
 1347 rate of interest and maturity of such obligations, and the  
 1348 purpose in general terms for which such obligations are to be  
 1349 issued, and further stating that any action or proceeding  
 1350 questioning the validity of such obligations or of the  
 1351 proceedings authorizing the issuance thereof, or of any of the  
 1352 covenants made therein, must be instituted within 20 days after  
 1353 the first publication of such notice, or the validity of such  
 1354 obligations, proceedings, and covenants shall not be thereafter  
 1355 questioned in any court whatsoever. If no such action or  
 1356 proceeding is so instituted within such 20-day period then the  
 1357 validity of such obligations, proceedings, and covenants shall  
 1358 be conclusive, and all persons or parties whatsoever shall be

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1359 forever barred from questioning the validity of such  
 1360 obligations, proceedings, or covenants in any court whatsoever.

1361 (2) The power of the district to issue bonds under the  
 1362 provisions of this act may be determined and any of the bonds of  
 1363 the district may be validated and confirmed by circuit court  
 1364 decree, under the provisions of chapter 75, Florida Statutes,  
 1365 and laws amendatory thereof or supplementary thereto.

1366 Section 34. Within act furnishes full authority for  
 1367 issuance of bonds.--This act constitutes full and complete  
 1368 authority for the issuance of bonds and the exercise of the  
 1369 powers of the district provided herein. No procedures or  
 1370 proceedings, publications, notices, consents, approvals, orders,  
 1371 acts, or things by the board, or any board, officers,  
 1372 commission, department, agency, or instrumentality of the  
 1373 district, other than those required by this act, shall be  
 1374 required to issue any bonds or to do any act or perform anything  
 1375 under this act, and the issuance or sale of bonds pursuant to  
 1376 the provisions of this act need not comply with the requirements  
 1377 of any other law applicable to the issuance or sale of bonds,  
 1378 except as otherwise provided in this act, and shall not require  
 1379 the consent or approval of the board of drainage commissioners  
 1380 of the state or of any other board, officers, commission,  
 1381 department, agency, or instrumentality of the state or any  
 1382 political subdivision thereof. Except as otherwise provided  
 1383 herein, no proceedings or procedures of any character whatever  
 1384 shall be necessary or required for the issuance of bonds other  
 1385 than the adoption of an appropriate resolution by the board as  
 1386 provided in this act with respect to the issuance of the same.

1387 The powers conferred by this act on the district with respect to  
 1388 the issuance and sale of bonds shall be in addition and  
 1389 supplemental to the powers conferred by any other law.

1390 Section 35. Pledge by the state to the bondholders of the  
 1391 district and to the Federal Government.--The state pledges to  
 1392 the holders of any bonds issued under this act that it will not  
 1393 limit or alter the rights of the district to own, acquire,  
 1394 construct, reconstruct, improve, maintain, operate, or furnish  
 1395 the projects or to levy and collect the taxes, assessments,  
 1396 rentals, rates, fees, and other charges provided for herein and  
 1397 to fulfill the terms of any agreement made with the holders of  
 1398 such bonds or other obligations, and that it will not in any way  
 1399 impair the rights or remedies of the holders.

1400 Section 36. Ad valorem taxes.--The board shall have the  
 1401 power to levy and assess an ad valorem tax on all the taxable  
 1402 real and tangible personal property in the district to pay the  
 1403 principal of and interest on any general obligation bonds of the  
 1404 district, to provide for any sinking or other funds established  
 1405 in connection with any such bonds. The ad valorem tax provided  
 1406 for herein shall be in addition to county and all other ad  
 1407 valorem taxes provided for by law. Such tax shall be assessed,  
 1408 levied, and collected in the same manner and same time as county  
 1409 taxes.

1410 Section 37. Annual installment taxes.--  
 1411 (1) The board shall annually determine, order, and levy  
 1412 the annual installment of the total taxes which are levied under  
 1413 section 298.36, Florida Statutes, which shall be due and be  
 1414 collected during each year that county taxes are due and

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1415 collected and said annual installment and levy shall be  
 1416 evidenced to and certified by the board not later than August  
 1417 31st of each year to the Broward County Property Appraiser. Said  
 1418 tax shall be entered by the county property appraiser on the  
 1419 county tax rolls and shall be collected by the Broward County  
 1420 Tax Collector in the same manner and the same time as county  
 1421 taxes and the proceeds thereof paid to the district. The tax  
 1422 shall be a lien until paid on the property against which  
 1423 assessed and enforceable in like manner as county taxes.

1424 (2) In the alternative, the board may by resolution  
 1425 determine the amount of taxes as provided by chapter 298,  
 1426 Florida Statutes, and thereafter the annual installments shall  
 1427 be levied, collected and enforced as provided in chapter 298,  
 1428 Florida Statutes.

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

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1443 for other drainage improvements owned, operated, or acquired by  
1444 the district, the amount of said maintenance tax shall be  
1445 determined by the board based upon a report of the chief  
1446 engineer and assessed by the board, upon such lands, which may  
1447 be all of the lands within the district benefited by the  
1448 maintenance thereof, apportioned between the benefited lands in  
1449 proportion to the benefits received by each tract of land.

1450 Section 39. Enforcement of taxes.--The collection and  
1451 enforcement of all taxes levied by the district shall be at the  
1452 same time and in like manner as county taxes and the provision  
1453 of the Florida Statutes relating to the sale of lands for unpaid  
1454 and delinquent county taxes, the issuance, sale, and delivery of  
1455 tax certificates for such unpaid and delinquent county taxes,  
1456 the redemption thereof, the issuance to individuals of tax deeds  
1457 based thereon, and all other procedures in connection therewith  
1458 shall be applicable to the district to the same extent as if  
1459 said statutory provisions were expressly set forth herein. All  
1460 taxes shall be subject to the same discounts as county taxes.

1461 Section 40. When unpaid tax is delinquent; penalty.--All  
1462 taxes provided for in this act shall become delinquent and bear  
1463 penalties on the amount of said taxes in the same manner as  
1464 county taxes.

1465 Section 41. Tax exemption.--As the exercise of the powers  
1466 conferred by this act constitute the performance of essential  
1467 public functions, and as the projects of the district will  
1468 constitute public property used for public purposes, all assets  
1469 and properties of the district, and all bonds issued hereunder  
1470 and interest paid thereon, and all fees, charges, and other

1471 revenues derived by the district from the projects provided by  
 1472 this act shall be exempt from all taxes by the state or by any  
 1473 political subdivision, agency, or instrumentality thereof;  
 1474 provided, however, that nothing in this act shall be deemed to  
 1475 exempt from taxation any property, project, facility, or  
 1476 business activity or enterprise that cannot validly be  
 1477 undertaken as a public function by special taxing districts or  
 1478 other public bodies under the laws and constitution of this  
 1479 state; and further, that nothing in this act shall be deemed to  
 1480 exempt any property, project, facility, or business activity or  
 1481 enterprise of the district, or revenues derived therefrom, which  
 1482 would be subject to taxation under the general laws of Florida  
 1483 if such property, project, or facility were owned or undertaken  
 1484 by a municipal corporation.

1485 Section 42. Special assessments.--

1486 (1) The board may provide for the construction or  
 1487 reconstruction of assessable improvements as defined in section  
 1488 4, and for the levying of special assessments upon benefited  
 1489 property for the payment thereof, under the provisions of this  
 1490 section.

1491 (2) Such special assessments may be levied and assessed in  
 1492 either of the alternate methods provided in subsection (6) or  
 1493 subsection (7), and except for such procedure, all the other  
 1494 provisions of this section and this act shall apply to levy of  
 1495 such special assessments under either subsection (6) or  
 1496 subsection (7).

1497 (3) The initial proceeding under subsection (6) or  
 1498 subsection (7) of this section shall be the passage by the board

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1499 of a resolution ordering the construction or reconstruction of  
1500 such assessable improvements, indicating the location by  
1501 terminal points and routes and either giving a description of  
1502 the improvements by its material, nature, character, and size or  
1503 giving two or more descriptions with the directions that the  
1504 material, nature, character, and size shall be subsequently  
1505 determined in conformity with one of such descriptions. Drainage  
1506 improvements need not be continuous and may be in more than one  
1507 locality. The resolution ordering any such improvement may give  
1508 any short and convenient designation to each improvement ordered  
1509 thereby, and the property against which assessments are to be  
1510 made for the cost of such improvement may give any short and  
1511 convenient designation to each improvement ordered thereby, and  
1512 the property against which assessments are to be made for the  
1513 cost of such improvement may be designated as an assessment  
1514 district, followed by a letter, number, or name to distinguish  
1515 it from other assessment districts, after which it shall be  
1516 sufficient to refer to such improvement and property by such  
1517 designation in all proceedings and assessments, except in the  
1518 notices required by this section.

1519 (4) As soon as possible after the passage of such  
1520 resolution the engineer for the district shall prepare, in  
1521 duplicate, plans and specifications for each improvement ordered  
1522 thereby and an estimate of the cost thereof. Such cost shall  
1523 include, in addition to the items of cost as defined in this  
1524 act, the following items of incidental expenses:

1525 (a) Printing and publishing notices and proceedings.

1526 (b) Costs of abstracts of title.

1527        (c) Any other expense necessary or proper in conducting  
1528 the proceedings and work provided for in this section, including  
1529 the estimated amount of discount, if any, financial expenses  
1530 upon the sale of assessment bonds or any other obligations  
1531 issued hereunder for which such special assessment bonds or any  
1532 other obligations issued hereunder for which such special  
1533 assessments are to be pledged, and interest prior to and until  
1534 not more than 2 years after the completion of said assessable  
1535 improvements. If the resolution shall provide alternative  
1536 descriptions of material, nature, character and size, such  
1537 estimate shall include an estimate of the cost of the  
1538 improvement of each such description.

1539        (5) The district engineer shall next prepare in duplicate  
1540 a tentative apportionment of the estimated total cost of the  
1541 improvement as between the district and each lot or parcel of  
1542 land subject to special assessment under the resolution, such  
1543 apportionment to be made in accordance with the provisions of  
1544 the resolution and in relation to apportionment of cost provided  
1545 herein for the preliminary assessment roll. Such tentative  
1546 apportionment of total estimated cost shall not be held to limit  
1547 or restrict the duties of the engineer in the preparation of  
1548 such preliminary assessment roll under subsection (6). One of  
1549 the duplicates of such plans, specifications, and estimates and  
1550 such tentative apportionment shall be filed with the secretary  
1551 of the board and the other duplicate shall be retained by the  
1552 engineer in his or her files, all thereof to remain open to  
1553 public inspection.



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1554        (6) (a) If the special assessments are to be levied under  
1555 this subsection, the secretary of the board upon filing with him  
1556 or her of such plans, specifications, estimates, and tentative  
1557 apportionment of cost shall publish once in a newspaper  
1558 published in Broward County in general circulation within the  
1559 district, a notice stating that at a meeting of the board on a  
1560 certain day and hour, not earlier than 15 days after such  
1561 publication, the board will hear objections of all interested  
1562 persons to the confirmation of such resolution, which notice  
1563 shall state in brief and general terms a description of the  
1564 proposed assessable improvements with the location thereof, and  
1565 shall also state that plans, specifications, estimates, and  
1566 tentative apportionment of cost thereof are on file with the  
1567 secretary of the board. A copy of the notice shall be mailed to  
1568 the landowners of the land to be benefited by construction of  
1569 the assessable improvement. The landowners shall be determined  
1570 by reference to the last available tax roll of Broward County.  
1571 The secretary of the board shall keep a record in which shall be  
1572 inscribed, at the request of any person, firm, or corporation  
1573 having or claiming to have any interest in any lot or parcel of  
1574 land, the name and post office address of such person, firm, or  
1575 corporation, together with a brief description or designation of  
1576 such lot or parcel, and it shall be the duty of the secretary of  
1577 the board to mail a copy of such notice to such person, firm, or  
1578 corporation at such address at least 10 days before the time for  
1579 the hearing as stated in such notice, but the failure of the  
1580 secretary of the board to keep such record or so to inscribe any  
1581 name or address or to mail any such notice shall not constitute

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1582 a valid objection to holding the hearing as provided in this  
1583 section or to any other action taken under the authority of this  
1584 section.

1585 (b) At the time named in such notice, or to which an  
1586 adjournment may be taken by the board, the board shall receive  
1587 any objections of interested persons and may then or thereafter  
1588 repeal or confirm such resolution with such amendments, if any,  
1589 as may be desired by the board and which do not cause any  
1590 additional property to be specially assessed.

1591 (c) All objections to any such resolution on the ground  
1592 that it contains items which cannot be properly assessed against  
1593 property, or that it is, for any default or defect in the  
1594 passage or character of the resolution or the plans or  
1595 specifications or estimate, void or voidable in whole or in  
1596 part, or that it exceeds the power of the board, shall be made  
1597 in writing in person or by attorney, and filed with the  
1598 secretary of the board at or before the time or adjourned time  
1599 of such hearing. Any objections against the making of any  
1600 assessable improvements not so made shall be considered as  
1601 waived, and if any objection shall be made and overruled or  
1602 shall not be sustained, the confirmation of the resolution shall  
1603 be the final adjudication of the issue presented unless proper  
1604 steps shall be taken in a court of competent jurisdiction to  
1605 secure relief within 20 days.

1606 (d) Whenever any resolution providing for the construction  
1607 or reconstruction of assessable improvements and for the levying  
1608 of special assessments upon benefited property for the payment  
1609 thereof shall have been confirmed, and said special assessments

1610 are levied under this subsection as herein above provided, or at  
 1611 any time thereafter, the board may issue assessment bonds  
 1612 payable out of such assessments when collected. Such bonds shall  
 1613 mature not later than 2 years after the maturity of the last  
 1614 annual installment in which said special assessments may be  
 1615 paid, as provided in subsection (7), and shall bear such  
 1616 interest as the board may determine not to exceed 10 percent per  
 1617 year. Such assessment bonds shall be executed, shall have such  
 1618 provisions for redemption prior to maturity, and shall be sold  
 1619 in the manner and be subject to all of the applicable provisions  
 1620 contained in this act applicable to other bonds, except as the  
 1621 same are inconsistent with the provisions of this section. The  
 1622 amount of such assessment bonds for any assessable improvement,  
 1623 prior to the confirmation of the preliminary assessment roll  
 1624 provided for in this subsection shall not exceed the estimated  
 1625 amount of the cost of such assessable improvements which are to  
 1626 be specially assessed against the lands and real estate of the  
 1627 engineer referred to in this section.

1628 (e) After the passage of the resolution authorizing the  
 1629 construction or reconstruction of assessable improvements has  
 1630 been confirmed as provided for above where special assessments  
 1631 are levied under this subsection or after the final confirmation  
 1632 of the assessment roll where such assessments are levied under  
 1633 subsection (7), the board may publish at least once in a  
 1634 newspaper published in Broward County in general circulation  
 1635 within the district, a notice calling for sealed bids to be  
 1636 received by the board on a date not earlier than 15 days after  
 1637 the first publication for the construction of the work, unless

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1638 in the initial resolution the board shall have declared its  
1639 intention to have the work done by district forces without  
1640 contract. The notice shall refer in general terms to the extent  
1641 and nature of the improvements and may identify the same by the  
1642 short designation indicated in the initial resolution and by  
1643 reference to the plans and specifications on file. If the  
1644 initial resolution shall have given two or more alternative  
1645 descriptions of the assessable improvements as to its material,  
1646 nature, character, and size, and if the board shall not have  
1647 theretofore determined upon a definite description, the notice  
1648 shall call for bids upon each of such descriptions. Bids may be  
1649 requested for the work as whole or for any part thereof  
1650 separately and bids may be asked for any one or more of such  
1651 assessable improvements authorized by the same or different  
1652 resolutions, but any bid covering work upon more than one  
1653 improvement shall be in such form as to permit a separation of  
1654 cost as to each improvement. The notice shall require bidders to  
1655 file with their bids either a certified check drawn upon an  
1656 incorporated bank or trust company in such amount or percentage  
1657 of their respective bids, as the board shall deem advisable, or  
1658 a bid bond in like amount with corporate surety satisfactory to  
1659 the board to insure the execution of a contract to carry out the  
1660 work in accordance with such plans and specifications and insure  
1661 the filing at the making of such contract, of a bond in the  
1662 amount of the contract price with corporate surety satisfactory  
1663 to the board conditioned for the performance of the work in  
1664 accordance with such contract. The board shall have the right to  
1665 reject any or all bids, and if all bids are rejected the board

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1666 may readvertise or may determine to do the work by the district  
1667 forces without contract.

1668 (f) Promptly after the completion of the work, in the case  
1669 of special assessments levied under subsection (6), the engineer  
1670 for the district, who is hereby designated as the official of  
1671 the district to make the preliminary assessment of benefits from  
1672 assessable improvements, shall prepare a preliminary assessment  
1673 roll and file the same with the secretary of the board which  
1674 roll shall contain the following:

1675 1. A description of abutting lots and parcels of land or  
1676 lands which will benefit from such assessable improvements and  
1677 the amount of such benefits to each such lot or parcel of land.  
1678 Such lots and parcels shall include the property of Broward  
1679 County and any school district or other political subdivision.  
1680 There shall also be given the name of the owner of record of  
1681 each lot or parcel where practicable, and in all cases there  
1682 shall be given a statement of the method of assessment used by  
1683 the engineer for determining the benefits.

1684 2. The total cost of the improvements and the amount of  
1685 incidental expense.

1686 (g) The preliminary roll shall be advisory only and shall  
1687 be subject to the action of the board as hereafter provided.  
1688 Upon the filing with the secretary of the board of the  
1689 preliminary assessment roll, the secretary of the board shall  
1690 publish at least once in a newspaper published in Broward County  
1691 in general circulation within the district a notice stating that  
1692 at a meeting of the board to be held on a certain day and hour,  
1693 not less than 15 days from the date of such publication, which

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1694 meeting may be a regular, adjourned, or special meeting, all  
1695 interested persons may appear and file written objections to the  
1696 confirmation of such roll. Such notice shall state the class of  
1697 the assessable improvements and the location thereof by terminal  
1698 points and route.

1699 (h) At the time and place stated in such notice, the board  
1700 shall meet and receive the objections in writing of all  
1701 interested persons as stated in such notice. The board may  
1702 adjourn the hearing from time to time. After the completion  
1703 thereof the board shall annul, sustain, or modify in whole or in  
1704 part the prima facie assessment as indicated on such roll,  
1705 either by confirming the prima facie assessment against any or  
1706 all lots or parcels described therein or by canceling,  
1707 increasing, or reducing the same, according to the special  
1708 benefits which the board decides each such lot or parcel has  
1709 received or will receive on account of such improvement. If any  
1710 property that may be chargeable under this section shall have  
1711 been omitted from the preliminary roll or if the prima facie  
1712 assessment shall not have been made against it, the board may  
1713 place on such roll an apportionment to such property. The board  
1714 shall not confirm any assessment in excess of the special  
1715 benefits to the property assessed and the assessments so  
1716 confirmed shall be in proportion to the special benefits.  
1717 Forthwith after such confirmation such assessment roll shall be  
1718 delivered to the secretary of the board. The assessment so made  
1719 shall be final and conclusive as to each lot or parcel assessed  
1720 unless proper steps are taken within 30 days in a court of  
1721 competent jurisdiction to secure relief. If the assessment

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1722 against any property shall be sustained or reduced or abated by  
1723 the court, the secretary of the board shall note that fact on  
1724 the assessment roll opposite the description of the property  
1725 affected thereby. The amount of the special assessment against  
1726 any lot or parcel which may be abated by the court, unless the  
1727 assessment upon all benefited property be abated, or the amount  
1728 by which such assessment is so reduced, may by resolution of the  
1729 board be made chargeable against the district at large; or, at  
1730 the discretion of the board, a new assessment roll may be  
1731 prepared and confirmed in the manner herein above provided for  
1732 the preparation and confirmation of the original assessment  
1733 roll.

1734 (i) Pending the final confirmation of such special  
1735 assessments in the manner provided in this subsection, the  
1736 district shall have a lien on all such lands and real estate  
1737 after the confirmation of the initial resolution, in the manner  
1738 provided in this subsection.

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

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1750 other duplicate shall be retained by the district engineer in  
 1751 his or her files, all thereof to remain open to public  
 1752 inspection.

1753 (b) Upon the completion and filing of said assessment roll  
 1754 the secretary to the board shall cause a copy thereof to be  
 1755 published once in a newspaper published in Broward County and in  
 1756 general circulation within the district, together with a notice  
 1757 directed to all property owners interested in said special  
 1758 assessments, stating that at a meeting of the board on a certain  
 1759 day and hour, not earlier than 15 days after such publication,  
 1760 the board sitting as an equalizing board, will hear objections  
 1761 of all interested persons to the final confirmation of such  
 1762 assessment roll, and will finally confirm such assessment roll  
 1763 or take such action relative thereto as it deems necessary and  
 1764 advisable. A copy of the notice shall be mailed to the  
 1765 landowners of the land to be benefited by construction of the  
 1766 assessable improvement. The landowners shall be determined by  
 1767 reference to the last available tax roll of Broward County. The  
 1768 secretary of the board shall keep a record in which shall be  
 1769 inscribed, at the request of any person, firm, or corporation  
 1770 having or claiming to have any interest in any lot or parcel of  
 1771 land, the name and post office address of such person, firm, or  
 1772 corporation, together with a brief description or designation of  
 1773 such lot or parcel, and it shall be the duty of the secretary of  
 1774 the board to mail a copy of such notice to such person, firm, or  
 1775 corporation at such address at least 10 days before the time for  
 1776 the hearing as stated in such notice, but the failure of the  
 1777 secretary of the board to keep such record or so to inscribe any



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1778 name or address or to mail any such notice shall not constitute  
1779 a valid objection to holding the hearing as provided in this  
1780 section or to any other action taken under the authority of this  
1781 section.

1782 (c) At the time and place named in the notice provided for  
1783 in the paragraph (b), the board shall meet as an equalizing  
1784 board to hear and consider any and all complaints as to said  
1785 special assessments, and shall adjust and equalize the said  
1786 special assessments on a basis of justice and right, and when so  
1787 equalized and approved such special assessments shall stand  
1788 confirmed and remain legal, valid, and binding liens upon the  
1789 properties upon which such special assessments are made, until  
1790 paid in accordance with the provisions of this act; provided,  
1791 however, that upon the completion of such improvements, if the  
1792 actual cost of such assessable improvements is less than the  
1793 amount of such special assessments levied, the district shall  
1794 rebate to the owners of any properties which shall have been  
1795 specially assessed for such assessable improvements the  
1796 difference in the special assessments as originally made,  
1797 levied, and confirmed, and the proportionate part of the actual  
1798 cost of said assessable improvements as finally determined upon  
1799 the completion of said assessable improvements; and in the event  
1800 that the actual cost of said assessable improvements shall be  
1801 more than the amount of such special assessments confirmed and  
1802 levied, finally determined upon the completion of said  
1803 assessable improvements, the proportionate part of such excess  
1804 cost of such assessable improvements may be levied against all  
1805 of the lands and properties against which such special

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1806 assessments were originally levied, or, in the alternative, the  
1807 board may, in its discretion, pay such excess cost from any  
1808 legally available funds.

1809 (d) All objections to any such assessment roll on the  
1810 ground that it contains items which cannot be properly assessed  
1811 against property, or that it is, for any default or defect in  
1812 the passage or character of the assessment roll or the plans or  
1813 specifications or estimate, void or voidable in whole or in  
1814 part, or that it exceeds the power of the board, shall be made  
1815 in writing in person or by attorney, and filed with the  
1816 secretary of the board at or before the time or adjourned time  
1817 of such hearing on the assessment roll. Any objections against  
1818 the making of any assessable improvements not so made shall be  
1819 considered as waived, and if any objections shall be made and  
1820 overruled or shall not be sustained, the confirmation of the  
1821 assessment roll shall be the final adjudication of the issue  
1822 presented unless proper steps shall be taken in a court of  
1823 competent jurisdiction to secure relief within 20 days.

1824 (e) All the provisions of subsection (6) not inconsistent  
1825 with this subsection shall apply to the levy of special  
1826 assessments under this subsection.

1827 (8) (a) Any assessment may be paid at the office of the  
1828 secretary of the board within 60 days after the confirmation  
1829 thereof, without interest. Thereafter all assessments shall be  
1830 payable in equal installments, with interest as determined by  
1831 the board, not to exceed 10 percent per year, from the  
1832 expiration of said 60 days in each of the succeeding number of  
1833 years which the board shall determine by resolution, not

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1834 exceeding 20; provided, however, that the board may provide that  
 1835 any assessment may be paid at any time before due, together with  
 1836 interest accrued thereon to the date of payment, if such prior  
 1837 payment shall be permitted by the proceedings authorizing any  
 1838 assessment bonds or other obligations for the payment of which  
 1839 such special assessments have been pledged.

1840 (b) All such special assessments levied pursuant to this  
 1841 act may, in the discretion of the board, be collected by the tax  
 1842 collector of the county at the same time as the general county  
 1843 taxes are collected by the tax collector of the county, and the  
 1844 board shall in such event certify to the county tax collector in  
 1845 each year a list of all such special assessments and a  
 1846 description of and names of the owners of the properties against  
 1847 such special assessments have been levied and the amounts due  
 1848 thereof in such year, and interest thereon for any deficiencies  
 1849 for prior years. The amount to be collected in such year may  
 1850 include, in the discretion of the board, the principal  
 1851 installment of such special assessments which will become due at  
 1852 any time in the next succeeding fiscal year, and all or any part  
 1853 of the interest which will become due on such special  
 1854 assessments during such next fiscal year, together with any  
 1855 deficiencies for prior years.

1856 (c) The board may, in lieu of providing for the collection  
 1857 of said special assessments by the tax collector of the county,  
 1858 provide for the collection of said special assessments by the  
 1859 district under such terms and conditions as the board shall  
 1860 determine. In such event, the bills or statements for the  
 1861 amounts due in any fiscal year shall be mailed to the owners of

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1862 all properties affected by such special assessments at such time  
1863 or times as the board shall determine and such bills or  
1864 statements may include all or any part of the principal and  
1865 interest which will mature and become due on the annual  
1866 installments of such special assessments during the fiscal year  
1867 in which installments of such special assessments are payable.

1868 (d) All charges of the county tax collector or of the  
1869 district, and the fees, costs, and expenses of any paying  
1870 agents, trustees, or other fiduciaries for assessment bonds  
1871 issued under this act, shall be deemed to be costs of the  
1872 operation and maintenance of any drainage improvements in  
1873 connection with which such special assessments were levied and  
1874 the board shall be authorized and directed to provide for the  
1875 payment each year of such costs of collection, fees, and other  
1876 expenses from the maintenance tax as provided in this act as  
1877 shall be mutually agreed upon between the board and the county  
1878 tax collector as additional compensation for his or her services  
1879 for each such assessment district in which the special  
1880 assessments are collected by him or her.

1881 (e) All assessments shall constitute a lien upon the  
1882 property so assessed from the date of final confirmation  
1883 thereof, of the same nature and to the same extent as the lien  
1884 for general county taxes falling due in the same year or years  
1885 in which such assessments or installments thereof fall due, and  
1886 any assessment or installment not paid when due shall be  
1887 collectable with such interest and with reasonable attorney's  
1888 fee and costs, but without penalties, by the district by  
1889 proceedings in a court of equity to foreclose the line of

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1890 assessments as a lien for mortgages is or may be foreclosed  
 1891 under the laws of the state; provided that any such proceedings  
 1892 to foreclose shall embrace all installments of principal  
 1893 remaining unpaid with accrued interest thereon, which  
 1894 installments shall, by virtue of the institution of such  
 1895 proceedings, immediately become due and payable. Nevertheless,  
 1896 if, prior to any sale of the property under decree of  
 1897 foreclosure in such proceedings, payment is made of the  
 1898 installment or installments which are shown to be due under the  
 1899 provisions of subsection (6) or subsection (7), and by this  
 1900 subsection and all costs, including interest and reasonable  
 1901 attorney's fees, such payment shall have the effect of restoring  
 1902 the remaining installments to their original maturities as  
 1903 provided by the resolution passed pursuant to subsection (8) and  
 1904 the proceedings shall be dismissed. It shall be the duty of the  
 1905 board to enforce the prompt collection of assessment by the  
 1906 means herein provided, and such duty may be enforced at the suit  
 1907 of any holder of bonds issued under this act in a court of  
 1908 competent jurisdiction by mandamus or other appropriate  
 1909 proceedings or action. Not later than 30 days after the annual  
 1910 installments are due and payable, it shall be the duty of the  
 1911 board to direct the attorney for the district to institute  
 1912 actions within 2 months after such direction to enforce the  
 1913 collection of all special assessments for assessable  
 1914 improvements made under this section and remaining due and  
 1915 unpaid at the time of such direction. Such action shall be  
 1916 prosecuted in the manner and under the conditions in and under  
 1917 which mortgages are foreclosed under the laws of the state. It

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1918 shall be lawful to join in one action the collection of  
 1919 assessments against any or all property assessed by virtue of  
 1920 the same assessment roll unless the court shall deem such  
 1921 joinder prejudicial to the interest of any defendant. The court  
 1922 shall allow a reasonable attorney's fee for the attorney for the  
 1923 district and the same shall be collectable as a part of or in  
 1924 addition to the costs of the action. At the sale pursuant to  
 1925 decree in any such action, the district may be a purchaser to  
 1926 the same extent as an individual person or corporation, except  
 1927 that the part of the purchase price represented by the  
 1928 assessments sued upon and the interest thereon need not be paid  
 1929 in cash. Property so acquired by the district may be sold or  
 1930 otherwise disposed of.

1931 (f) All assessments and charges made under the provisions  
 1932 of this section for the payment of all or any part of the cost  
 1933 of any assessable improvements for which assessment bonds shall  
 1934 have been issued under the provisions of this act, or which have  
 1935 been pledged as additional security for any other bonds or  
 1936 obligations issued under this act, shall be maintained in a  
 1937 special fund or funds and be used only for the payment of  
 1938 principal or interest on such assessment bonds or other bonds or  
 1939 obligations.

1940 (g) Broward County and each school district and other  
 1941 political subdivision wholly or partly within the district shall  
 1942 possess the same power and be subject to the same duties and  
 1943 liabilities in respect of assessments under this section  
 1944 affecting the real estate of such county, school district, or  
 1945 other political subdivision which private owners of real estate

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1946 possess or are subject to hereunder, and such real estate of any  
 1947 such county, school district, and political subdivision shall be  
 1948 subject to liens for said assessments in all cases where the  
 1949 same property would be subject to such liens had it at the time  
 1950 the lien attached been owned by a private owner.

1951 Section 43. Issuance of certificates of indebtedness based  
 1952 on assessments for assessable improvements; assessment bonds.--

1953 (1) The board may, after any assessments for assessable  
 1954 improvements are made, determined, and confirmed as provided in  
 1955 section 42, issue certificates of indebtedness for the amount so  
 1956 assessed against the abutting property or property otherwise  
 1957 benefited, as the case may be, and separate certificates shall  
 1958 be issued against each part or parcel of land or property  
 1959 assessed, which certificates shall state the general nature of  
 1960 the improvement for which the said assessment is made. Said  
 1961 certificates shall be payable in annual installments in  
 1962 accordance with the installments of the special assessment for  
 1963 which they are issued. The board may determine the interest to  
 1964 be borne by such certificates, not to exceed 10 percent per  
 1965 year, and may sell such certificates at either private or public  
 1966 sale and determine the form, manner of execution, and other  
 1967 details of such certificates. Such certificates shall recite  
 1968 that they are payable only from the special assessments levied  
 1969 and collected from the part or parcel of land or property  
 1970 against which they are issued. The proceeds of such certificates  
 1971 may be pledged for the payment of principal of and interest on  
 1972 any revenue bonds or general obligation bonds issued to finance  
 1973 in whole or in part such assessable improvement, or, if not so

1974 | pledged, may be used to pay the cost or part of the cost of such  
 1975 | assessable improvements.

1976 |       (2) The district may also issue assessment bonds or other  
 1977 | obligations payable from a special fund into which such  
 1978 | certificates of indebtedness referred to in the subsection (1)  
 1979 | may be deposited; or, if such certificates of indebtedness have  
 1980 | not been issued, the district may assign to such special fund  
 1981 | for the benefit of the holders of such assessment bonds or other  
 1982 | obligations, or to a trustee for such bondholders, the  
 1983 | assessment liens provided for in this act unless such  
 1984 | certificates of indebtedness or assessment liens have been  
 1985 | theretofore pledged for any bonds or other obligations  
 1986 | authorized hereunder. In the event of the creation of such  
 1987 | special fund and the issuance of such assessment bonds or other  
 1988 | obligations, the proceeds of such certificates of indebtedness  
 1989 | of assessment liens deposited therein shall be used only for the  
 1990 | payment of the assessment bonds or other obligations issued as  
 1991 | provided in this section. The district is hereby authorized to  
 1992 | covenant with the holders of such assessment bonds or other  
 1993 | obligations that it will diligently and faithfully enforce and  
 1994 | collect all the special assessments and interest and penalties  
 1995 | thereon for which such certificates of indebtedness or  
 1996 | assessment liens have been deposited in or assigned to such fund  
 1997 | and to foreclose such assessment liens so assigned to such  
 1998 | special fund or represented by the certificates of indebtedness  
 1999 | deposited in said special fund, after such assessment liens have  
 2000 | become delinquent, and deposit the proceeds derived from such  
 2001 | foreclosure, including interest and penalties, in such special



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2002 | fund, and to make any other covenants deemed necessary or  
 2003 | advisable in order to properly secure the holders of such  
 2004 | assessment bonds or other obligations.

2005 |       (3) The assessment bonds or other obligations issued  
 2006 | pursuant to this section shall have such dates of issue and  
 2007 | maturity as shall be deemed advisable by the board, provided,  
 2008 | however, that the maturities of such assessment bonds or other  
 2009 | obligations shall not be more than 2 years after the due date of  
 2010 | the last installment which will be payable on any of the special  
 2011 | assessments for which such assessment liens, or the certificates  
 2012 | of indebtedness representing such assessment liens, are assigned  
 2013 | to or deposited in such special fund.

2014 |       (4) Such assessment bonds or other obligations issued  
 2015 | under this section shall bear such interest as the board may  
 2016 | determine not to exceed 10 percent per year, shall be executed,  
 2017 | shall have such provisions for redemption prior to maturity, and  
 2018 | shall be sold in the manner and be subject to all of the  
 2019 | applicable provisions contained in this act for revenue bonds,  
 2020 | except as the same may be inconsistent with the provisions of  
 2021 | this section.

2022 |       (5) All assessment bonds or other obligations issued under  
 2023 | the provisions of this act, except certificates of indebtedness  
 2024 | issued against separate lots or parcels of land or property as  
 2025 | provided in this section, shall be and constitute and have all  
 2026 | the qualities and incidents of negotiable instruments under the  
 2027 | law merchant and the laws of the state.

2028 |       Section 44. Foreclosure of liens.--Any lien in favor of  
 2029 | the district arising under chapter 298, Florida Statutes, or

2030 under this act may be foreclosed by the district by foreclosure  
 2031 proceedings in the name of the district in the circuit court in  
 2032 like manner as is provided in chapter 173, Florida Statutes, and  
 2033 amendments thereto, and the provisions of said chapter shall be  
 2034 applicable to such proceedings with the same force and effect as  
 2035 if said provisions were expressly set forth in this act. Any act  
 2036 required or authorized to be done by or on behalf of a city or  
 2037 town in foreclosure proceedings under chapter 173, Florida  
 2038 Statutes, may be performed by such officer or agent of the  
 2039 district as the board of supervisors may designate. Such  
 2040 foreclosure proceedings may be brought at any time after the  
 2041 expiration of 1 year after the date any tax, or installment  
 2042 thereof, becomes delinquent.

2043 Section 45. Payment of taxes and redemption of tax liens  
 2044 by the district; sharing in proceeds of tax sale under section  
 2045 197.520, Florida Statutes, as amended.--

2046 (1) The district has the right to:

2047 (a) Pay any delinquent state, county, district, municipal,  
 2048 or other tax or assessment upon lands located wholly or  
 2049 partially within the boundaries of the district.

2050 (b) Redeem or purchase any tax sales certificate issued or  
 2051 sold on account of any state, county, district, municipal, or  
 2052 other taxes or assessments upon lands located wholly or  
 2053 partially within the boundaries of the district.

2054 (2) Delinquent taxes paid, or tax sales certificates  
 2055 redeemed or purchased, by the district, together with all  
 2056 penalties for the default in payment of the same and all costs  
 2057 in collecting the same and a reasonable attorney's fee, shall

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2058 | constitute a lien in favor of the district of equal dignity with  
 2059 | the liens of state and county taxes and other taxes of equal  
 2060 | dignity with state and county taxes, upon all the real property  
 2061 | against which said taxes were levied. The lien of the district  
 2062 | may be foreclosed in the manner provided in this act.

2063 | (3) In any sale of land pursuant to section 197.520,  
 2064 | Florida Statutes, and amendments thereto, the district may  
 2065 | certify to the clerk of the circuit court of the county holding  
 2066 | such sale, the amount of taxes due to the district upon the  
 2067 | lands sought to be sold, and the district shall share in the  
 2068 | disbursement of the sales proceeds in accordance with the  
 2069 | provisions of this act and under law.

2070 | Section 46. Mandatory use of certain district facilities  
 2071 | and services.--The district may require all lands, buildings,  
 2072 | and premises, and all persons, firms, and corporations within  
 2073 | the district to use the drainage, reclamation, and water and  
 2074 | sewer facilities of the district. Subject to such exceptions as  
 2075 | may be provided by the resolutions, rules, or bylaws of the  
 2076 | board, and subject to the terms and provisions of any resolution  
 2077 | authorizing any bonds and agreements with bondholders, no  
 2078 | drainage and reclamation or water and sewer facilities shall be  
 2079 | constructed or operated within the district unless the board  
 2080 | gives its consent thereto and approves the plans and  
 2081 | specifications therefor.

2082 | Section 47. Bids required.--No contract shall be let by  
 2083 | the board for the construction or maintenance of any project  
 2084 | authorized by this act, nor shall any goods, supplies, or  
 2085 | materials be purchased when the amount thereof to be paid by

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2086 said district shall exceed \$4,000, unless notice of bids shall  
2087 be advertised once a week for 2 consecutive weeks in a newspaper  
2088 published in Broward County and in general circulation within  
2089 the district, and in each case the bid of the lowest responsible  
2090 bidder shall be accepted, unless all bids are rejected because  
2091 the bids are too high. The board may require the bidders to  
2092 furnish bond with responsible surety to be approved by the  
2093 board. Nothing in this section shall prevent the board from  
2094 undertaking and performing the construction, operation, and  
2095 maintenance of any project or facility authorized by this act,  
2096 by the employment of labor, material, and machinery.

2097 Section 48. Maintenance of projects across rights-of-  
2098 way.--The district shall have the power to construct and operate  
2099 its projects in, along, or under any dedications to the public,  
2100 platted rights-of-way, platted reservations, streets, alleys,  
2101 highways, or other public places or ways, and across any drain,  
2102 ditch, canal, floodway, holding basin, excavation, grade, fill,  
2103 or cut, within or without the district.

2104 Section 49. Agreements with state commissions and  
2105 others.--The board shall have the power to retain and enter into  
2106 agreements with fiscal agents, financial advisors, state  
2107 commissions, engineers, and other consultants or advisors with  
2108 respect to the issuance and sale of any bonds, and the cost and  
2109 expense thereof may be treated as part of the cost and expense  
2110 of such project. Upon request of the board any state commission  
2111 may provide such technical assistance or other services relating  
2112 to bond issues as may be necessary or desirable under the  
2113 circumstances.

2114 Section 50. Agreements with other political bodies for the  
 2115 joint discharge of common functions.--The board and any other  
 2116 political bodies, whether now in existence or hereafter created,  
 2117 are authorized to enter into and carry into effect contracts and  
 2118 agreements relating to the common powers, duties, and functions  
 2119 of the board and any other political bodies, to the end that  
 2120 there may be effective cooperation and coordination in  
 2121 discharging their common functions, powers, and duties.

2122 Section 51. Fees, rentals, and charges; procedure for  
 2123 adoption and modifications; minimum revenue requirements.--

2124 (1) The district is authorized to prescribe, fix,  
 2125 establish, and collect rates, fees, rentals, or other charges  
 2126 (hereinafter sometimes referred to as "revenues"), and to revise  
 2127 the same from time to time, for the facilities and services  
 2128 furnished by the district, within or without the limits of the  
 2129 district; including, but not limited to, drainage facilities,  
 2130 recreation facilities, and water and sewer systems, to recover  
 2131 the costs of making connection with any district facility or  
 2132 system; and to provide for reasonable penalties against any user  
 2133 or property for any such rates, fees, rentals, or other charges  
 2134 that are delinquent.

2135 (2) No such rates, fees, rentals, or other charges for any  
 2136 of the facilities or services of the district shall be fixed  
 2137 until after a public hearing at which all the users of the  
 2138 proposed facility or services, owners, tenants, or occupants  
 2139 served or to be served thereby and all other interested persons  
 2140 shall have an opportunity to be heard concerning the proposed  
 2141 rates, fees, rentals, or other charges. Notice of such public

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2142 hearing setting forth the proposed schedule or schedules of  
2143 rates, fees, rentals, and other charges shall have been  
2144 published in a newspaper in Broward County in general  
2145 circulation within the district at least once at least 10 days  
2146 prior to such public hearing, which may be adjourned from time  
2147 to time. After such hearing such schedule or schedules, either  
2148 as initially proposed, or as modified or amended, may be finally  
2149 adopted. A copy of the schedule or schedules of such rates,  
2150 fees, rentals, or charges as finally adopted shall be kept on  
2151 file in an office designated by the board and shall be open at  
2152 all reasonable times to public inspection. The rates, fees,  
2153 rentals, or charges so fixed for any class of users or property  
2154 served shall be extended to cover any additional users or  
2155 properties thereafter served which shall fall in the same class,  
2156 without the necessity of any notice or hearing. Any change or  
2157 revision of rates, fees, rentals, or charges may be made in the  
2158 same manner as the same were originally established, as  
2159 hereinabove provided, except that if such changes or revisions  
2160 are made substantially pro rata as to all classes of the type of  
2161 service involved no notice or hearing shall be required.

2162 (3) Such rates, fees, rentals, and charges shall be just,  
2163 equitable, and uniform for users of the same class, and where  
2164 appropriate may be based or computed either upon the amount of  
2165 service furnished or upon the number or average number of  
2166 persons residing or working or otherwise occupying the premises  
2167 served, or upon any other factor affecting the use of the  
2168 facilities furnished, or upon any combination of the foregoing

2169 factors, as may be determined by the board on an equitable  
 2170 basis.

2171 (4) The rates, fees, rentals, or other charges prescribed  
 2172 shall be such as will produce revenues, together with any other  
 2173 assessments, taxes, revenues, or funds available or pledged for  
 2174 such purpose, at least sufficient to provide for the items  
 2175 hereinafter listed, but not necessarily in the order stated:

2176 (a) To provide for all expenses of operation and  
 2177 maintenance of such facility or service.

2178 (b) To pay when due all bonds and interest thereon for the  
 2179 payment of which such revenues are, or shall have been, pledged  
 2180 or encumbered, including reserves for such purpose.

2181 (c) To provide for any other funds which may be required  
 2182 under the resolution or resolutions authorizing the issuance of  
 2183 bonds pursuant to this act.

2184 (5) The board shall have the power to enter into contracts  
 2185 for the use of the projects of the district and with respect to  
 2186 the services and facilities furnished or to be furnished by the  
 2187 district, including, but not limited to, service agreements with  
 2188 landowners and others within or without the district providing  
 2189 for the drainage of land by the district or the furnishing of  
 2190 any of the other services and facilities of the district, for  
 2191 such consideration and on such other terms and conditions as the  
 2192 board may approve. No hearing or notice thereof shall be  
 2193 required prior to the authorization or execution by the board of  
 2194 any such contract or agreement, and the same shall not be  
 2195 subject to revision except in accordance with their terms. Such  
 2196 contracts or agreements, and revenues or service charges

2197 | received or to be received by the district thereunder, may be  
 2198 | pledged as security for any of the lands of the district.

2199 | Section 52. Recovery of delinquent charges.--In the event  
 2200 | that any of the rates, fees, rentals, charges, or delinquent  
 2201 | penalties shall not be paid as and when due and shall be in  
 2202 | default for 30 days or more, the unpaid balance thereof and all  
 2203 | interest accrued thereon, together with reasonable attorney's  
 2204 | fees and costs, may be recovered by the district in a civil  
 2205 | action.

2206 | Section 53. Discontinuance of service.--In the event that  
 2207 | the fees, rentals, or other charges for the services and  
 2208 | facilities of any project are not paid when due, the board shall  
 2209 | have the power to discontinue and shut off the same until such  
 2210 | fees, rentals, or other charges, including interest, penalties,  
 2211 | and charges for the shutting off and discontinuance and the  
 2212 | restoration of such services and facilities, are fully paid, and  
 2213 | for such purposes may enter on any lands, waters, and premises  
 2214 | of any person, firm, corporation, or body, public or private,  
 2215 | within or without the district limits. Such delinquent fees,  
 2216 | rentals, or other charges, together with interest, penalties,  
 2217 | and charges for the shutting off and discontinuance and the  
 2218 | restoration of such services and facilities, and the reasonable  
 2219 | attorney's fees and other costs, may be recovered by the  
 2220 | district, which may also enforce payment of such delinquent  
 2221 | fees, rentals, or other charges by any other lawful method of  
 2222 | enforcement.

2223 | Section 54. Action taken on consent of landowners.--Any  
 2224 | action required under this act or under chapter 298, Florida



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2225 Statutes, to be taken on public hearing for the purpose of  
 2226 receiving and passing on objections by landowners may be taken  
 2227 without such notice or hearing upon the written consent of all  
 2228 of the landowners affected by such action.

2229 Section 55. Enforcement and penalties.--The board or any  
 2230 aggrieved person may have recourse to such remedies in law and  
 2231 equity as may be necessary to ensure compliance with the  
 2232 provisions of this act, including injunctive relief to enjoin or  
 2233 restrain any person violating the provisions of this act; and  
 2234 any bylaws, resolutions, regulations, rules, codes, and orders  
 2235 adopted under this act. In case any building or structure is  
 2236 erected, constructed, reconstructed, altered, repaired,  
 2237 converted, or maintained, or any building, structure, land, or  
 2238 water is used, in violation of this act, or of any code, order,  
 2239 resolution or other regulation made under authority conferred by  
 2240 this act or under law, the board and any citizen residing in the  
 2241 district may institute any appropriate action or proceeding to  
 2242 prevent such unlawful erection, construction, reconstruction,  
 2243 alteration, repair, conversion, maintenance, or use; to  
 2244 restrain, correct, or avoid such violation; to prevent the  
 2245 occupancy of such building, structure, land, or water; and to  
 2246 prevent any illegal act, conduct, business, or use in or about  
 2247 such premises, land, or water.

2248 Section 56. Exemption of district property from  
 2249 execution.--All district property shall be exempt from levy and  
 2250 sale by virtue of an execution and no execution or other  
 2251 judicial process shall issue against such property, nor shall  
 2252 any judgment against the district be a charge or lien on its

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2253 | property or revenues, provided that nothing herein contained  
 2254 | shall apply to or limit the rights of bondholders to pursue any  
 2255 | remedy for the enforcement of any lien or pledge given by the  
 2256 | district in connection with any of the bonds or obligations of  
 2257 | the district.

2258 |       Section 4. Chapters 71-580, 84-398, 85-387, 87-505, 89-  
 2259 | 440, 91-353, 92-245, 94-445, and 96-537, Laws of Florida, are  
 2260 | repealed.

2261 |       Section 5. If any one or more of the sections or  
 2262 | provisions of this act or the application of such sections or  
 2263 | provisions to any situation, circumstances, or person, shall for  
 2264 | any reason be held to be unconstitutional, such  
 2265 | unconstitutionality shall not affect any other sections or  
 2266 | provisions as to any other situation, circumstances or person,  
 2267 | and it is intended that this law shall be construed and applied  
 2268 | as if such section or provision had not been included herein for  
 2269 | any unconstitutional application.

2270 |       Section 6. This act shall take effect upon becoming a law.