

By Senator Campbell

32-1887-05

See HB 1479

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

11
12 Be It Enacted by the Legislature of the State of Florida:

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

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25 codified, amended, reenacted, and repealed as herein provided.

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

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

1 County, Florida, entered in Case Number 71-1724, creating and
2 incorporating the North Springs Drainage District as a public
3 corporation of this state, and all subsequent proceedings
4 taken in the circuit court concerning that district, are
5 hereby ratified, confirmed, and approved, except that the
6 boundaries of said district shall be as hereinafter described.
7 The North Springs Drainage District shall henceforth be known
8 by the name of North Springs Improvement District, and shall
9 continue to be a public corporation of this state and have
10 perpetual existence. All lawful debts, bonds, obligations,
11 contracts, franchises, promissory notes, audits, minutes,
12 resolutions, and other undertakings of the North Springs
13 Drainage District are hereby validated and shall continue to
14 be valid and binding on the North Springs Improvement District
15 in accordance with their respective terms, conditions,
16 covenants, and tenor. Any proceeding heretofore begun by the
17 North Springs Drainage District under chapter 298, Florida
18 Statutes, or any other law, for the construction of any
19 improvements, works, or facilities, for the assessment of
20 benefits and damages, or for the borrowing of money shall not
21 be impaired or avoided by this act, but may be continued and
22 completed in the name of the North Springs Improvement
23 District.

24 Section 2. Boundaries.--The boundaries of the district
25 shall be:

26
27 A tract of land being Sections 5, 6, 7, 8, 9
28 and 10, a portion of Sections 3 and 4, all in
29 Township 48 South, Range 41 East, Broward
30 County, Florida, and Sections 31, 32 and 33,
31

1 Township 47 South, Range 41 East, Broward
2 County, Florida, described as follows:
3
4 BEGINNING at the southwest corner of said
5 Section 7;
6
7 thence North 00°03'12" West (Bearings are
8 relative to State Plane Coordinates as shown on
9 STONER/KEITH RESURVEY OF A PORTION OF TOWNSHIP
10 47 SOUTH, RANGE 41 EAST, ALL OF TOWNSHIP 48
11 SOUTH, RANGE 41 EAST, & ALL OF TOWNSHIP 49
12 SOUTH, RANGE 41 EAST, according to the plat
13 thereof, recorded in Miscellaneous Plat Book 3
14 at Page 44 of the Public Records of said
15 Broward County), along the west line of the
16 Southwest Quarter (SW 1/4) of said Section 7, a
17 distance of 2647.42 feet to the northwest
18 corner of said Southwest Quarter (SW 1/4);
19
20 thence continue North 00°03'12" West, along the
21 west line of the Northwest Quarter (NW 1/4) of
22 said Section 7, a distance of 2647.42 feet to
23 the northwest corner of said Section 7 and the
24 southwest corner of said Section 6;
25
26 thence North 00°02'58" West, along the west
27 line of the Southwest Quarter (SW 1/4) of said
28 Section 6, a distance of 3252.81 feet to the
29 northwest corner of said Southwest Quarter (SW
30 1/4);
31

1 thence North 00°02'27" West, along the west
2 line of the Northwest Quarter (NW 1/4) of said
3 Section 6, a distance of 3253.12 feet to the
4 northwest corner of said Section 6 and the
5 southwest corner of said Section 31;
6
7 thence North 00°03'47" West, along the west
8 line of the Southwest Quarter (SW 1/4) of said
9 Section 31, a distance of 2642.42 feet to the
10 northwest corner of said Southwest Quarter (SW
11 1/4);
12
13 thence continue North 00°03'47" West, along the
14 west line of the Northwest Quarter (NW 1/4) of
15 said Section 31, a distance of 2642.42 feet to
16 the northwest corner of said Section 31;
17
18 thence South 89°52'50" East, along the north
19 line of said Northwest Quarter (NW 1/4), a
20 distance of 2246.01 feet to the northeast
21 corner of said Northwest Quarter (NW 1/4);
22
23 thence South 89°52'10" East, along the north
24 line of the Northeast Quarter (NE 1/4) of said
25 Section 31, a distance of 2245.70 feet to the
26 northeast corner of said Section 31 and the
27 northwest corner of said Section 32;
28
29 thence North 89°36'52" East, along the north
30 line of the Northwest Quarter (NW 1/4) of said
31 Section 32, a distance of 2640.43 feet to the

1 northeast corner of said Northwest Quarter (NW
2 1/4);
3
4 thence North 89°37'21" East, along the north
5 line of the Northeast Quarter (NE 1/4) of said
6 Section 32, a distance of 2639.40 feet to the
7 northeast corner of said Section 32 and the
8 northwest corner of said Section 33;
9
10 thence North 89°36'55" East, along the north
11 line of the Northwest Quarter (NW 1/4) of said
12 Section 33, a distance of 2640.59 feet to the
13 northeast corner of said Northwest Quarter (NW
14 1/4);
15
16 thence North 89°36'56" East, along the north
17 line of the Northeast Quarter (NE 1/4) of said
18 Section 33, a distance of 2640.59 feet to the
19 northeast corner of said Section 33;
20
21 thence South 01°21'19" East, along the east
22 line of said Northeast Quarter (NE 1/4), a
23 distance of 2638.16 feet to the southeast
24 corner of said Northeast Quarter (NE 1/4);
25
26 thence South 01°21'20" East, along the east
27 line of the Southeast Quarter (SE 1/4) of said
28 Section 33, a distance of 2638.16 feet to the
29 southeast corner of said Section 33 and the
30 northeast corner of said Section 4;
31

1 thence South 89°44'30" West, along the north
2 line of the Northeast Quarter (NE 1/4) of said
3 Section 4, a distance of 60.00 feet to the most
4 westerly corner of that parcel of land
5 described in Official Record Book 55 at Page
6 500 of said Public Records of Broward County;
7
8 thence South 45°33'09" East, along the
9 southwesterly line of said parcel, a distance
10 of 85.29 feet to the most southerly corner of
11 said parcel on the east line of said Northeast
12 Quarter (NE 1/4);
13
14 thence South 00°50'47" East, along said east
15 line, a distance of 3303.78 feet to the
16 southeast corner of said Northeast Quarter (NE
17 1/4) and the northwest corner of the Southwest
18 Quarter (SW 1/4) of said Section 3;
19
20 thence South 89°52'36" East, along the north
21 line of said Southwest Quarter (SW 1/4), a
22 distance of 2640.57 feet to the northeast
23 corner of said Southwest Quarter (SW 1/4);
24
25 thence South 89°52'36" East, along the north
26 line of the Southeast Quarter (SE 1/4) of said
27 Section 3, a distance of 2639.23 feet to the
28 northeast corner of said Southeast Quarter (SE
29 1/4);
30
31

1 thence South 00°53'22" East, along the east
2 line of said Southeast Quarter (SE 1/4), a
3 distance of 3401.43 feet to the southeast
4 corner of said Section 3 and the northeast
5 corner of said Section 10;
6
7 thence South 00°59'18" East, along the east
8 line of the Northeast Quarter (NE 1/4) of said
9 Section 10, a distance of 2637.04 feet to the
10 southeast corner of said Northeast Quarter (NE
11 1/4);
12
13 thence South 00°59'17" East, along the east
14 line of the Southeast Quarter (SE 1/4) of said
15 Section 10, a distance of 2637.03 feet to the
16 southeast corner of said Section 10;
17
18 thence North 89°25'05" West, along the south
19 line of said Southeast Quarter (SE 1/4), a
20 distance of 2637.48 feet to the southwest
21 corner of said Southeast Quarter (SE 1/4);
22
23 thence continue North 89°25'05" West, along the
24 south line of the Southwest Quarter (SW 1/4) of
25 said Section 10, a distance of 2637.47 feet to
26 the southwest corner of said Section 10 and the
27 southeast corner of said Section 9;
28
29 thence North 89°26'06" West, along the south
30 line of the Southeast Quarter (SE 1/4) of said
31 Section 9, a distance of 2641.24 feet to the

1 southwest corner of said Southeast Quarter (SE
2 1/4);
3
4 thence continue North 89°26'06" West, along the
5 south line of the Southwest Quarter (SW 1/4) of
6 said Section 9, a distance of 2641.24 feet to
7 the southwest corner of said Section 9 and the
8 southeast corner of said Section 8;
9
10 thence North 89°25'53" West, along the south
11 line of the Southeast Quarter (SE 1/4) of said
12 Section 8, a distance of 2639.96 feet to the
13 southwest corner of said Southeast Quarter (SE
14 1/4);
15
16 thence North 89°25'52" West, along the south
17 line of the Southwest Quarter (SW 1/4) of said
18 Section 8, a distance of 2639.96 feet to the
19 southwest corner of said Section 8 and the
20 southeast corner of said Section 7;
21
22 thence North 89°46'06" West, along the south
23 line of the Southeast Quarter (SE 1/4) of said
24 Section 7, a distance of 2399.06 feet to the
25 southwest corner of said Southeast Quarter (SE
26 1/4);
27
28 thence North 89°46'05" West, along the south
29 line of the Southwest Quarter (SW 1/4) of said
30 Section 7, a distance of 2399.06 feet to the
31 POINT OF BEGINNING.

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Said land being in Broward County, Florida.

Containing 7040.325 acres, more or less.

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

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

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

1 any and all modifications, improvements, and enlargements
2 thereof.

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

9 (3) "Board" means the Board of Supervisors of the
10 North Springs Improvement District, or if such board shall be
11 abolished, the board, body, or commission succeeding to the
12 principal functions thereof or to whom the powers given by
13 this act to the board shall be given by law.

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

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

15 (5) "District" means the North Springs Improvement
16 District and "district manager" means the manager of the
17 district.

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

24 (7) "Project" means any development, improvement,
25 property, utility, facility, works, road, enterprise, service,
26 or convenience, now existing or hereafter undertaken or
27 established under the provisions of this act or under chapter
28 298, Florida Statutes.

29 (8) "Sewer system" means any plant, system, facility,
30 or property and additions, extensions, and improvements
31 thereto at any future time constructed or acquired as part

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

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

28 (10) "Water system" means any plant, system, facility,
29 or property and additions, extensions, and improvements
30 thereto at any future time constructed or acquired as part
31 thereof, useful or necessary or having the present capacity

1 for future use in connection with the development of sources,
2 treatment, or purification and distribution of water and,
3 without limiting the generality of the foregoing, includes
4 dams, reservoirs, storage tanks, mains, lines, valves, pumping
5 stations, laterals, and pipes for the purpose of carrying
6 water to the premises connected with such system, and all
7 rights, easements, and franchises of any nature whatsoever
8 relating to any such system and necessary or convenient for
9 the operation thereof.

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

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

22 (2) In the month of June of each fourth year
23 commencing June of 1972, there shall be held a meeting of the
24 landowners of the district at the office of the district in
25 Broward County, for the purpose of electing three supervisors
26 for said district. One supervisor shall be elected solely by
27 those landowners owning property within the city limits of the
28 City of Parkland, and this supervisor must be a landowner who
29 owns property within the city limits of the City of Parkland.
30 One supervisor shall be elected solely by those landowners
31 owning property within the city limits of the City of Coral

1 Springs, and this supervisor must be a landowner who owns
2 property within the city limits of the City of Coral Springs.
3 One supervisor shall be elected at large by all landowners of
4 the district, regardless of where his or her property is
5 located. Candidates for each supervisor position will be
6 nominated during the meeting of landowners, and the nominee
7 who receives the highest number of votes for a supervisor
8 position shall be declared elected. Notice of said landowners'
9 meeting shall be published once a week for 2 consecutive weeks
10 in a newspaper in Broward County which is in general
11 circulation within the district, the last of said publication
12 to be not less than 14 days nor more than 28 days before the
13 date of the election. The landowners when assembled at such
14 meeting shall organize by electing a chair that shall conduct
15 the meeting. At such meeting each landowner shall be entitled
16 to cast one vote per acre of land owned by him or her and
17 located within the district. A landowner may vote in person or
18 by proxy in writing. Fractions of an acre shall be treated as
19 1 acre, entitling the landowner to one vote with respect
20 thereto.

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

24 (4) All supervisors shall hold office for the terms
25 for which they are elected or appointed and until their
26 successors shall be chosen and qualify. In case of a vacancy
27 in the office of any supervisor, the remaining supervisor or
28 supervisors (even though less than a quorum) may fill such
29 vacancy by appointment of a new supervisor or supervisors for
30 the unexpired term of the supervisor who has vacated his or
31 her office.

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

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

7 (7) The board shall keep a permanent record book
8 entitled "Record of Proceedings of North Springs Improvement
9 District," in which shall be recorded minutes of all meetings,
10 resolutions, proceedings, certificates, bonds given by all
11 employees, and any and all corporate acts, which book shall at
12 reasonable times be opened to the inspection of any landowner,
13 taxpayer, resident, or bondholder of the district, and such
14 other persons as the board may determine to have a proper
15 interest in the proceedings of the board. Such record book
16 shall be kept at any office or other regular place of business
17 maintained by the board in Broward County.

18 (8) Whenever any election shall be authorized or
19 required by this act to be held by the landowners at any
20 particular or stated time or day, and if for any reasons such
21 election is not held at such time or on such day, then in such
22 event the power or duty to hold such election shall not cease
23 or lapse, but such election shall be held thereafter when
24 practicable, and in accordance with the procedures provided by
25 this act.

26 Section 6. Appointment and duties of district
27 manager.--For the purpose of preserving and maintaining any
28 facility constructed or erected under the provisions of this
29 act or under the provisions of chapter 298, Florida Statutes,
30 and for maintaining and operating the equipment owned by the
31 district and such other duties as may be prescribed by the

1 board, the board may employ and fix the compensation of a
2 district manager who shall have charge and supervision of the
3 works of the district.

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

5 (1) The board shall designate a person who is a
6 resident of the state, or a bank or trust company organized
7 under the laws of the state or under the National Banking Act,
8 as treasurer of the district, who shall have charge of the
9 funds of the district. Such funds shall be disbursed only upon
10 the order of or pursuant to the resolution of the board by
11 warrant or check signed by the treasurer, or by such other
12 person as may be authorized by the board. The board may give
13 the treasurer such other or additional powers and duties as
14 the board may deem appropriate, and fix his or her
15 compensation. The board may require the treasurer to give a
16 bond in such amount, on such terms, and with such sureties as
17 may be deemed satisfactory to the board to secure the
18 performance by the treasurer of his or her powers and duties.
19 The board shall audit or have audited the books of the
20 treasurer at least once a year.

21 (2) The board is authorized to select as depositories,
22 in which the bonds of the board and of the district shall be
23 deposited, any banking corporation organized under the laws of
24 the state or under the national banking act doing business in
25 the state, upon such terms and conditions as to the payment of
26 interest by such depository upon the funds so deposited as the
27 board may deem just and reasonable.

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

31

1 Section 8. Compensation of board.--Each supervisor is
2 entitled to receive for his or her services an amount not to
3 exceed \$200 per month. In addition, each supervisor shall
4 receive reasonable traveling expenses for attending the place
5 of meeting from his or her residence. Unless the board by
6 resolution otherwise provides, such traveling expenses may not
7 be in excess of the amounts provided by law for state and
8 county officials.

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

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

17 (2) To adopt a water control plan; and to establish,
18 construct, operate, and maintain a system of main and lateral
19 canals, drains, ditches, levees, dikes, dams, sluices, locks,
20 revetments, reservoirs, holding basins, floodways, pumping
21 stations, syphons, culverts, and storm sewers to drain and
22 reclaim the lands within the district and to connect some or
23 any of them with roads and bridges as in the judgment of the
24 board is deemed advisable to provide access to such
25 facilities.

26 (3) To acquire and maintain appropriate sites for
27 storage and maintenance of the equipment of the district; and
28 to acquire and maintain and construct a suitable building to
29 house the office and records of the district.

30 (4) To clean out, straighten, widen, open up, or
31 change the course and flow, alter, or deepen any canal, ditch,

1 drain, river, water course, or natural stream as within the
2 judgment of the board is deemed advisable to drain and reclaim
3 the lands within the district; to acquire, purchase, operate,
4 and maintain pumps, plants, and pumping systems for drainage
5 purposes; and to construct, operate, and maintain irrigation
6 works and machinery in connection with the purposes herein set
7 forth.

8 (5) To regulate and set forth by appropriate
9 resolution the drainage requirements and conditions to be met
10 for plats to be entitled to record on any land within the
11 district, including authority to require as a condition
12 precedent for any platting that good and sufficient bond be
13 posted to ensure proper drainage for the area to be platted.

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

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

21 (8) To hold, control, and acquire by donation,
22 purchase, or condemnation, any easement, reservation, or
23 dedication in the district, for any of the purposes herein
24 provided. To condemn as provided by chapters 73 and 74,
25 Florida Statutes, or acquire, by purchase or grant for use in
26 the district any land or property within the district
27 necessary for the purposes of this act. These powers may be
28 exercised without the district to the extent necessary for the
29 district to obtain not more than two outfall canals not to
30 exceed 200 feet in width, extending from the northern boundary
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1 of the district to the Hillsboro Canal. The exact routes shall
2 be determined by resolutions of the board of supervisors.

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

6 (10) To impose and foreclose special assessments liens
7 as hereinafter provided.

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

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

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

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

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

1 (16) To construct, improve, and maintain roadways and
2 roads necessary and convenient to provide access to and
3 efficient development of areas made suitable and available for
4 cultivation, settlement, urban subdivision, homesites, and
5 other beneficial developments as a result of the drainage
6 operations of the district.

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

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

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

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

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

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

1 service, or other activity of the district and to provide for
2 the retirement or refunding of any bonds or obligations of the
3 district, or for any combination of the foregoing purposes.

4 (23) To exercise any and all other powers conferred
5 upon water control districts by chapter 298, Florida Statutes;
6 to build, install, maintain, and operate streetlights; and to
7 plan, establish, acquire, construct or reconstruct, enlarge or
8 extend, equip, operate, and maintain parks and facilities for
9 indoor and outdoor community recreational and cultural uses,
10 when authorized by resolution of the general purpose unit of
11 local government, in its sole discretion, in which the parks
12 and facilities are or will be located and also authorized by
13 resolution of each municipality served by the district if the
14 parks and facilities are or will be located in the
15 unincorporated area.

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

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

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

25 Section 12. Annual budget.--Prior to May 15 of each
26 year after this act is effective, the secretary of the
27 district shall prepare a proposed budget to be submitted to
28 the board for its approval. The proposed budget shall include
29 an estimate of all necessary expenditures of the district for
30 the next ensuing fiscal year and an estimate of income to the
31 district from the taxes and assessments provided in this act.

1 The board shall consider the proposed budget item by item and
2 may either approve the budget as proposed by the district
3 manager or modify the same in part or in whole. The board
4 shall indicate its approval of the budget by resolution, which
5 resolution shall provide for a hearing on the budget as
6 approved. Notice of the hearing on the budget shall be
7 published in a newspaper in general circulation within the
8 district in Broward County once a week for two consecutive
9 weeks, providing that the second publication shall not be less
10 than 7 days after the first publication. The notice shall be
11 directed to all landowners in the district and shall state the
12 purpose of the meeting. The notice shall further contain a
13 designation of the date, time, and place of the public
14 hearing, which shall be not less than 7 days after the second
15 publication. At the time and place designated in the notice,
16 the board shall hear all objections to the budget as proposed
17 and make such changes as the board deems necessary. At the
18 conclusion of the budget hearing the board shall, by
19 resolution, adopt the budget as finally approved by the board.

20 Section 13. Notice and call of meetings of landowners;
21 quorum; adjournments; representation at meetings; taking
22 action without meeting.--

23 (1) The board shall publish notice of all meetings of
24 landowners once a week for 2 consecutive weeks prior to such
25 meeting in a newspaper published in Broward County in general
26 circulation within the district. Meetings of landowners shall
27 be held in a public place, or any other place made available
28 for the purpose of such meeting in the Broward County
29 Courthouse and the place, date, and hour of holding such
30 meeting and the purpose thereof shall be stated in the notice.
31 Landowners representing a majority of the number of acres in

1 the district, present in person or by proxy, shall constitute
2 a quorum at any meeting of the landowners; provided that
3 irrespective of the number of acres represented, there shall
4 be a minimum of five landowners owning separate parcels of
5 land, at each meeting.

6 (2) The board may call special meetings of the
7 landowners at any time to receive reports of the board or for
8 such other purpose as the board may determine. A special
9 meeting of the landowners may also be called at any time upon
10 notice as provided hereinabove at the written request of the
11 owners of not less than 25 percent in acreage of the land
12 within the district for the purpose of taking any lawful
13 action by the landowners of the district. Such special meeting
14 shall be called by any court of competent jurisdiction in the
15 event that the board fails to do so upon request as provided
16 in the preceding sentence. Except as otherwise provided in
17 section 5 of this act, with respect to the election of
18 supervisors, action taken at a meeting of the landowners shall
19 be by affirmative vote of the owners of at least a majority in
20 acreage of the land within the district represented at such
21 meeting.

22 (3) If no quorum is present or represented at a
23 meeting of the landowners at the time and place the same is
24 called to be held, the landowners present and represented,
25 although less than a quorum, may adjourn to another time or
26 day, and at such or any subsequent adjourned meeting may, if a
27 quorum is then present or represented, take any action that
28 the landowners could have taken at the meeting or meetings so
29 adjourned for lack of a quorum.

30 (4) At any meeting of the landowners, guardians may
31 represent their wards; executors and administrators may

1 represent the estate of deceased persons; trustees may
2 represent lands held by them in trust; and private
3 corporations may be represented by their duly authorized
4 proxy. All landowners, including guardians, executors,
5 administrators, trustees, and corporations, may be represented
6 and vote by proxy.

7 Section 14. Water control plan; proceedings
8 thereof.--The board may proceed to adopt a water control plan
9 in accordance with the provisions of chapter 298, Florida
10 Statutes, or in accordance with the provisions of this
11 section, in which case the following shall apply:

12 (1) The board shall cause to be made by the chief
13 engineer or such other engineer or engineers as the board may
14 employ for that purpose a complete and comprehensive plan for
15 the drainage and reclamation of the lands located within the
16 district. The engineer or engineers designated by the board to
17 make said plan shall make all necessary surveys of the lands
18 within the boundary lines of said district and of all lands
19 adjacent thereto that will be improved or reclaimed in part or
20 in whole by any system of drainage that may be outlined and
21 adopted, and shall make a report in writing to the board with
22 maps and profiles of said surveys, which report shall contain
23 a full and complete plan for drainage and reclaiming the lands
24 located within the district from overflow or damage by water,
25 with the length, width, and depth of such canals, ditches,
26 dikes, or levees or other works as may be necessary in
27 conjunction with any canals, drains, ditches, dikes, levees,
28 or other works heretofore constructed by any other drainage or
29 reclamation district, or any other person or persons, or which
30 may hereafter be built by any or either of such agencies that
31 may be necessary or which can be advantageously used in such

1 plan and also an estimate of the cost of carrying out and
2 completing the water control plan, including the cost of
3 superintending the same and all incidental expenses in
4 connection therewith.

5 (2) Upon the completion of such plan, the board shall
6 hold a hearing thereon to hear objections thereto and shall
7 give notice of the time and place fixed for such hearing by
8 publication once each week for 2 consecutive weeks in a
9 newspaper published in Broward County in general circulation
10 within the district, and shall permit the inspection of said
11 plan at the office of the district by all persons interested.
12 All objections to said plan shall be filed at or before the
13 time fixed in said notice for the hearing and shall be in
14 writing.

15 (3) After said hearing the board shall consider the
16 proposed plan and any objections thereto, and may modify,
17 reject, or adopt the plan, or may continue the hearing to a
18 day certain for further consideration of the proposed plan or
19 modifications thereof.

20 (4) When the board shall approve a plan a resolution
21 shall be adopted and a certified copy thereof shall be filed
22 in the office of the secretary and incorporated into the
23 records of the district.

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

30 (6) Within 20 days after the final adoption of the
31 water control plan by the board, the secretary of the district

1 shall prepare and transmit a certified copy thereof to the
2 clerk of the circuit court and at the same time the board
3 shall file with said clerk a petition that the said court
4 appoint three commissioners to appraise the lands to be
5 acquired for rights-of-way, holding basins, and other drainage
6 works of the district and to assess benefits and damages
7 accruing to all lands within the district by reason of the
8 execution of the water control plan. Immediately after the
9 filing of such petition the judge of said court in whose
10 division the petition shall have been assigned shall by an
11 order appoint three commissioners, who shall be freeholders
12 residing within the state, and who shall not be landowners in
13 said district, nor of kin within the fourth degree of
14 consanguinity to any person owning land in said district. A
15 majority of said commissioners shall constitute a quorum and
16 shall control the action of the commissioners on all
17 questions.

18 (7) Immediately upon the filing of said order of
19 appointment, the secretary of the district shall notify each
20 of said commissioners of his or her appointment, and in said
21 notice he or she shall state the time and place for the first
22 meeting of said commissioners. The secretary of the district,
23 or his or her deputy, shall attend such meeting and shall
24 furnish to said commissioners a complete list of lands
25 embraced in the district, or adjacent thereto, that will be
26 affected by the execution of the water control plan. The
27 secretary shall also furnish to the commissioners a copy of
28 the water control plan and such other papers, documents, and
29 information as the commissioners require. The commissioners at
30 the meeting shall each take and subscribe to an oath that he
31 or she will faithfully and impartially discharge his or her

1 duties as such commissioner and make a true report of the work
2 performed by such commissioners, and shall elect one of their
3 number chair. The secretary of the district, or his or her
4 deputy, shall be ex officio secretary to the commissioners,
5 and the attorney for the district, other agents, and employees
6 thereof shall cooperate with the commissioners and furnish to
7 them such advice, assistance, and cooperation as they shall
8 require.

9 (8)(a) Immediately after qualifying, the commissioners
10 shall commence the performance of their duties and the chief
11 engineer, or one of his or her assistants, shall accompany
12 said commissioners when engaged in the discharge of their
13 duties and shall render his or her opinion in writing when
14 called for. Said commissioners shall proceed to view the
15 premises and determine the value of the lands within or
16 without the district to be acquired and used for
17 rights-of-way, holding basins, and other works described in
18 the water control plan, and they shall appraise all benefits
19 and damages which will accrue to all lands by reason of the
20 execution of the water control plan. The commissioners in
21 appraising benefits to lands, public highways, railroads, and
22 other rights-of-way shall not consider what benefits will be
23 derived by such property after other ditches, improvements, or
24 other plans of reclamation shall have been constructed, but
25 they shall appraise only such benefits as will be derived from
26 the construction of the works and improvements described in
27 the water control plan or as the same may afford an outlet for
28 drainage or protection from overflow of such property. The
29 commissioners shall give due consideration and credit to any
30 other drainage works which have already been constructed and
31 which afford partial or complete protection to any tract or

1 parcel of land within the district. The public highways,
2 railroads, and other rights-of-way shall be appraised
3 according to the increased physical efficiency and decreased
4 maintenance cost of roadways by reason of the improvements.
5 The commissioners shall have no power to change the water
6 control plan. The commissioners shall prepare a report of
7 their findings, which shall be arranged in tabular form, the
8 columns of which shall be headed as follows: Column 1 "Owner
9 of Property Appraised"; Column 2 "Description of Property
10 Appraised"; Column 3 "Number of Acres Appraised"; Column 4
11 "Amount of Benefits Appraised"; Column 5 "Amount of Damages
12 Appraised"; Column 6 "Number of Acres to be Taken for
13 Rights-of-way, Holding Basins, etc."; and Column 7 "Value of
14 Property to be Taken." They shall also, by and with the advice
15 of the chief engineer, estimate the cost of the works
16 described in the water control plan, which estimate shall
17 include the cost of property required for rights-of-way,
18 holding basins, and other works, the probable expense of
19 organization and administration as estimated by the board of
20 supervisors, and all of the expenses of the district during
21 the period of executing the water control plan. Before
22 appraisals of compensation and damages are made, the board may
23 report to the commissioners the parcels of land it may wish to
24 purchase and for which it may wish appraisals to be made, both
25 for easement and for purchase in fee simple, and the board may
26 specify the particular purpose for which, and the extent to
27 which, an easement in any property is desired, describing
28 definitely such purpose and extent. Wherever so instructed to
29 do by the board, the commissioners shall appraise lands that
30 may be necessary or desirable for the district to own and,
31 when so requested by the board, the commissioners shall also

1 appraise both the total value of the land and also the damages
2 due to any easement required for the purposes of the district.

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

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

16
17 NOTICE OF FILING COMMISSIONERS' REPORT FOR
18 NORTH SPRINGS IMPROVEMENT DISTRICT.

19
20 Notice is hereby given that the Commissioners heretofore
21 appointed to appraise benefits and damages to property and
22 lands located within North Springs Improvement District in the
23 State of Florida and to appraise the cash value of the land
24 necessary to be taken for rights-of-way, holding basins, and
25 other works of said district did file their report in the
26 office of the undersigned Clerk of the Circuit Court, upon the
27 day of, 20...., and you, and each of you, are
28 hereby notified that you may examine said report and file
29 exceptions to same on or before the day of, 20
30 (which date shall be not less than 28 days nor more than
31 30 days after the first date of publication).

.....
Clerk of the Circuit Court
of Broward County, Florida"

(10) The state board of drainage commissioners, the drainage district, or any owner of land or other property to be affected by said report, may file exception to any part, or all, of the report of said commissioners within the time specified in the notice prescribed in subsection (9). All exceptions shall be heard and determined by the court. If no exceptions are filed, or if it is shown, upon the hearing of all of said exceptions, that the estimated cost of construction of improvements contemplated in the water control plan is less than the benefits assessed against the lands in said district, the court shall approve and confirm said commissioners' report. However, if the court upon hearing the objections filed, finds that any or all such objections should be sustained, it shall order the report changed to conform with such findings, and when so changed the court shall approve and confirm such report and enter its decree accordingly. The court shall adjudge and apportion the costs incurred by the exceptions filed, and shall condemn any land or other property that is shown by the report of the commissioners to be needed for rights-of-way, holding basins or other works, following the procedure provided in chapters 73 and 74, Florida Statutes; provided, however, that any property owner may accept the assessment of damages in his or her favor made by the commissioners, or acquiesce in their failure to assess damages in his or her favor, and shall be construed to have done so, unless he or she gives the supervisors of the district, on or before the time shall have

1 expired for filing exceptions, as provided in this act, notice
2 in writing that he or she demands an assessment of his or her
3 damages by a jury. If the property owner demands an assessment
4 of his or her damages by a jury, the supervisors of the
5 district shall institute in the Circuit Court of Broward
6 County an action to condemn the lands and other property that
7 must be taken or damaged in the making of such improvements,
8 with the right and privilege of paying into the court a sum to
9 be fixed by the circuit court or judge, and proceeding with
10 the work, before the assessment by the jury. Any person or
11 party interested may prosecute and appeal to the appropriate
12 district court of appeal in the manner and within the time
13 provided by the Florida appellate rules.

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

20 Section 15. Adoption, revision, and revocation of
21 water control plan.--In addition to and not in limitation of
22 its power to provide for and adopt a water control plan
23 provided in section 14 and under chapter 298, Florida
24 Statutes, and amendments thereto, the board may at any time
25 and from time to time adopt, revoke, or modify in whole or in
26 part, any water control plan or any plan providing for the
27 drainage of lands within the district, and may provide for
28 such new and additional drainage facilities, canals, ditches,
29 levees, and other works as the board may determine. In
30 connection with the revision of any water control plan or the
31 providing of any new or additional drainage facilities,

1 canals, ditches, levees, or other works, or in the event the
2 total taxes and assessments theretofore levied or the funds
3 derived from the sale of bonds are insufficient to pay the
4 cost of any drainage works, benefits may be reassessed,
5 additional assessments made, and taxes levied in accordance
6 with the procedures provided in this act or in chapter 298,
7 Florida Statutes. The board may at any time approve and make
8 effective technical changes or modifications in any water
9 control plan or drainage not affecting assessed benefits, levy
10 of taxes, or the security of bondholders.

11 Section 16. Assessing land for reclamation;
12 apportionment of tax; lands belonging to state assessed;
13 drainage tax record.--After the lists of lands, with the
14 assessed benefits and the decree and judgment of court, have
15 been filed in the office of the clerk of the circuit court as
16 provided in section 14, the board shall, without any
17 unnecessary delay, levy a tax of such portion of said benefits
18 on all lands in the district to which benefits have been
19 assessed, as may be found necessary by the board of
20 supervisors to pay the costs of the completion of the proposed
21 works and improvements, as shown in said water control plan
22 and in carrying out the objects of said district; and, in
23 addition thereto, 10 percent of said total amount for
24 emergencies. The said tax shall be apportioned to, and levied
25 on, each tract of land in said district in proportion to the
26 benefits assessed, and not in excess thereof; and in case
27 bonds are issued, as provided in this chapter, a tax shall be
28 levied in a sum not less than an amount 90 percent of which
29 shall be equal to the principal of said bonds. The amount of
30 bonds to be issued for paying the cost of the works as set
31 forth in the water control plan shall be ascertained and

1 determined by the board; provided, however, that the total
2 amount of all bonds to be issued by the district shall in no
3 case exceed 90 per cent of the benefits assessed upon the
4 lands of the district. The amount of the interest (as
5 estimated by said board), which will accrue on such bonds,
6 shall be included and added to the said tax, but the interest
7 to accrue on account of the issuing of said bonds shall not be
8 construed as a part of the costs of construction in
9 determining whether or not the expenses and costs of making
10 said improvements are equal to, or in excess of, the benefits
11 assessed. The secretary of the board of supervisors, as soon
12 as said total tax is levied, shall, at the expense of the
13 district, prepare a list of all taxes levied, in the form of a
14 well bound book, the book shall be endorsed and named
15 "DRAINAGE TAX RECORD OF NORTH SPRINGS IMPROVEMENT DISTRICT,
16 BROWARD COUNTY, FLORIDA" which endorsement shall be printed or
17 written at the top of each page in said book, signed and
18 certified by the president and secretary of the board,
19 attested by the seal of the district, and the same shall
20 thereafter become a permanent record in the office of said
21 secretary.

22 Section 17. Prepayment of taxes or assessments.--The
23 board may provide that any tax or assessment may be paid at
24 any time before due, together with interest accrued thereon to
25 the date of prepayment, and any prepayment premiums or
26 penalties, if such prior payment shall be permitted by the
27 proceedings authorizing any bonds or other obligations for the
28 payment of which special assessments have been pledged or
29 taxes levied.

30 Section 18. Tax liens.--All taxes of the district
31 provided for in this act or chapter 298, Florida Statutes,

1 together with all penalties for default in the payment of the
2 same and all costs in collecting the same including a
3 reasonable attorney's fees fixed by the court and taxed as
4 cost in the action brought to enforce payment, shall from
5 January 1 for each year the property is liable to assessment
6 and until paid constitute a lien of equal dignity with the
7 liens for state and county taxes and other taxes of equal
8 dignity with state and county taxes upon all the lands against
9 which such taxes shall be levied. A sale of any of the real
10 property within the district for state and county or other
11 taxes shall not operate to relieve or release the property so
12 sold from the lien for subsequent district taxes or
13 installments of district taxes which lien may be enforced
14 against such property as though no such sale thereof had been
15 made. The provisions of chapter 192, Florida Statutes, and
16 amendments thereto shall be applicable to district taxes with
17 the same force and effect as if said provisions were expressly
18 set forth in this act.

19 Section 19. Issuance of bond anticipation notes.--In
20 addition to the other powers provided for in this act and not
21 in limitation thereof, the district shall have the power, at
22 any time and from time to time after the issuance of any bonds
23 of the district shall have been authorized to borrow money for
24 the purposes for which such bonds are to be issued in
25 anticipation of the proceeds of the sale of such bonds and to
26 issue bond anticipation notes in a principal sum not in excess
27 of the authorized maximum amount of such bond issue. Such
28 notes shall be in such denomination or denominations, bear
29 interest at such rate as the board may determine not to exceed
30 10 percent per year, mature at such time or times not later
31 than 5 years from the date of issuance, and be in such form

1 and executed in such manner as the board shall prescribe. Such
2 notes may be sold at either public or private sale, or if such
3 notes shall be renewal notes, may be exchanged for notes then
4 outstanding on such terms as the board shall determine. Such
5 notes shall be paid from the proceeds of such bonds when
6 issued. The board may, in its discretion, in lieu of retiring
7 the notes by means of bonds, retire them by means of current
8 revenues or from any taxes or assessments levied for the
9 payment of such bonds, but in such event a like amount of the
10 bonds authorized shall not be issued.

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

1 and assessments of the district. The approval of the qualified
2 electors who are freeholders residing in the district shall
3 not be necessary except where required by the State
4 Constitution.

5 Section 21. Trust agreements.--In the discretion of
6 the board, any issue of bonds may be secured by a trust
7 agreement by and between the district and a corporate trustee
8 or trustees, which may be any trust company or bank having the
9 powers of a trust company within or without the state. The
10 resolution authorizing the issuance of the bonds or such trust
11 agreement may pledge the revenues to be received from any
12 projects of the district and may contain such provisions for
13 protecting and enforcing the rights and remedies of the
14 bondholders as the board may approve, including, without
15 limitation, covenants setting forth the duties of the district
16 in relation to the acquisition, construction, reconstructions,
17 improvements, maintenance, repair, operation, and insurance of
18 any projects; the fixing and revising of the rates, fees, and
19 charges; the custody, safeguarding, and application of all
20 moneys; and for the employment of counseling engineers in
21 connection with such acquisition, construction,
22 reconstruction, improvement, maintenance, repair, or
23 operation. It shall be lawful for any bank or trust company
24 incorporated under the laws of the state which may act as a
25 depository of the proceeds of bonds or of revenues to furnish
26 such indemnifying bonds or to pledge such securities as may be
27 required by the district. Such resolution or trust agreement
28 may set forth the rights and remedies of the bondholders and
29 of the trustee, if any, and may restrict the individual right
30 of action by bondholders. The board may provide for the
31 payment of the proceeds of the sale of the bonds and the

1 revenues of any project to such officer, board, or depository
2 as it may designate for the custody thereof, and for the
3 method of disbursement thereof with such safeguards and
4 restrictions as it may determine. All expenses incurred in
5 carrying out the provisions of such resolution or trust
6 agreement may be treated as part of the cost of operation of
7 the project to which such trust agreement pertains.

8 Section 22. Sale of bonds.--Bonds may be sold in
9 blocks or installments at different times, or an entire issue
10 or series may be sold at one time. Bonds may be sold at public
11 or private sale after such advertisement, if any, as the board
12 may deem advisable but not in any event at less than 90
13 percent of the par value thereof, together with accrued
14 interest thereon. Bonds may be sold or exchanged for refunding
15 bonds. Special assessment and revenue bonds may be delivered
16 as payment by the district of the purchase price or lease of
17 any project or part thereof, or a combination of projects or
18 parts thereof, or as the purchase price or exchanged for any
19 property, real, personal, or mixed, including franchises, or
20 services rendered by any contractor, engineer, or other
21 person, all at one time or in blocks from time to time, in
22 such manner and upon such terms as the board in its discretion
23 shall determine. The price or prices for any bonds sold,
24 exchanged, or delivered may be the money paid for the bonds;
25 the principal amount, plus accrued interest to the date of
26 redemption or exchange, or outstanding obligations exchanged
27 for refunding bonds; or in the case of special assessment or
28 revenue bonds, the amount of any indebtedness to contractors
29 or other persons paid with such bonds, or the fair value of
30 any properties exchanged for the bonds, as determined by the
31 board.

1 Section 23. Authorization and form of bonds.--Bonds
2 may be authorized by resolution or resolutions of the board
3 which shall be adopted by a majority of all of the members
4 thereof then in office. Such resolution or resolutions may be
5 adopted at the same meeting at which they are introduced, and
6 need not be published or posted. The board may by resolution
7 authorize the issuance of bonds, fix the aggregate amount of
8 bonds to be issued, the purpose or purposes for which the
9 moneys derived therefrom shall be expended, the rate or rates
10 of interest, not to exceed 10 percent per year, the
11 denomination of the bonds, whether or not the bonds are to be
12 issued in one or more series, the date or dates of maturity,
13 which shall not exceed 40 years from their respective dates of
14 issuance, the medium of payment, the place or places within or
15 without the state where payment shall be made, registration
16 privileges, redemption terms and privileges (whether with or
17 without premium), the manner of execution, the form of the
18 bonds including any interest coupons to be attached thereto,
19 the manner of execution of bonds and coupons, any and all
20 other terms, covenants, and conditions thereof, and the
21 establishment of revenue or other funds. Such authorizing
22 resolution may further provide that such bonds may be executed
23 manually or by engraved, lithographed or facsimile signature,
24 provided that where signatures are engraved, lithographed, or
25 otherwise reproduced in facsimile no bond shall be valid
26 unless countersigned by a registrar or other officer
27 designated by appropriate resolution of the board. The seal of
28 the district may be affixed, lithographed, engraved, or
29 otherwise reproduced in facsimile on such bonds. In case any
30 officer whose signature shall appear on any bonds or coupons
31 shall cease to be such officer before the delivery of such

1 bonds, such signature or facsimile shall nevertheless be valid
2 and sufficient for all purposes the same as if he or she had
3 remained in office until such delivery.

4 Section 24. Interim certificates; replacement
5 certificates.--Pending the preparation of definitive bonds,
6 the board may issue interim certificates or receipts or
7 temporary bonds, in such form and with such provisions as the
8 board may determine, exchangeable for definitive bonds when
9 such bonds shall have been executed and are available for
10 delivery. The board may also provide for the replacement of
11 any bonds that become mutilated, lost, or destroyed.

12 Section 25. Negotiability of bonds.--Any bond issued
13 under this act and any interim certificate, receipt, or
14 temporary bond shall, in the absence of an express recital on
15 the face thereof that it is nonnegotiable, be fully negotiable
16 and shall be and constitute negotiable instruments within the
17 meaning and for all purposes of the law merchant and the laws
18 of Florida.

19 Section 26. Defeasance.--The board may make such
20 provision with respect to the defeasance of the right, title,
21 and interest of the holders of any of the bonds and
22 obligations of the district in any revenues, funds, or other
23 properties by which such bonds are secured as the board deems
24 appropriate and, without limitation on the foregoing, may
25 provide that when such bonds or obligations become due and
26 payable or shall have been called for redemption, and the
27 whole amount of the principal and interest and premium, if
28 any, due and payable upon the bonds or obligations then
29 outstanding shall be paid, or sufficient moneys or direct
30 obligations of the United States Government the principal of
31 and the interest on which when due will provide, sufficient

1 moneys, shall be held or deposited in trust for such purpose,
2 and provision shall also be made for paying all other sums
3 payable in connection with such bonds or other obligations,
4 then and in such event the right, title, and interest of the
5 holders of the bonds in any revenues, funds, or other
6 properties by which such bonds are secured shall thereupon
7 cease, determine, and become void, and the board may apply any
8 surplus in any sinking fund established in connection with
9 such bonds or obligations and all balances remaining in all
10 other funds or accounts other than money held for the
11 redemption or payment of the bonds or other obligations to any
12 lawful purpose of the district as the board shall determine.

13 Section 27. Issuance of additional bonds.--If the
14 proceeds of any bonds shall be less than the cost of
15 completing the project in connection with which such bonds are
16 issued, the board may authorize the issuance of additional
17 bonds, upon such terms and conditions as the board may provide
18 in the resolution authorizing the issuance thereof, but only
19 in compliance with the resolution or other proceedings
20 authorizing the issuance of the original bonds.

21 Section 28. Refunding bonds.--The district shall have
22 the power to issue bonds to provide for the retirement or
23 refunding of any bonds or obligations of the district that at
24 the time of such issuance are or subsequently thereto become
25 due and payable, or that at the time of issuance have been
26 called or are or will be subject to call for redemption within
27 10 years thereafter, or the surrender of which can be procured
28 from the holders thereof at prices satisfactory to the board.
29 Refunding bonds may be issued at any time when in the judgment
30 of the board such issuance will be advantageous to the
31 district. No approval of the qualified electors who are

1 freeholders residing in the district shall be required for the
2 issuance of refunding bonds except in cases where such
3 approval is required by the State Constitution. The board may
4 by resolution confer upon the holders of such refunding bonds
5 all rights, powers, and remedies to which the holders would be
6 entitled if they continued to be the owners and had possession
7 of the bonds for the refinancing of which said refunding bonds
8 are issued, including, but not limited to, the preservation of
9 the lien of such bonds on the revenues of any project or on
10 pledged funds, without extinguishment, impairment, or
11 diminution thereof. The provisions of this act pertaining to
12 bonds of the district shall, unless the context otherwise
13 requires, govern the issuance of refunding bonds, the form and
14 other details thereof, the rights of the holders thereof, and
15 the duties of the board with respect to the same.

16 Section 29. Revenue bonds.--

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

30 (2) Any two or more projects may be combined and
31 consolidated into a single project, and may thereafter be

1 operated and maintained as a single project. The revenue bonds
2 authorized herein may be issued to finance any one or more
3 such projects, regardless of whether or not such projects have
4 been combined and consolidated into a single project. If the
5 board deems it advisable, the proceedings authorizing such
6 revenue bonds may provide that the district may thereafter
7 combine the projects then being financed or theretofore
8 financed with other projects to be subsequently financed by
9 the district, and that revenue bonds to be thereafter issued
10 by the district shall be on parity with the revenue bonds then
11 being issued, all on such terms, conditions, and limitations
12 as shall be provided, and may further provide that the
13 revenues to be derived from the subsequent projects shall at
14 the time of the issuance of such parity revenue bonds be also
15 pledged to the holders of any revenue bonds theretofore issued
16 to finance the revenue undertakings which are later combined
17 with such subsequent projects. The district may pledge for the
18 security of the revenue bonds a fixed amount, without regard
19 to any fixed proportion of the gross revenues of any project.

20 Section 30. General obligation bonds.--

21 (1) The district shall have the power from time to
22 time to issue general obligation bonds in an aggregate
23 principal amount of bonds outstanding at any one time not in
24 excess of 35 percent of the assessed value of the taxable
25 property within the district as shown on the pertinent tax
26 records at the time of the authorization of the general
27 obligation bonds for which the full faith and credit of the
28 district is pledged. Except for refunding bonds, no general
29 obligation bonds shall be issued unless the issuance thereof
30 shall have been approved at an election of freeholders held in
31 accordance with the requirements for such election as

1 prescribed by the State Constitution. Such elections shall be
2 called to be held in the district by the Board of County
3 Commissioners of Broward County upon the request of the board
4 of the district. The expenses of calling and holding such
5 referendum elections shall be borne by the district and the
6 district shall reimburse the county for any expenses incurred
7 in calling or holding such elections. In the alternative, at
8 the option of the board, the board may make such other
9 provision for the registration of such qualified electors who
10 are freeholders and the calling and holding of such elections
11 as the board may from time to time deem appropriate.

12 (2) The district may pledge its full faith and credit
13 for the payment of the principal and interest on such general
14 obligation bonds, and for any reserve or other funds provided
15 therefor, and may unconditionally and irrevocably pledge
16 itself to levy ad valorem taxes on all taxable property in the
17 district, to the extent necessary for the payment thereof,
18 without limitations as to rate or amount.

19 (3) If the board shall determine to issue general
20 obligation bonds for more than one different purpose, the
21 approval of the issuance of the bonds for each and all such
22 purposes may be submitted to the freeholders on one and the
23 same ballot. The failure of the freeholders to approve the
24 issuance of bonds for any one or more purposes shall not
25 defeat the approval of bonds for any purpose that shall be
26 approved by the freeholders.

27 Section 31. Bonds as legal investment or
28 security.--Notwithstanding any provisions of any other law to
29 the contrary, all bonds issued under the provisions of this
30 act shall constitute legal investments for savings banks,
31 banks, trust companies, insurance companies, executors,

1 administrators, trustees, guardians, and other fiduciaries,
2 and for any board, body, agency, instrumentality, county,
3 municipality, or other political subdivision of the state, and
4 shall be and constitute securities which may be deposited by
5 banks or trust companies as security for deposits of state,
6 county, municipal, or other public funds, or by insurance
7 companies as required for voluntary statutory deposits.

8 Section 32. Covenants.--Any resolution authorizing the
9 issuance of bonds may contain such covenants as the board may
10 deem advisable and all such covenants shall constitute valid
11 and legally binding and enforceable contracts between the
12 district and the bondholders, regardless of the time of
13 issuance thereof. Such covenants may include, without
14 limitation, covenants concerning the disposition of the bond
15 proceeds; the use and disposition of project revenues; the
16 pledging of revenues, taxes, and assessments; the obligations
17 of the district with respect to the operation of the project
18 and the maintenance of adequate project revenues; the issuance
19 of additional bonds; the appointment, powers, and duties of
20 trustees and receivers; the acquisition of outstanding bonds
21 and obligations; restrictions on the establishing of competing
22 projects or facilities; restrictions on the sale or disposal
23 of the assets and property of the district; the priority of
24 assessment liens; the priority of claims by bondholders on the
25 taxing power of the district; the maintenance of deposits to
26 ensure the payment of revenues by users of district facilities
27 and services; the discontinuance of district services by
28 reason of delinquent payments; acceleration upon default; the
29 execution of necessary instruments; the procedure for amending
30 or abrogating covenants with the bondholders; and such other
31

1 covenants as may be deemed necessary or desirable for the
2 security of the bondholders.

3 Section 33. Validity of bonds; validation
4 proceedings.--

5 (1) Any bonds issued by the district shall be
6 incontestable in the hands of bona fide purchasers or holders
7 for value and shall not be invalid because of any irregularity
8 or defects in the proceedings for the issue and sale thereof.
9 Prior to the issuance of any bonds, the district may, but is
10 not required to, publish a notice at least once in a newspaper
11 or newspapers published or of general circulation in Broward
12 County and within the district stating the date of adoption of
13 the resolution authorizing such obligations, the amount, the
14 maximum rate of interest and maturity of such obligations, and
15 the purpose in general terms for which such obligations are to
16 be issued, and further stating that any action or proceeding
17 questioning the validity of such obligations or of the
18 proceedings authorizing the issuance thereof, or of any of the
19 covenants made therein, must be instituted within 20 days
20 after the first publication of such notice, or the validity of
21 such obligations, proceedings, and covenants shall not be
22 thereafter questioned in any court whatsoever. If no such
23 action or proceeding is so instituted within such 20-day
24 period then the validity of such obligations, proceedings, and
25 covenants shall be conclusive, and all persons or parties
26 whatsoever shall be forever barred from questioning the
27 validity of such obligations, proceedings, or covenants in any
28 court whatsoever.

29 (2) The power of the district to issue bonds under the
30 provisions of this act may be determined and any of the bonds
31 of the district may be validated and confirmed by circuit

1 court decree, under the provisions of chapter 75, Florida
2 Statutes, and laws amendatory thereof or supplementary
3 thereto.

4 Section 34. Act furnishes full authority for issuance
5 of bonds.--This act constitutes full and complete authority
6 for the issuance of bonds and the exercise of the powers of
7 the district provided herein. No procedures or proceedings,
8 publications, notices, consents, approvals, orders, acts, or
9 things by the board, or any board, officers, commission,
10 department, agency, or instrumentality of the district, other
11 than those required by this act, shall be required to issue
12 any bonds or to do any act or perform anything under this act,
13 and the issuance or sale of bonds pursuant to the provisions
14 of this act need not comply with the requirements of any other
15 law applicable to the issuance or sale of bonds, except as
16 otherwise provided in this act, and shall not require the
17 consent or approval of the board of drainage commissioners of
18 the state or of any other board, officers, commission,
19 department, agency, or instrumentality of the state or any
20 political subdivision thereof. Except as otherwise provided
21 herein, no proceedings or procedures of any character whatever
22 shall be necessary or required for the issuance of bonds other
23 than the adoption of an appropriate resolution by the board as
24 provided in this act with respect to the issuance of the same.
25 The powers conferred by this act on the district with respect
26 to the issuance and sale of bonds shall be in addition and
27 supplemental to the powers conferred by any other law.

28 Section 35. Pledge by the state to the bondholders of
29 the district and to the Federal Government.--The state pledges
30 to the holders of any bonds issued under this act that it will
31 not limit or alter the rights of the district to own, acquire,

1 construct, reconstruct, improve, maintain, operate, or furnish
2 the projects or to levy and collect the taxes, assessments,
3 rentals, rates, fees, and other charges provided for herein
4 and to fulfill the terms of any agreement made with the
5 holders of such bonds or other obligations, and that it will
6 not in any way impair the rights or remedies of the holders.

7 Section 36. Ad valorem taxes.--The board shall have
8 the power to levy and assess an ad valorem tax on all the
9 taxable real and tangible personal property in the district to
10 pay the principal of and interest on any general obligation
11 bonds of the district, to provide for any sinking or other
12 funds established in connection with any such bonds. The ad
13 valorem tax provided for herein shall be in addition to county
14 and all other ad valorem taxes provided for by law. Such tax
15 shall be assessed, levied, and collected in the same manner
16 and same time as county taxes.

17 Section 37. Annual installment taxes.--

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

1 (2) In the alternative, the board may by resolution
2 determine the amount of taxes as provided by chapter 298,
3 Florida Statutes, and thereafter the annual installments shall
4 be levied, collected and enforced as provided in chapter 298,
5 Florida Statutes.

6 Section 38. Maintenance tax.--To maintain and preserve
7 the drainage improvements of the district a maintenance tax
8 shall be evidenced to and certified by the board of
9 supervisors not later than August 31 of each year to the
10 property appraiser and shall be entered by the property
11 appraiser on the county tax rolls and shall be collected by
12 the tax collector in the same manner and time as county taxes
13 and the proceeds therefrom paid to the district. The tax shall
14 be a lien until paid on the property against which assessed
15 and enforceable in like manner as county taxes. If the
16 maintenance is for original construction based upon an
17 apportionment of benefits, the maintenance tax shall be
18 apportioned on the same basis of the net assessments of
19 benefits assessed or accruing for original construction and
20 shall not exceed 10 percent thereof in any one year. If the
21 maintenance is for other drainage improvements owned,
22 operated, or acquired by the district, the amount of said
23 maintenance tax shall be determined by the board based upon a
24 report of the chief engineer and assessed by the board, upon
25 such lands, which may be all of the lands within the district
26 benefited by the maintenance thereof, apportioned between the
27 benefited lands in proportion to the benefits received by each
28 tract of land.

29 Section 39. Enforcement of taxes.--The collection and
30 enforcement of all taxes levied by the district shall be at
31 the same time and in like manner as county taxes and the

1 provision of the Florida Statutes relating to the sale of
2 lands for unpaid and delinquent county taxes, the issuance,
3 sale, and delivery of tax certificates for such unpaid and
4 delinquent county taxes, the redemption thereof, the issuance
5 to individuals of tax deeds based thereon, and all other
6 procedures in connection therewith shall be applicable to the
7 district to the same extent as if said statutory provisions
8 were expressly set forth herein. All taxes shall be subject to
9 the same discounts as county taxes.

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

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

1 under the general laws of Florida if such property, project,
2 or facility were owned or undertaken by a municipal
3 corporation.

4 Section 42. Special assessments.--

5 (1) The board may provide for the construction or
6 reconstruction of assessable improvements as defined in
7 section 4, and for the levying of special assessments upon
8 benefited property for the payment thereof, under the
9 provisions of this section.

10 (2) Such special assessments may be levied and
11 assessed in either of the alternate methods provided in
12 subsection (6) or subsection (7), and except for such
13 procedure, all the other provisions of this section and this
14 act shall apply to levy of such special assessments under
15 either subsection (6) or subsection (7).

16 (3) The initial proceeding under subsection (6) or
17 subsection (7) of this section shall be the passage by the
18 board of a resolution ordering the construction or
19 reconstruction of such assessable improvements, indicating the
20 location by terminal points and routes and either giving a
21 description of the improvements by its material, nature,
22 character, and size or giving two or more descriptions with
23 the directions that the material, nature, character, and size
24 shall be subsequently determined in conformity with one of
25 such descriptions. Drainage improvements need not be
26 continuous and may be in more than one locality. The
27 resolution ordering any such improvement may give any short
28 and convenient designation to each improvement ordered
29 thereby, and the property against which assessments are to be
30 made for the cost of such improvement may give any short and
31 convenient designation to each improvement ordered thereby,

1 and the property against which assessments are to be made for
2 the cost of such improvement may be designated as an
3 assessment district, followed by a letter, number, or name to
4 distinguish it from other assessment districts, after which it
5 shall be sufficient to refer to such improvement and property
6 by such designation in all proceedings and assessments, except
7 in the notices required by this section.

8 (4) As soon as possible after the passage of such
9 resolution the engineer for the district shall prepare, in
10 duplicate, plans and specifications for each improvement
11 ordered thereby and an estimate of the cost thereof. Such cost
12 shall include, in addition to the items of cost as defined in
13 this act, the following items of incidental expenses:

14 (a) Printing and publishing notices and proceedings.

15 (b) Costs of abstracts of title.

16 (c) Any other expense necessary or proper in
17 conducting the proceedings and work provided for in this
18 section, including the estimated amount of discount, if any,
19 financial expenses upon the sale of assessment bonds or any
20 other obligations issued hereunder for which such special
21 assessment bonds or any other obligations issued hereunder for
22 which such special assessments are to be pledged, and interest
23 prior to and until not more than 2 years after the completion
24 of said assessable improvements. If the resolution shall
25 provide alternative descriptions of material, nature,
26 character and size, such estimate shall include an estimate of
27 the cost of the improvement of each such description.

28 (5) The district engineer shall next prepare in
29 duplicate a tentative apportionment of the estimated total
30 cost of the improvement as between the district and each lot
31 or parcel of land subject to special assessment under the

1 resolution, such apportionment to be made in accordance with
2 the provisions of the resolution and in relation to
3 apportionment of cost provided herein for the preliminary
4 assessment roll. Such tentative apportionment of total
5 estimated cost shall not be held to limit or restrict the
6 duties of the engineer in the preparation of such preliminary
7 assessment roll under subsection (6). One of the duplicates of
8 such plans, specifications, and estimates and such tentative
9 apportionment shall be filed with the secretary of the board
10 and the other duplicate shall be retained by the engineer in
11 his or her files, all thereof to remain open to public
12 inspection.

13 (6)(a) If the special assessments are to be levied
14 under this subsection, the secretary of the board upon filing
15 with him or her of such plans, specifications, estimates, and
16 tentative apportionment of cost shall publish once in a
17 newspaper published in Broward County in general circulation
18 within the district, a notice stating that at a meeting of the
19 board on a certain day and hour, not earlier than 15 days
20 after such publication, the board will hear objections of all
21 interested persons to the confirmation of such resolution,
22 which notice shall state in brief and general terms a
23 description of the proposed assessable improvements with the
24 location thereof, and shall also state that plans,
25 specifications, estimates, and tentative apportionment of cost
26 thereof are on file with the secretary of the board. A copy of
27 the notice shall be mailed to the landowners of the land to be
28 benefited by construction of the assessable improvement. The
29 landowners shall be determined by reference to the last
30 available tax roll of Broward County. The secretary of the
31 board shall keep a record in which shall be inscribed, at the

1 request of any person, firm, or corporation having or claiming
2 to have any interest in any lot or parcel of land, the name
3 and post office address of such person, firm, or corporation,
4 together with a brief description or designation of such lot
5 or parcel, and it shall be the duty of the secretary of the
6 board to mail a copy of such notice to such person, firm, or
7 corporation at such address at least 10 days before the time
8 for the hearing as stated in such notice, but the failure of
9 the secretary of the board to keep such record or so to
10 inscribe any name or address or to mail any such notice shall
11 not constitute a valid objection to holding the hearing as
12 provided in this section or to any other action taken under
13 the authority of this section.

14 (b) At the time named in such notice, or to which an
15 adjournment may be taken by the board, the board shall receive
16 any objections of interested persons and may then or
17 thereafter repeal or confirm such resolution with such
18 amendments, if any, as may be desired by the board and which
19 do not cause any additional property to be specially assessed.

20 (c) All objections to any such resolution on the
21 ground that it contains items which cannot be properly
22 assessed against property, or that it is, for any default or
23 defect in the passage or character of the resolution or the
24 plans or specifications or estimate, void or voidable in whole
25 or in part, or that it exceeds the power of the board, shall
26 be made in writing in person or by attorney, and filed with
27 the secretary of the board at or before the time or adjourned
28 time of such hearing. Any objections against the making of any
29 assessable improvements not so made shall be considered as
30 waived, and if any objection shall be made and overruled or
31 shall not be sustained, the confirmation of the resolution

1 shall be the final adjudication of the issue presented unless
2 proper steps shall be taken in a court of competent
3 jurisdiction to secure relief within 20 days.

4 (d) Whenever any resolution providing for the
5 construction or reconstruction of assessable improvements and
6 for the levying of special assessments upon benefited property
7 for the payment thereof shall have been confirmed, and said
8 special assessments are levied under this subsection as herein
9 above provided, or at any time thereafter, the board may issue
10 assessment bonds payable out of such assessments when
11 collected. Such bonds shall mature not later than 2 years
12 after the maturity of the last annual installment in which
13 said special assessments may be paid, as provided in
14 subsection (7), and shall bear such interest as the board may
15 determine not to exceed 10 percent per year. Such assessment
16 bonds shall be executed, shall have such provisions for
17 redemption prior to maturity, and shall be sold in the manner
18 and be subject to all of the applicable provisions contained
19 in this act applicable to other bonds, except as the same are
20 inconsistent with the provisions of this section. The amount
21 of such assessment bonds for any assessable improvement, prior
22 to the confirmation of the preliminary assessment roll
23 provided for in this subsection shall not exceed the estimated
24 amount of the cost of such assessable improvements which are
25 to be specially assessed against the lands and real estate of
26 the engineer referred to in this section.

27 (e) After the passage of the resolution authorizing
28 the construction or reconstruction of assessable improvements
29 has been confirmed as provided for above where special
30 assessments are levied under this subsection or after the
31 final confirmation of the assessment roll where such

1 assessments are levied under subsection (7), the board may
2 publish at least once in a newspaper published in Broward
3 County in general circulation within the district, a notice
4 calling for sealed bids to be received by the board on a date
5 not earlier than 15 days after the first publication for the
6 construction of the work, unless in the initial resolution the
7 board shall have declared its intention to have the work done
8 by district forces without contract. The notice shall refer in
9 general terms to the extent and nature of the improvements and
10 may identify the same by the short designation indicated in
11 the initial resolution and by reference to the plans and
12 specifications on file. If the initial resolution shall have
13 given two or more alternative descriptions of the assessable
14 improvements as to its material, nature, character, and size,
15 and if the board shall not have theretofore determined upon a
16 definite description, the notice shall call for bids upon each
17 of such descriptions. Bids may be requested for the work as
18 whole or for any part thereof separately and bids may be asked
19 for any one or more of such assessable improvements authorized
20 by the same or different resolutions, but any bid covering
21 work upon more than one improvement shall be in such form as
22 to permit a separation of cost as to each improvement. The
23 notice shall require bidders to file with their bids either a
24 certified check drawn upon an incorporated bank or trust
25 company in such amount or percentage of their respective bids,
26 as the board shall deem advisable, or a bid bond in like
27 amount with corporate surety satisfactory to the board to
28 insure the execution of a contract to carry out the work in
29 accordance with such plans and specifications and insure the
30 filing at the making of such contract, of a bond in the amount
31 of the contract price with corporate surety satisfactory to

1 the board conditioned for the performance of the work in
2 accordance with such contract. The board shall have the right
3 to reject any or all bids, and if all bids are rejected the
4 board may readvertise or may determine to do the work by the
5 district forces without contract.

6 (f) Promptly after the completion of the work, in the
7 case of special assessments levied under subsection (6), the
8 engineer for the district, who is hereby designated as the
9 official of the district to make the preliminary assessment of
10 benefits from assessable improvements, shall prepare a
11 preliminary assessment roll and file the same with the
12 secretary of the board which roll shall contain the following:

13 1. A description of abutting lots and parcels of land
14 or lands which will benefit from such assessable improvements
15 and the amount of such benefits to each such lot or parcel of
16 land. Such lots and parcels shall include the property of
17 Broward County and any school district or other political
18 subdivision. There shall also be given the name of the owner
19 of record of each lot or parcel where practicable, and in all
20 cases there shall be given a statement of the method of
21 assessment used by the engineer for determining the benefits.

22 2. The total cost of the improvements and the amount
23 of incidental expense.

24 (g) The preliminary roll shall be advisory only and
25 shall be subject to the action of the board as hereafter
26 provided. Upon the filing with the secretary of the board of
27 the preliminary assessment roll, the secretary of the board
28 shall publish at least once in a newspaper published in
29 Broward County in general circulation within the district a
30 notice stating that at a meeting of the board to be held on a
31 certain day and hour, not less than 15 days from the date of

1 such publication, which meeting may be a regular, adjourned,
2 or special meeting, all interested persons may appear and file
3 written objections to the confirmation of such roll. Such
4 notice shall state the class of the assessable improvements
5 and the location thereof by terminal points and route.

6 (h) At the time and place stated in such notice, the
7 board shall meet and receive the objections in writing of all
8 interested persons as stated in such notice. The board may
9 adjourn the hearing from time to time. After the completion
10 thereof the board shall annul, sustain, or modify in whole or
11 in part the prima facie assessment as indicated on such roll,
12 either by confirming the prima facie assessment against any or
13 all lots or parcels described therein or by canceling,
14 increasing, or reducing the same, according to the special
15 benefits which the board decides each such lot or parcel has
16 received or will receive on account of such improvement. If
17 any property that may be chargeable under this section shall
18 have been omitted from the preliminary roll or if the prima
19 facie assessment shall not have been made against it, the
20 board may place on such roll an apportionment to such
21 property. The board shall not confirm any assessment in excess
22 of the special benefits to the property assessed and the
23 assessments so confirmed shall be in proportion to the special
24 benefits. Forthwith after such confirmation such assessment
25 roll shall be delivered to the secretary of the board. The
26 assessment so made shall be final and conclusive as to each
27 lot or parcel assessed unless proper steps are taken within 30
28 days in a court of competent jurisdiction to secure relief. If
29 the assessment against any property shall be sustained or
30 reduced or abated by the court, the secretary of the board
31 shall note that fact on the assessment roll opposite the

1 description of the property affected thereby. The amount of
2 the special assessment against any lot or parcel which may be
3 abated by the court, unless the assessment upon all benefited
4 property be abated, or the amount by which such assessment is
5 so reduced, may by resolution of the board be made chargeable
6 against the district at large; or, at the discretion of the
7 board, a new assessment roll may be prepared and confirmed in
8 the manner herein above provided for the preparation and
9 confirmation of the original assessment roll.

10 (i) Pending the final confirmation of such special
11 assessments in the manner provided in this subsection, the
12 district shall have a lien on all such lands and real estate
13 after the confirmation of the initial resolution, in the
14 manner provided in this subsection.

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

29 (b) Upon the completion and filing of said assessment
30 roll the secretary to the board shall cause a copy thereof to
31 be published once in a newspaper published in Broward County

1 and in general circulation within the district, together with
2 a notice directed to all property owners interested in said
3 special assessments, stating that at a meeting of the board on
4 a certain day and hour, not earlier than 15 days after such
5 publication, the board sitting as an equalizing board, will
6 hear objections of all interested persons to the final
7 confirmation of such assessment roll, and will finally confirm
8 such assessment roll or take such action relative thereto as
9 it deems necessary and advisable. A copy of the notice shall
10 be mailed to the landowners of the land to be benefited by
11 construction of the assessable improvement. The landowners
12 shall be determined by reference to the last available tax
13 roll of Broward County. The secretary of the board shall keep
14 a record in which shall be inscribed, at the request of any
15 person, firm, or corporation having or claiming to have any
16 interest in any lot or parcel of land, the name and post
17 office address of such person, firm, or corporation, together
18 with a brief description or designation of such lot or parcel,
19 and it shall be the duty of the secretary of the board to mail
20 a copy of such notice to such person, firm, or corporation at
21 such address at least 10 days before the time for the hearing
22 as stated in such notice, but the failure of the secretary of
23 the board to keep such record or so to inscribe any name or
24 address or to mail any such notice shall not constitute a
25 valid objection to holding the hearing as provided in this
26 section or to any other action taken under the authority of
27 this section.

28 (c) At the time and place named in the notice provided
29 for in paragraph (b), the board shall meet as an equalizing
30 board to hear and consider any and all complaints as to said
31 special assessments, and shall adjust and equalize the said

1 special assessments on a basis of justice and right, and when
2 so equalized and approved such special assessments shall stand
3 confirmed and remain legal, valid, and binding liens upon the
4 properties upon which such special assessments are made, until
5 paid in accordance with the provisions of this act; provided,
6 however, that upon the completion of such improvements, if the
7 actual cost of such assessable improvements is less than the
8 amount of such special assessments levied, the district shall
9 rebate to the owners of any properties which shall have been
10 specially assessed for such assessable improvements the
11 difference in the special assessments as originally made,
12 levied, and confirmed, and the proportionate part of the
13 actual cost of said assessable improvements as finally
14 determined upon the completion of said assessable
15 improvements; and in the event that the actual cost of said
16 assessable improvements shall be more than the amount of such
17 special assessments confirmed and levied, finally determined
18 upon the completion of said assessable improvements, the
19 proportionate part of such excess cost of such assessable
20 improvements may be levied against all of the lands and
21 properties against which such special assessments were
22 originally levied, or, in the alternative, the board may, in
23 its discretion, pay such excess cost from any legally
24 available funds.

25 (d) All objections to any such assessment roll on the
26 ground that it contains items which cannot be properly
27 assessed against property, or that it is, for any default or
28 defect in the passage or character of the assessment roll or
29 the plans or specifications or estimate, void or voidable in
30 whole or in part, or that it exceeds the power of the board,
31 shall be made in writing in person or by attorney, and filed

1 with the secretary of the board at or before the time or
2 adjourned time of such hearing on the assessment roll. Any
3 objections against the making of any assessable improvements
4 not so made shall be considered as waived, and if any
5 objections shall be made and overruled or shall not be
6 sustained, the confirmation of the assessment roll shall be
7 the final adjudication of the issue presented unless proper
8 steps shall be taken in a court of competent jurisdiction to
9 secure relief within 20 days.

10 (e) All the provisions of subsection (6) not
11 inconsistent with this subsection shall apply to the levy of
12 special assessments under this subsection.

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

26 (b) All such special assessments levied pursuant to
27 this act may, in the discretion of the board, be collected by
28 the tax collector of the county at the same time as the
29 general county taxes are collected by the tax collector of the
30 county, and the board shall in such event certify to the
31 county tax collector in each year a list of all such special

1 assessments and a description of and names of the owners of
2 the properties against such special assessments have been
3 levied and the amounts due thereof in such year, and interest
4 thereon for any deficiencies for prior years. The amount to be
5 collected in such year may include, in the discretion of the
6 board, the principal installment of such special assessments
7 which will become due at any time in the next succeeding
8 fiscal year, and all or any part of the interest which will
9 become due on such special assessments during such next fiscal
10 year, together with any deficiencies for prior years.

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

24 (d) All charges of the county tax collector or of the
25 district, and the fees, costs, and expenses of any paying
26 agents, trustees, or other fiduciaries for assessment bonds
27 issued under this act, shall be deemed to be costs of the
28 operation and maintenance of any drainage improvements in
29 connection with which such special assessments were levied and
30 the board shall be authorized and directed to provide for the
31 payment each year of such costs of collection, fees, and other

1 expenses from the maintenance tax as provided in this act as
2 shall be mutually agreed upon between the board and the county
3 tax collector as additional compensation for his or her
4 services for each such assessment district in which the
5 special assessments are collected by him or her.

6 (e) All assessments shall constitute a lien upon the
7 property so assessed from the date of final confirmation
8 thereof, of the same nature and to the same extent as the lien
9 for general county taxes falling due in the same year or years
10 in which such assessments or installments thereof fall due,
11 and any assessment or installment not paid when due shall be
12 collectable with such interest and with reasonable attorney's
13 fee and costs, but without penalties, by the district by
14 proceedings in a court of equity to foreclose the line of
15 assessments as a lien for mortgages is or may be foreclosed
16 under the laws of the state; provided that any such
17 proceedings to foreclose shall embrace all installments of
18 principal remaining unpaid with accrued interest thereon,
19 which installments shall, by virtue of the institution of such
20 proceedings, immediately become due and payable. Nevertheless,
21 if, prior to any sale of the property under decree of
22 foreclosure in such proceedings, payment is made of the
23 installment or installments which are shown to be due under
24 the provisions of subsection (6) or subsection (7), and by
25 this subsection and all costs, including interest and
26 reasonable attorney's fees, such payment shall have the effect
27 of restoring the remaining installments to their original
28 maturities as provided by the resolution passed pursuant to
29 subsection (8) and the proceedings shall be dismissed. It
30 shall be the duty of the board to enforce the prompt
31 collection of assessment by the means herein provided, and

1 such duty may be enforced at the suit of any holder of bonds
2 issued under this act in a court of competent jurisdiction by
3 mandamus or other appropriate proceedings or action. Not later
4 than 30 days after the annual installments are due and
5 payable, it shall be the duty of the board to direct the
6 attorney for the district to institute actions within 2 months
7 after such direction to enforce the collection of all special
8 assessments for assessable improvements made under this
9 section and remaining due and unpaid at the time of such
10 direction. Such action shall be prosecuted in the manner and
11 under the conditions in and under which mortgages are
12 foreclosed under the laws of the state. It shall be lawful to
13 join in one action the collection of assessments against any
14 or all property assessed by virtue of the same assessment roll
15 unless the court shall deem such joinder prejudicial to the
16 interest of any defendant. The court shall allow a reasonable
17 attorney's fee for the attorney for the district and the same
18 shall be collectable as a part of or in addition to the costs
19 of the action. At the sale pursuant to decree in any such
20 action, the district may be a purchaser to the same extent as
21 an individual person or corporation, except that the part of
22 the purchase price represented by the assessments sued upon
23 and the interest thereon need not be paid in cash. Property so
24 acquired by the district may be sold or otherwise disposed of.

25 (f) All assessments and charges made under the
26 provisions of this section for the payment of all or any part
27 of the cost of any assessable improvements for which
28 assessment bonds shall have been issued under the provisions
29 of this act, or which have been pledged as additional security
30 for any other bonds or obligations issued under this act,
31 shall be maintained in a special fund or funds and be used

1 only for the payment of principal or interest on such
2 assessment bonds or other bonds or obligations.

3 (g) Broward County and each school district and other
4 political subdivision wholly or partly within the district
5 shall possess the same power and be subject to the same duties
6 and liabilities in respect of assessments under this section
7 affecting the real estate of such county, school district, or
8 other political subdivision which private owners of real
9 estate possess or are subject to hereunder, and such real
10 estate of any such county, school district, and political
11 subdivision shall be subject to liens for said assessments in
12 all cases where the same property would be subject to such
13 liens had it at the time the lien attached been owned by a
14 private owner.

15 Section 43. Issuance of certificates of indebtedness
16 based on assessments for assessable improvements; assessment
17 bonds.--

18 (1) The board may, after any assessments for
19 assessable improvements are made, determined, and confirmed as
20 provided in section 42, issue certificates of indebtedness for
21 the amount so assessed against the abutting property or
22 property otherwise benefited, as the case may be, and separate
23 certificates shall be issued against each part or parcel of
24 land or property assessed, which certificates shall state the
25 general nature of the improvement for which the said
26 assessment is made. Said certificates shall be payable in
27 annual installments in accordance with the installments of the
28 special assessment for which they are issued. The board may
29 determine the interest to be borne by such certificates, not
30 to exceed 10 percent per year, and may sell such certificates
31 at either private or public sale and determine the form,

1 manner of execution, and other details of such certificates.
2 Such certificates shall recite that they are payable only from
3 the special assessments levied and collected from the part or
4 parcel of land or property against which they are issued. The
5 proceeds of such certificates may be pledged for the payment
6 of principal of and interest on any revenue bonds or general
7 obligation bonds issued to finance in whole or in part such
8 assessable improvement, or, if not so pledged, may be used to
9 pay the cost or part of the cost of such assessable
10 improvements.

11 (2) The district may also issue assessment bonds or
12 other obligations payable from a special fund into which such
13 certificates of indebtedness referred to in subsection (1) may
14 be deposited; or, if such certificates of indebtedness have
15 not been issued, the district may assign to such special fund
16 for the benefit of the holders of such assessment bonds or
17 other obligations, or to a trustee for such bondholders, the
18 assessment liens provided for in this act unless such
19 certificates of indebtedness or assessment liens have been
20 theretofore pledged for any bonds or other obligations
21 authorized hereunder. In the event of the creation of such
22 special fund and the issuance of such assessment bonds or
23 other obligations, the proceeds of such certificates of
24 indebtedness of assessment liens deposited therein shall be
25 used only for the payment of the assessment bonds or other
26 obligations issued as provided in this section. The district
27 is hereby authorized to covenant with the holders of such
28 assessment bonds or other obligations that it will diligently
29 and faithfully enforce and collect all the special assessments
30 and interest and penalties thereon for which such certificates
31 of indebtedness or assessment liens have been deposited in or

1 assigned to such fund and to foreclose such assessment liens
2 so assigned to such special fund or represented by the
3 certificates of indebtedness deposited in said special fund,
4 after such assessment liens have become delinquent, and
5 deposit the proceeds derived from such foreclosure, including
6 interest and penalties, in such special fund, and to make any
7 other covenants deemed necessary or advisable in order to
8 properly secure the holders of such assessment bonds or other
9 obligations.

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

19 (4) Such assessment bonds or other obligations issued
20 under this section shall bear such interest as the board may
21 determine not to exceed 10 percent per year, shall be
22 executed, shall have such provisions for redemption prior to
23 maturity, and shall be sold in the manner and be subject to
24 all of the applicable provisions contained in this act for
25 revenue bonds, except as the same may be inconsistent with the
26 provisions of this section.

27 (5) All assessment bonds or other obligations issued
28 under the provisions of this act, except certificates of
29 indebtedness issued against separate lots or parcels of land
30 or property as provided in this section, shall be and
31 constitute and have all the qualities and incidents of

1 negotiable instruments under the law merchant and the laws of
2 the state.

3 Section 44. Foreclosure of liens.--Any lien in favor
4 of the district arising under chapter 298, Florida Statutes,
5 or under this act may be foreclosed by the district by
6 foreclosure proceedings in the name of the district in the
7 circuit court in like manner as is provided in chapter 173,
8 Florida Statutes, and amendments thereto, and the provisions
9 of said chapter shall be applicable to such proceedings with
10 the same force and effect as if said provisions were expressly
11 set forth in this act. Any act required or authorized to be
12 done by or on behalf of a city or town in foreclosure
13 proceedings under chapter 173, Florida Statutes, may be
14 performed by such officer or agent of the district as the
15 board of supervisors may designate. Such foreclosure
16 proceedings may be brought at any time after the expiration of
17 1 year after the date any tax, or installment thereof, becomes
18 delinquent.

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

22 (1) The district has the right to:

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

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

30 (2) Delinquent taxes paid, or tax sales certificates
31 redeemed or purchased, by the district, together with all

1 penalties for the default in payment of the same and all costs
2 in collecting the same and a reasonable attorney's fee, shall
3 constitute a lien in favor of the district of equal dignity
4 with the liens of state and county taxes and other taxes of
5 equal dignity with state and county taxes, upon all the real
6 property against which said taxes were levied. The lien of the
7 district may be foreclosed in the manner provided in this act.

8 (3) In any sale of land pursuant to section 197.520,
9 Florida Statutes, and amendments thereto, the district may
10 certify to the clerk of the circuit court of the county
11 holding such sale, the amount of taxes due to the district
12 upon the lands sought to be sold, and the district shall share
13 in the disbursement of the sales proceeds in accordance with
14 the provisions of this act and under law.

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

27 Section 47. Bids required.--No contract shall be let
28 by the board for the construction or maintenance of any
29 project authorized by this act, nor shall any goods, supplies,
30 or materials be purchased when the amount thereof to be paid
31 by said district shall exceed \$4,000, unless notice of bids

1 shall be advertised once a week for 2 consecutive weeks in a
2 newspaper published in Broward County and in general
3 circulation within the district, and in each case the bid of
4 the lowest responsible bidder shall be accepted, unless all
5 bids are rejected because the bids are too high. The board may
6 require the bidders to furnish bond with responsible surety to
7 be approved by the board. Nothing in this section shall
8 prevent the board from undertaking and performing the
9 construction, operation, and maintenance of any project or
10 facility authorized by this act, by the employment of labor,
11 material, and machinery.

12 Section 48. Maintenance of projects across
13 rights-of-way.--The district shall have the power to construct
14 and operate its projects in, along, or under any dedications
15 to the public, platted rights-of-way, platted reservations,
16 streets, alleys, highways, or other public places or ways, and
17 across any drain, ditch, canal, floodway, holding basin,
18 excavation, grade, fill, or cut, within or without the
19 district.

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

30 Section 50. Agreements with other political bodies for
31 the joint discharge of common functions.--The board and any

1 other political bodies, whether now in existence or hereafter
2 created, are authorized to enter into and carry into effect
3 contracts and agreements relating to the common powers,
4 duties, and functions of the board and any other political
5 bodies, to the end that there may be effective cooperation and
6 coordination in discharging their common functions, powers,
7 and duties.

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

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

21 (2) No such rates, fees, rentals, or other charges for
22 any of the facilities or services of the district shall be
23 fixed until after a public hearing at which all the users of
24 the proposed facility or services, owners, tenants, or
25 occupants served or to be served thereby and all other
26 interested persons shall have an opportunity to be heard
27 concerning the proposed rates, fees, rentals, or other
28 charges. Notice of such public hearing setting forth the
29 proposed schedule or schedules of rates, fees, rentals, and
30 other charges shall have been published in a newspaper in
31 Broward County in general circulation within the district at

1 least once at least 10 days prior to such public hearing,
2 which may be adjourned from time to time. After such hearing
3 such schedule or schedules, either as initially proposed, or
4 as modified or amended, may be finally adopted. A copy of the
5 schedule or schedules of such rates, fees, rentals, or charges
6 as finally adopted shall be kept on file in an office
7 designated by the board and shall be open at all reasonable
8 times to public inspection. The rates, fees, rentals, or
9 charges so fixed for any class of users or property served
10 shall be extended to cover any additional users or properties
11 thereafter served which shall fall in the same class, without
12 the necessity of any notice or hearing. Any change or revision
13 of rates, fees, rentals, or charges may be made in the same
14 manner as the same were originally established, as hereinabove
15 provided, except that if such changes or revisions are made
16 substantially pro rata as to all classes of the type of
17 service involved no notice or hearing shall be required.

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

27 (4) The rates, fees, rentals, or other charges
28 prescribed shall be such as will produce revenues, together
29 with any other assessments, taxes, revenues, or funds
30 available or pledged for such purpose, at least sufficient to
31

1 provide for the items hereinafter listed, but not necessarily
2 in the order stated:

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

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

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

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

27 Section 52. Recovery of delinquent charges.--In the
28 event that any of the rates, fees, rentals, charges, or
29 delinquent penalties shall not be paid as and when due and
30 shall be in default for 30 days or more, the unpaid balance
31 thereof and all interest accrued thereon, together with

1 reasonable attorney's fees and costs, may be recovered by the
2 district in a civil action.

3 Section 53. Discontinuance of service.--In the event
4 that the fees, rentals, or other charges for the services and
5 facilities of any project are not paid when due, the board
6 shall have the power to discontinue and shut off the same
7 until such fees, rentals, or other charges, including
8 interest, penalties, and charges for the shutting off and
9 discontinuance and the restoration of such services and
10 facilities, are fully paid, and for such purposes may enter on
11 any lands, waters, and premises of any person, firm,
12 corporation, or body, public or private, within or without the
13 district limits. Such delinquent fees, rentals, or other
14 charges, together with interest, penalties, and charges for
15 the shutting off and discontinuance and the restoration of
16 such services and facilities, and the reasonable attorney's
17 fees and other costs, may be recovered by the district, which
18 may also enforce payment of such delinquent fees, rentals, or
19 other charges by any other lawful method of enforcement.

20 Section 54. Action taken on consent of
21 landowners.--Any action required under this act or under
22 chapter 298, Florida Statutes, to be taken on public hearing
23 for the purpose of receiving and passing on objections by
24 landowners may be taken without such notice or hearing upon
25 the written consent of all of the landowners affected by such
26 action.

27 Section 55. Enforcement and penalties.--The board or
28 any aggrieved person may have recourse to such remedies in law
29 and equity as may be necessary to ensure compliance with the
30 provisions of this act, including injunctive relief to enjoin
31 or restrain any person violating the provisions of this act;

1 and any bylaws, resolutions, regulations, rules, codes, and
2 orders adopted under this act. In case any building or
3 structure is erected, constructed, reconstructed, altered,
4 repaired, converted, or maintained, or any building,
5 structure, land, or water is used, in violation of this act,
6 or of any code, order, resolution or other regulation made
7 under authority conferred by this act or under law, the board
8 and any citizen residing in the district may institute any
9 appropriate action or proceeding to prevent such unlawful
10 erection, construction, reconstruction, alteration, repair,
11 conversion, maintenance, or use; to restrain, correct, or
12 avoid such violation; to prevent the occupancy of such
13 building, structure, land, or water; and to prevent any
14 illegal act, conduct, business, or use in or about such
15 premises, land, or water.

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

27 Section 57. Exemption of district property from
28 execution.--All district property shall be exempt from levy
29 and sale by virtue of an execution and no execution or other
30 judicial process shall issue against such property, nor shall
31 any judgment against the district be a charge or lien on its

1 property or revenues, provided that nothing herein contained
2 shall apply to or limit the rights of bondholders to pursue
3 any remedy for the enforcement of any lien or pledge given by
4 the district in connection with any of the bonds or
5 obligations of the district.

6 Section 4. Chapters 71-580, 84-398, 85-387, 87-505,
7 89-440, 91-353, 92-245, 94-445, and 96-537, Laws of Florida,
8 are repealed.

9 Section 5. If any one or more of the sections or
10 provisions of this act or the application of such sections or
11 provisions to any situation, circumstances, or person, shall
12 for any reason be held to be unconstitutional, such
13 unconstitutionality shall not affect any other sections or
14 provisions as to any other situation, circumstances or person,
15 and it is intended that this law shall be construed and
16 applied as if such section or provision had not been included
17 herein for any unconstitutional application.

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

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