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HB 1351

2011 Legislature

1 A bill to be entitled
2 An act relating to the South Broward Drainage District,
3 Broward County; amending chapter 98-524, Laws of Florida,
4 as amended; revising and providing definitions; conforming
5 terminology; deleting and updating obsolete provisions;
6 revising inconsistent provisions; revising the method of
7 deciding elections of commissioners in the event of a tie
8 vote; clarifying language relating to the imposition of
9 district assessments and taxes; clarifying the type of
10 property subject to district rules, criteria, and
11 regulations; authorizing the board to take appropriate
12 action as may be required of the district by another
13 governmental agency; requiring the district to take
14 designated water control elevations into consideration for
15 all projects within the district; authorizing the
16 treasurer, rather than the secretary, of the board to be
17 involved in the preparation of the district's budget;
18 clarifying procedures relating to special assessments;
19 authorizing the treasurer to prepare the district tax
20 record; requiring the district to prepare plans,
21 specifications, and estimates for improvements;
22 authorizing the district director to implement certain
23 activities and receive documents relating to special
24 assessments; conforming cross-references; prohibiting
25 obstruction, damage, or destruction of district facilities
26 and noncompliance with the district's 5-year
27 recertification program rules, criteria, or regulations;

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28 | clarifying applicability; providing severability;
 29 | providing an effective date.

30 |

31 | Be It Enacted by the Legislature of the State of Florida:

32 |

33 | Section 1. Subsections (1) and (10) of section 9,
 34 | subsection (6) of section 10, and sections 13, 19, 21, 22, 23,
 35 | 41, and 42 of section 2 of chapter 98-524, Laws of Florida, as
 36 | amended by chapters 2004-459 and 2007-308, Laws of Florida, are
 37 | amended, and subsection (14) is added to section 9 of that
 38 | section, to read:

39 | Section 9. Definitions.—

40 | (1) "Assessable improvements" includes, without
 41 | limitation, any and all drainage, ~~and land,~~ and water management
 42 | ~~reclamation~~ works and facilities, sewer systems, storm sewers
 43 | and drains, water systems, streets, roads, or other projects of
 44 | the district, or that portion or portions thereof, local in
 45 | nature and of special benefit to the premises or lands served
 46 | thereby, and any and all modifications, improvements, and
 47 | enlargements thereof.

48 | (10) "Drainage and water management ~~reclamation~~
 49 | facilities" means any canals, ditches, water management areas,
 50 | or other drainage facilities, reservoirs, dams, levees,
 51 | sluiceways, dredging, holding basins, floodways, pumping
 52 | stations, or any other works, structures, or facilities for the
 53 | conservation, control, development, utilization, management, and
 54 | disposal of water, and any purposes appurtenant, necessary, or
 55 | incidental thereto, and includes all real and personal property

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56 | and any interest therein, rights, easements, and franchises of
 57 | any nature relating to any such drainage and water management
 58 | ~~reclamation~~ facilities or necessary or convenient for the
 59 | acquisition, construction, reconstruction, operation, or
 60 | maintenance thereof. The terms "drainage" and "water management"
 61 | shall be used interchangeably and shall mean the conservation,
 62 | control, utilization, management, collection, disposal,
 63 | conveyance, flowage, storage, detention, retention, absorption,
 64 | run-off, pumping, and discharge of water or stormwater and any
 65 | purposes appurtenant, necessary, or incidental thereto. This
 66 | definition shall in no way be deemed to expand or reduce the
 67 | district's powers.

68 | (14) "Five-year recertification program" means the
 69 | district's program that requires the district's 5-year surface
 70 | water management operation and maintenance permit for drainage
 71 | facilities to be renewed at the end of every 5 years by the
 72 | permittee or landowner and that requires that the permitted
 73 | surface water management and drainage system is operational and
 74 | complies with the district's rules, regulations, and criteria.

75 | Section 10. Board of commissioners; election;
 76 | organization; terms of office; benefits; quorum; report and
 77 | minutes.—

78 | (6) Except as stated in this act, the board shall be
 79 | composed of seven members as follows:

80 | (a) In the general election of November 2008 and in the
 81 | November general election of every 4th year thereafter, one
 82 | commissioner shall be elected from Zone 1, one commissioner
 83 | shall be elected from Zone 3, and one commissioner shall be

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84 | elected from Zone 6. The commissioners elected in November 2008
85 | shall serve until their terms expire in November 2012.

86 | (b) In the general election of November 2010, and in the
87 | November general election of every 4th ~~fourth~~ year thereafter,
88 | one commissioner shall be elected from Zone 2, one commissioner
89 | shall be elected from Zone 4, one commissioner shall be elected
90 | from Zone 5, and one commissioner shall be elected from Zone 7.
91 | The commissioners elected in November 2010 shall serve until
92 | their terms expire in November 2014.

93 | (c) If only one candidate qualifies for an office, that
94 | candidate shall be deemed elected. If two or more candidates
95 | qualify for an office, the names of those candidates shall be
96 | placed on the ballot for the designated November general
97 | election.

98 | (d) The candidate receiving the highest number of votes
99 | cast for the office of commissioner for each respective zone at
100 | each respective election shall be declared elected to such
101 | office. If the vote results in a tie, the outcome shall be
102 | determined by the drawing of a card from a standard unopened
103 | sealed deck of 52 cards provided by the district director. The
104 | candidate drawing the highest card shall be declared elected to
105 | such office ~~lot~~.

106 | (e) Commissioners elected or reelected shall be inducted
107 | into office at the first regularly scheduled meeting of the
108 | board following certification of the election.

109 | Section 13. Powers.—The district shall have, and the board
110 | may exercise, any or all the following powers:

111 | (1) To contract and be contracted with; to sue and be sued

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112 in the name of the district; to adopt and use a seal; to
 113 acquire, by purchase, gift, devise, condemnation, eminent
 114 domain, or otherwise, property, real or personal, or any estate
 115 therein, within or without the district, to be used for any
 116 purpose necessary or to meet the needs of any of the purposes of
 117 this act.

118 (2) To establish, construct, operate, and maintain a
 119 system of main and lateral canals, drains, ditches, levees,
 120 dikes, dams, sluices, locks, revetments, reservoirs, holding
 121 basins, floodways, pumping stations, syphons, culverts, and
 122 storm sewers, and to connect some or any of them as within the
 123 judgment of the board is deemed advisable to drain and provide
 124 water management services for ~~reclaim~~ the lands within the
 125 district.

126 (3) To acquire and maintain appropriate sites for storage
 127 and maintenance of the equipment of the district; and to acquire
 128 and maintain and construct a suitable building to house the
 129 office and records of the district.

130 (4) To clean out, straighten, widen, open up, or change
 131 the course and flow, alter, or deepen any canal, ditch, drain,
 132 river, water course, or natural stream as within the judgment of
 133 the board is deemed advisable to drain and provide water
 134 management services for ~~reclaim~~ the lands within the district;
 135 to acquire, purchase, operate, and maintain pumps, plants, and
 136 pumping systems for drainage purposes; and to construct,
 137 operate, and maintain irrigation works and machinery in
 138 connection with the purposes herein set forth.

139 (5) To regulate and set forth by appropriate resolution

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140 the drainage and water management requirements and conditions to
 141 be met for the land within the district and for plats to be
 142 entitled to record on any land within the district, including
 143 authority to require as a condition precedent for any platting,
 144 that good and sufficient bond be posted to assure proper
 145 drainage and water management for the area to be platted.

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

149 (7) To build and construct any other works and
 150 improvements deemed necessary to preserve and maintain the works
 151 in or out of the district; to acquire, construct, operate,
 152 maintain, use, sell, convey, transfer, or otherwise provide for
 153 machines and equipment for drainage and water management
 154 ~~reclamation~~ purposes; and to contract for the purchase,
 155 construction, operation, maintenance, use, sale, conveyance, and
 156 transfer of the said machinery and equipment.

157 (8) To construct or enlarge, or cause to be constructed or
 158 enlarged, any and all bridges or culverts that may be needed in
 159 or out of the district, across any drain, ditch, canal,
 160 floodway, holding basin, excavation, public highway, railroad
 161 right-of-way, easement, reservation, tract, grade, fill, or cut;
 162 to construct roadways over levees and embankments; to construct
 163 any and all of said works and improvements across, through, or
 164 over any drain, ditch, canal, floodway, holding basin,
 165 excavation, public highway, railroad right-of-way, easement,
 166 reservation, track, grade, fill, or cut in or out of the
 167 district; and to remove any fence, building, or other

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168 improvements, in or out of the district for purposes of drainage
 169 and water management reclamation.

170 (9) To hold, control, and acquire by donation, purchase,
 171 or condemnation, any easement, reservation, or dedication in or
 172 out of the district, for any of the purposes herein provided. To
 173 condemn or acquire, by purchase or grant or by exercise of the
 174 right of eminent domain, for use in the district, any land or
 175 property within or without the district and acquire or condemn
 176 any other property within or without the district. To exercise
 177 the right of eminent domain as provided by chapters 73 and 74,
 178 Florida Statutes.

179 (10) To assess and impose ~~upon all of the lands in the~~
 180 ~~district~~ an annual assessment or drainage tax, ~~an administrative~~
 181 ~~tax, and a maintenance~~ tax as hereinafter provided on all
 182 assessable property within the district for the purposes as
 183 herein provided.

184 (11) To impose and foreclose special assessment liens as
 185 hereinafter provided.

186 (12) To prohibit, regulate, and restrict by appropriate
 187 resolution all structures, materials, and things, whether solid,
 188 liquid, or gas, whether permanent or temporary in nature, which
 189 come upon, come into, connect to, or be a part of any of the
 190 main or lateral drains, ditches, canals, levees, dikes, dams,
 191 sluices, revetments, reservoirs, holding basins, floodways,
 192 pumping stations, and syphons which may have been heretofore
 193 created or may hereafter be created or hereafter constructed,
 194 and if deemed necessary, to take appropriate action as may be
 195 required of the district by another governmental agency having

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196 jurisdiction over the district. Notwithstanding the above, the
 197 district's designated water control elevations shall be
 198 maintained in accordance with the terms of the district's South
 199 Florida Water Management District permits and any agreements
 200 that may be entered into between the district, South Florida
 201 Water Management District, and any other governmental entity.
 202 When reviewing all submitted permit applications, including, but
 203 not limited to, all district projects, the district shall take
 204 into consideration the water control elevations in the design,
 205 construction, and maintenance of all drainage and water
 206 management facilities such that the design, construction, and
 207 maintenance within the district will not adversely impact the
 208 designated water control elevations.

209 (13) To administer and provide for the enforcement of all
 210 of the provisions herein, including the making, adopting,
 211 promulgating, amending, and repealing of all rules, criteria,
 212 and regulations necessary or convenient for the carrying out of
 213 the duties, obligations, and powers conferred on the district
 214 created herein.

215 (14) To cooperate with or contract with other drainage
 216 districts or other governmental agencies as may be necessary,
 217 convenient, incidental, or proper in connection with any of the
 218 powers, duties, or purposes of the district as stated in this
 219 act.

220 (15) To employ engineers, attorneys, agents, employees,
 221 and representatives as the board of commissioners may from time
 222 to time determine necessary and to fix their compensation and
 223 duties.

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

227 (17) To construct, improve, and maintain roadways and
228 roads necessary and convenient to provide access to and
229 efficient development of areas made suitable and available for
230 cultivation, settlement, urban subdivision, homesites, and other
231 beneficial developments as a result of the drainage and water
232 management operations of the district.

233 (18) To make use of any dedication to public use, ~~or~~
234 platted and dedicated easements, or reservations within or
235 without the boundaries of the district.

236 (19) To exercise any and all other powers conferred upon
237 drainage and water control districts by chapter 298, Florida
238 Statutes, including, but not limited to, the power to acquire
239 and construct drainage and water management improvements, to
240 issue bonds to pay the cost thereof, and to levy and collect
241 assessments and drainage taxes upon lands benefited by the
242 improvements.

243 Section 19. Annual budget.—Prior to the end of each fiscal
244 year ~~after this act is effective~~, the treasurer of the board or
245 the secretary or director of the district shall prepare a
246 proposed budget to be submitted to the board for approval. The
247 proposed budget shall include an estimate of all necessary
248 expenditures of the district for the next ensuing fiscal year
249 and an estimate of income to the district from the taxes and
250 assessments provided in this act. The board shall consider the
251 proposed budget item by item and may either approve the budget

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252 as proposed by the treasurer or ~~secretary or~~ director or modify
 253 the same in part or in whole. The board shall indicate their
 254 approval of the budget by resolution, which resolution shall
 255 provide for a hearing on the budget as approved. Notice of the
 256 hearing on the budget shall be published in a newspaper of
 257 general circulation in Broward County once a week for 2
 258 consecutive weeks, provided that the second publication shall
 259 not be less than 7 days after the first publication. The notice
 260 shall be directed to all landowners in the district and shall
 261 state the purpose of the meeting. The notice shall further
 262 contain a designation of the date, time, and place of the public
 263 hearing, which shall be not less than 7 days after the second
 264 publication. At the time and place designated in the notice, the
 265 board shall hear all objections to the budget as proposed, and
 266 make such changes as the board deems necessary. At the
 267 conclusion of the budget hearing the board shall, by resolution,
 268 adopt the budget as finally approved by the board.

269 Section 21. Water control plan ~~of reclamation; proceedings~~
 270 ~~thereon.~~—The district's water control plan for the drainage and
 271 water management ~~reclamation~~ of lands which is in effect prior
 272 to the effective date of this act shall remain in full force and
 273 effect after the effective date of this act.

274 Section 22. Adoption, revision, and revocation of water
 275 control plan ~~of reclamation.~~—In addition to and not in
 276 limitation of its power to provide for and adopt a water control
 277 plan ~~of reclamation~~ provided in section 21 and under chapter
 278 298, Florida Statutes, and amendments thereto, the board may at
 279 any time and from time to time adopt, revoke, or modify, in

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280 whole or in part, any water control plan ~~of reclamation~~ or any
 281 plan providing for the drainage and water management of lands
 282 within the district, and may provide for such new and additional
 283 drainage and water management facilities, canals, ditches,
 284 levees, and other works as the board may determine. In
 285 connection with the revision of any water control plan ~~of~~
 286 ~~reclamation~~ or the providing of any new or additional drainage
 287 and water management facilities, canals, ditches, levees, or
 288 other works, or in the event that the total taxes and
 289 assessments theretofore levied or the funds derived from the
 290 sale of bonds are insufficient to pay the cost of any drainage
 291 or water management works, benefits may be reassessed,
 292 additional assessments made, and taxes levied in accordance with
 293 the procedures provided in this act or in chapter 298, Florida
 294 Statutes. The board may at any time approve and make effective
 295 technical changes or modifications in any water control plan ~~of~~
 296 ~~reclamation or drainage~~ not affecting assessed benefits, levy of
 297 taxes, or the security of bondholders.

298 Section 23. Assessing land for drainage and water
 299 management ~~reclamation~~; apportionment of tax; ~~drainage~~ tax
 300 record.—The board shall, without any unnecessary delay, levy a
 301 tax of such portion of benefits of the district's water control
 302 ~~plan of reclamation~~ on all lands in the district to which
 303 benefits have been assessed, as may be found necessary by the
 304 board to pay the costs of the completion of the proposed works
 305 and water management and drainage improvements, as shown in said
 306 water control plan ~~of reclamation~~ and in carrying out the
 307 objectives ~~objects~~ of said district; and, in addition thereto,

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308 10 percent of said total amount for emergencies. The said tax
 309 shall be apportioned to, and levied on, each tract or parcel of
 310 land in said district ~~in proportion to the benefits assessed,~~
 311 ~~and not in excess thereof;~~ and in case bonds are issued, as
 312 provided in this act, a tax shall be levied in a sum not less
 313 than an amount 90 percent of which shall be equal to the
 314 principal of said bonds. The amount of bonds to be issued for
 315 paying the cost of the works as set forth in the water control
 316 ~~plan of reclamation~~ shall be ascertained and determined by the
 317 board; however, the total amount of all bonds to be issued by
 318 the district shall in no case exceed 90 percent of the benefits
 319 assessed upon the lands of the district. The amount of the
 320 interest, as estimated by said board, which will accrue on such
 321 bonds, shall be included and added to the said tax, but the
 322 interest to accrue on account of the issuing of said bonds shall
 323 not be construed as a part of the costs of construction in
 324 determining whether or not the expenses and costs of making said
 325 improvements are equal to, or in excess of, the benefits
 326 assessed. The secretary or treasurer of the board, or the
 327 director, as soon as said total tax is levied, shall, at the
 328 expense of the district, prepare a list of all taxes ~~taxies~~
 329 levied, in the form of a well bound book, which book shall be
 330 endorsed and named "~~DRAINAGE~~ TAX RECORD OF SOUTH BROWARD
 331 DRAINAGE DISTRICT, BROWARD COUNTY, FLORIDA," which endorsement
 332 shall be printed or written at the top of each page in said
 333 book, and shall be signed and certified by the chairperson and
 334 secretary or treasurer of the board, attested by affixing the
 335 seal of the district, and the same shall thereafter become a

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336 permanent record in the office of said secretary, treasurer, or
 337 director. In the alternative, so long as the Broward County
 338 property appraiser or revenue collector assesses and collects
 339 the taxes and assessments authorized by this section, the
 340 records of the Broward County property appraiser shall satisfy
 341 the requirements of the ~~drainage~~ tax record of the district.

342 Section 41. ~~Operation and~~ Administrative, maintenance, and
 343 operations tax.—To carry on the business of the district and to
 344 pay the administrative, maintenance, and operational costs
 345 thereof and in addition to any other tax or assessment
 346 authorized to be levied, the district is authorized to levy a
 347 tax on all the lands within the district as determined by the
 348 board for said purpose. This tax shall be a lien until paid on
 349 the property against which assessed and enforceable in like
 350 manner as county taxes. The amount of the tax shall be
 351 determined by the board based upon a report of the secretary or
 352 treasurer of the board or the director and assessed by the board
 353 upon such lands, which may be all of the lands within the
 354 district. This tax shall be evidenced to and certified by the
 355 board each year to the property appraiser and shall be entered
 356 by the property appraiser on the county tax rolls and shall be
 357 collected by the revenue collector in the same manner and time
 358 as county taxes and the proceeds therefrom paid to the district.

359 Section 42. ~~Maintenance tax.—To maintain and preserve the~~
 360 ~~drainage improvements of the district, a maintenance tax shall~~
 361 ~~be evidenced to and certified by the board each year to the~~
 362 ~~property appraiser and shall be entered by the property~~
 363 ~~appraiser on the county tax rolls and shall, be collected by the~~

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364 ~~revenue collector in the same manner and time as county taxes~~
 365 ~~and the proceeds therefrom paid to the district. The tax shall~~
 366 ~~be a lien until paid on the property against which assessed and~~
 367 ~~enforceable in like manner as county taxes. The amount of said~~
 368 ~~maintenance tax shall be determined by the board based upon a~~
 369 ~~report of the chief engineer or director and assessed by the~~
 370 ~~board upon such lands, which may be all of the lands within the~~
 371 ~~district, benefited by the maintenance thereof.~~

372 Section 2. Sections 43 through 74 of section 2 of chapter
 373 98-524, Laws of Florida, as amended by chapter 2007-308, Laws of
 374 Florida, are renumbered as sections 42 through 73, respectively,
 375 present section 45, subsection (1) of present section 46,
 376 subsection (1) of present section 49, present sections 50, 52,
 377 55, and 58, subsection (2) of present section 59, and present
 378 sections 64, 65, 68, 70, and 72 are amended, and subsection (4)
 379 is added to present section 62 of that section, to read:

380 Section 44 ~~45~~. Special assessments.—The board may provide
 381 for the construction or reconstruction of assessable
 382 improvements as defined in section 9, and for the levying of
 383 special assessments upon benefited property for the payment
 384 thereof, under provisions of this section. Such special
 385 assessments may be levied and assessed in either of the
 386 alternate methods provided in subsections (2) and (3), and
 387 except for such procedure, all the other provisions of this
 388 section and this act shall apply to levy of such special
 389 assessments under either subsection (2) or subsection (3).

390 (1) The initial proceeding under subsection (2) or
 391 subsection (3) shall be the passage by the board of a resolution

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392 ordering the construction or reconstruction of such assessable
393 improvements, indicating the location by terminal points and
394 routes and either giving a description of the improvements by
395 its material, nature, character, and size or giving two or more
396 descriptions with the directions that the material, nature,
397 character, and size shall be subsequently determined in
398 conformity with one of such descriptions. Drainage improvements
399 need not be continuous and may be in more than one locality. The
400 resolution ordering any such improvement may give any short and
401 convenient designation to each improvement ordered thereby, and
402 the property against which assessments are to be made for the
403 cost of such improvement may give any short and convenient
404 designation to each improvement ordered thereby, and the
405 property against which assessments are to be made for the cost
406 of such improvement may be designated as an assessment district,
407 followed by a letter or number or name to distinguish it from
408 other assessment districts, after which it shall be sufficient
409 to refer to such improvement and property by such designation in
410 all proceedings and assessments, except in the notices required
411 by this section. As soon as possible after the passage of such
412 resolution, ~~the engineer for~~ the district shall prepare, in
413 duplicate, plans and specifications for each improvement ordered
414 thereby and an estimate of the cost thereof. Such cost shall
415 include, in addition to the items of cost as defined in this
416 act, the cost of relaying streets and sidewalks necessarily torn
417 up or damaged and the following items of incidental expenses:
418 (a) Printing and publishing notices and proceedings.
419 (b) Costs of abstracts of title.

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420 (c) Any other expense necessary or proper in conducting
421 the proceedings and work provided for in this section, including
422 the estimated amount of discount, if any, financial expenses
423 upon the sale of assessment bonds or any other obligations
424 issued hereunder for which such special assessment bonds or any
425 other obligations issued hereunder for which such special
426 assessments are to be pledged, and interest prior to and until
427 not more than 2 years after the completion of said assessable
428 improvements. If the resolution shall provide alternative
429 descriptions of material, nature, character, and size, such
430 estimate shall include an estimate of the cost of the
431 improvement of each such description.

432
433 The district ~~engineer~~ shall next prepare, in duplicate, a
434 tentative apportionment of the estimated total cost of the
435 improvement as between the district and each lot or parcel of
436 land subject to special assessment under the resolution, such
437 apportionment to be made in accordance with the provisions of
438 the resolution and in relation to apportionment of cost provided
439 herein for the preliminary assessment roll. Such tentative
440 apportionment of total estimated cost shall not be held to limit
441 or restrict the duties of the director ~~engineer~~ in the
442 preparation of such preliminary assessment roll under subsection
443 (2). One of the duplicates of such plans, specifications, and
444 estimates and such tentative apportionment shall be filed with
445 the secretary of the board and the other duplicate shall be
446 retained by the director ~~engineer~~ in his or her files, all
447 thereof to remain open to public inspection.

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

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448 (2) (a) If the special assessments are to be levied under
 449 this subsection, the secretary of the board, or the director,
 450 upon the filing with the secretary of such plans,
 451 specifications, estimates, and tentative apportionment of cost,
 452 shall publish once in a newspaper published in the county where
 453 the benefited land is located and of general circulation in the
 454 county, a notice stating that at a meeting of the board on a
 455 certain day and hour, not earlier than 15 days from such
 456 publication, the board will hear objections of all interested
 457 persons to the confirmation of such resolution, which notice
 458 shall state in brief and general terms a description of the
 459 proposed assessable improvements with the location thereof, and
 460 shall also state that plans, specifications, estimates, and
 461 tentative apportionment of cost thereof are on file with the
 462 secretary of the board or the director. A copy of the notice
 463 shall be mailed to the landowners of the land to be benefited by
 464 construction of the assessable improvements ~~improvement~~. The
 465 landowners shall be determined by reference to the last
 466 available tax roll of Broward County. The secretary of the board
 467 or the director shall keep a record in which shall be inscribed,
 468 at the request of any person, firm, or corporation having or
 469 claiming to have any interest in any lot or parcel of land, the
 470 name and post office address of such person, firm, or
 471 corporation, together with a brief description or designation of
 472 such lot or parcel, and it shall be the duty of the secretary of
 473 the board or the director to mail a copy of such notice to such
 474 person, firm, or corporation at such address at least 10 days
 475 before the time for the hearing as stated in such notice, but

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476 the failure of the secretary of the board or the director to
477 keep such record or so to inscribe any name or address or to
478 mail any such notice shall not constitute a valid objection to
479 holding the hearing as provided in this section or to any other
480 action taken under the authority of this section.

481 (b) At the time named in such notice, or to which an
482 adjournment may be taken by the board, the board shall receive
483 any objections of interested persons and may then or thereafter
484 repeal or confirm such resolution with such amendments, if any,
485 as may be desired by the board and which do not cause any
486 additional property to be specially assessed.

487 (c) All objections to any such resolution on the ground
488 that it contains items which cannot be properly assessed against
489 property, or that it is, for any default or defect in the
490 passage or character of the resolution or the plans or
491 specifications or estimate, void or voidable in whole or in
492 part, or that it exceeds the power of the board, shall be made
493 in writing, in person or by attorney, and filed with the
494 secretary of the board or the director at or before the time or
495 adjourned time of such hearing. Any objections against the
496 making of any assessable improvements not so made shall be
497 considered as waived, and, if any objections shall be made and
498 overruled or shall not be sustained, the confirmation of the
499 resolution shall be the final adjudication of the issue
500 presented unless proper steps shall be taken in a court of
501 competent jurisdiction to secure relief within 20 days.

502 (d) Whenever any resolution providing for the construction
503 or reconstruction of assessable improvements and for the levying

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504 of special assessments upon benefited property for the payment
505 thereof has been confirmed, and the special assessments are
506 levied under this subsection, or at any time thereafter, the
507 board may issue assessment bonds payable out of such assessments
508 when collected. Such bonds shall mature not later than 2 years
509 after the maturity of the last annual installment in which the
510 special assessments may be paid, as provided in subsection (4),
511 and shall bear interest as provided by section 31. Such
512 assessment bonds shall be executed, shall have such provisions
513 for redemption prior to maturity, and shall be sold in the
514 manner and be subject to all of the applicable provisions
515 contained in this act applicable to other bonds, except as the
516 same are inconsistent with the provisions of this section. The
517 amount of such assessment bonds for any assessable improvement,
518 prior to the confirmation of the preliminary assessment roll
519 provided for in this subsection shall not exceed the estimated
520 amount of the cost of such assessable improvements which are to
521 be specially assessed against the lands and real estate referred
522 to in this section.

523 (e) After the passage of the resolution authorizing the
524 construction or reconstruction of assessable improvements has
525 been confirmed where special assessments are levied under this
526 subsection or after the final confirmation of the assessment
527 roll where such assessments are levied under subsection (3), the
528 board may publish at least once in a newspaper published and of
529 general circulation in the county where the benefited land is
530 located, a notice calling for sealed bids to be received by the
531 board on a date not earlier than 15 days after the first

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532 publication for the construction of the work, unless in the
533 initial resolution the board has declared its intention to have
534 the work done by district forces without contract. The notice
535 shall refer in general terms to the extent and nature of the
536 improvements and may identify the same by the short designation
537 indicated in the initial resolution and by reference to the
538 plans and specifications on file. If the initial resolution has
539 given two or more alternative descriptions of the assessable
540 improvements as to its material, nature, character, and size,
541 and, if the board has not theretofore determined upon a definite
542 description, the notice shall call for bids upon each of such
543 descriptions. Bids may be requested for the work as a whole or
544 for any part thereof separately and bids may be asked for any
545 one or more of such assessable improvements authorized by the
546 same or different resolutions, but any bid covering work upon
547 more than one improvement shall be in such form as to permit a
548 separation of cost as to each improvement. The notice shall
549 require bidders to file with their bids either a certified check
550 drawn upon an incorporated bank or trust company in such amount
551 or percentage of their respective bids, as the board deems
552 advisable, or a bid bond in like amount with corporate surety
553 satisfactory to the board to ensure the execution of a contract
554 to carry out the work in accordance with such plans and
555 specifications and ensure the filing, at the making of such
556 contract, of a bond in the amount of the contract price with
557 corporate surety satisfactory to the board conditioned for the
558 performance of the work in accordance with such contract. The
559 board shall have the right to reject any or all bids, and, if

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560 all bids are rejected, the board may readvertise or may
 561 determine to do the work by the district forces without
 562 contract.

563 (f) Promptly after the completion of the work, in the case
 564 of special assessments levied under this subsection, the
 565 director, or his or her designee ~~engineer for the district~~, who
 566 is hereby designated as the official of the district to make the
 567 preliminary assessment of benefits from assessable improvements,
 568 shall prepare a preliminary assessment roll and file the same
 569 with the secretary of the board which roll shall contain the
 570 following:

571 1. A description of abutting lots and parcels of land or
 572 lands which will benefit from such assessable improvements and
 573 the amount of such benefits to each such lot or parcel of land.
 574 There shall also be given the name of the owner of record of
 575 each lot or parcel, where practicable, and, in all cases, there
 576 shall be given a statement of the method of assessment used ~~by~~
 577 ~~the engineer~~ for determining the benefits.

578 2. The total cost of the improvements and the amount of
 579 incidental expense.

580 (g) The preliminary roll shall be advisory only and shall
 581 be subject to the action of the board as hereafter provided.
 582 Upon the filing with the secretary of the board or the director
 583 of the preliminary assessment roll, the secretary of the board
 584 or the director shall publish at least once in a newspaper
 585 published and of general circulation in the county where the
 586 benefited land is located, a notice stating that at a meeting of
 587 the board to be held on a certain day and hour, not less than 15

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588 days after the date of such publication, which meeting may be a
589 regular, adjourned, or special meeting, all interested persons
590 may appear and file written objections to the confirmation of
591 such roll. Such notice shall state the class of the assessable
592 improvements and the location thereof by terminal points and
593 route.

594 (h) At the time and place stated in such notice the board
595 shall meet and receive the objections in writing of all
596 interested persons as stated in such notice. The board may
597 adjourn the hearing from time to time. After the completion
598 thereof the board shall either annul or sustain or modify in
599 whole or in part the prima facie assessment as indicated on such
600 roll, either by confirming the prima facie assessment against
601 any or all lots or parcels described therein or by canceling,
602 increasing, or reducing the same, according to the special
603 benefits which the board decides each lot or parcel has received
604 or will receive on account of such improvement. If any property
605 which may be chargeable under this section has been omitted from
606 the preliminary roll or if the prima facie assessment has not
607 been made against it, the board may place on such roll an
608 apportionment to such property. The board shall not confirm any
609 assessment in excess of the special benefits to the property
610 assessed, and the assessments so confirmed shall be in
611 proportion to the special benefits. Forthwith after such
612 confirmation such assessment roll shall be delivered to the
613 secretary of the board or the director. The assessment so made
614 shall be final and conclusive as to each lot or parcel assessed
615 unless proper steps be taken within 30 days in a court of

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616 | competent jurisdiction to secure relief. If the assessment
 617 | against any property shall be sustained or reduced or abated by
 618 | the court, the secretary of the board or the director shall note
 619 | that fact on the assessment roll opposite the description of the
 620 | property affected thereby. The amount of the special assessment
 621 | against any lot or parcel which may be abated by the court,
 622 | unless the assessment upon all benefited property be abated, or
 623 | the amount by which such assessment is so reduced, may, by
 624 | resolution of the board, be made chargeable against the district
 625 | at large; or, at the discretion of the board, a new assessment
 626 | roll may be prepared and confirmed in the manner herein provided
 627 | for the preparation and confirmation of the original assessment
 628 | roll.

629 | (i) Pending the final confirmation of such special
 630 | assessments in the manner provided in this subsection, the
 631 | district shall have a lien on all such lands and real estate
 632 | after the passage of the initial resolution, subject, however,
 633 | to the final confirmation thereof in the manner provided in this
 634 | subsection.

635 | (3) (a) The district ~~engineer~~, under the procedure provided
 636 | for in this subsection shall next, after passage of the initial
 637 | resolution and filing of the plans and estimates of cost ~~by the~~
 638 | ~~district engineer~~, prepare an assessment roll for the district
 639 | in duplicate, which assessment roll shall contain an
 640 | apportionment of the estimated total cost of the improvement as
 641 | between the district and each lot or parcel of land subject to
 642 | the special assessment under the initial resolution, such
 643 | apportionment to be made in accordance with the provisions of

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644 the initial resolution. One of the duplicates of said assessment
645 roll shall be filed with the secretary of the board and the
646 other duplicate shall be retained by the director ~~district~~
647 ~~engineer~~ in his or her files, all thereof to remain open to
648 public inspection.

649 (b) Upon the completion and filing of said assessment
650 roll, the secretary ~~of~~ ~~to~~ the board or the director shall cause
651 a copy thereof to be published once in a newspaper published in
652 the county where the benefited land is located and of general
653 circulation in the county, together with a notice directed to
654 all property owners interested in the special assessments
655 stating that at a meeting of the board on a certain day and
656 hour, not earlier than 15 days after such publication, the board
657 sitting as an equalizing board, will hear objections of all
658 interested persons to the final confirmation of such assessment
659 roll, and will finally confirm such assessment roll or take such
660 action relative thereto as it deems necessary and advisable. A
661 copy of the notice shall be mailed to the landowners of the land
662 to be benefited by construction of the assessable improvements
663 ~~improvement~~. The landowners shall be determined by reference to
664 the last available tax roll of Broward County. The secretary of
665 the board or the director shall keep a record in which shall be
666 inscribed, at the request of any person, firm, or corporation
667 having or claiming to have any interest in any lot or parcel of
668 land, the name and post office address of such ~~each~~ person,
669 firm, or corporation, together with a brief description or
670 designation of such lot or parcel, and it shall be the duty of
671 the secretary of the board or the director to mail a copy of

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672 such notice to such person, firm, or corporation at such address
673 at least 10 days before the time for the hearing as stated in
674 such notice, but the failure of the secretary of the board or
675 the director to keep such record or so to inscribe any name or
676 address or to mail any such notice shall not constitute a valid
677 objection to holding the hearing as provided in this section or
678 to any other action taken under the authority of this section.

679 (c) At the time and place named in the notice provided for
680 in paragraph (b), the board shall meet as an equalizing board to
681 hear and consider any and all complaints as to the special
682 assessments, and shall adjust and equalize the special
683 assessments on a basis of justice and right, and, when so
684 equalized and approved, such special assessment shall stand
685 confirmed and remain legal, valid, and binding liens upon the
686 properties upon which such special assessments are made, until
687 paid in accordance with the provisions of this act. However,
688 upon the completion of the improvements, if the actual cost of
689 the assessable improvements is less than the amount of such
690 special assessments levied, the district shall rebate to the
691 owners of any properties which shall have been specially
692 assessed for the assessable improvements the difference in the
693 special assessments as originally made, levied, and confirmed,
694 and the proportionate part of the actual cost of said assessable
695 improvements as finally determined upon the completion of said
696 assessable improvements. In the event that the actual cost of
697 said assessable improvements shall be more than the amount of
698 the special assessments confirmed, levied, and as finally
699 determined upon the completion of said assessable improvements,

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700 the proportionate part of such excess cost of such assessable
701 improvements may be levied against all of the lands and
702 properties against which such special assessments were
703 originally levied, or, in the alternative, the board may, in its
704 discretion, pay such excess cost from any legally available
705 funds.

706 (d) All objections to any such assessment roll on the
707 ground that it contains items which cannot be properly assessed
708 against property, or that it is, for any default or defect in
709 the passage or character of the assessment roll or the plans or
710 specifications or estimate, void or voidable in whole or in
711 part, or that it exceeds the power of the board, shall be made
712 in writing, in person or by attorney, and filed with the
713 secretary of the board or the director at or before the time or
714 adjourned time of such hearing on the assessment roll. Any
715 objections against the making of any assessable improvements not
716 so made shall be considered as waived, and, if any objections
717 shall be made and overruled or shall not be sustained, the
718 confirmation of the assessment roll shall be the final
719 adjudication of the issue presented unless proper steps are
720 taken in a court of competent jurisdiction to secure relief
721 within 20 days.

722 (e) All the provisions of subsection (2) not inconsistent
723 with this subsection shall apply to the levy of special
724 assessments under this subsection.

725 (4) (a) Any assessment may be paid at the office of the
726 secretary of the board or the director within 60 days after the
727 confirmation thereof, without interest. Thereafter all

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728 assessments shall be payable in equal installments, with
729 interest as provided by section 31 from the expiration of the 60
730 days in each of the succeeding number of years which the board
731 shall determine by resolution, not exceeding 20. However, the
732 board may provide that any assessment may be paid at any time
733 before due, together with interest accrued thereon to the date
734 of payment, if such prior payment shall be permitted by the
735 proceedings authorizing any assessment bonds or other
736 obligations for the payment of which such special assessments
737 have been pledged.

738 (b) All such special assessments levied pursuant to this
739 act may, in the discretion of the board, be collected by the
740 revenue collector of the county at the same time as the general
741 county taxes are collected by the revenue collector of the
742 county, and the board shall in such event certify to the county
743 revenue collector and county property appraiser in each year a
744 list of all such special assessments and a description of, and
745 names of the owners of, the properties against which such
746 special assessments have been levied and the amounts due thereon
747 in such year, and interest thereon for any deficiencies for
748 prior years. The amount to be so certified by the board to the
749 county revenue collector and county property appraiser to be
750 collected in such year may include, in the discretion of the
751 board, the principal installment of such special assessments
752 which will become due at any time in the next succeeding fiscal
753 year, and all or any part of the interest which will become due
754 on such special assessments during such next fiscal year,
755 together with any deficiencies for prior years.

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756 (c) The board may, in lieu of providing for the collection
 757 of the special assessments by the revenue collector of the
 758 county, provide for the collection of said special assessments
 759 by the district under such terms and conditions as the board
 760 shall determine. In such event, the bills or statements for the
 761 amounts due in any fiscal year shall be mailed to the owners of
 762 all properties affected by such special assessments at such time
 763 or times as the board shall determine and such bills or
 764 statements may include all or any part of the principal and
 765 interest which will mature and become due on the annual
 766 installments of such special assessments during the fiscal year
 767 in which installments of such assessments are payable.

768 (d) All charges of the county revenue collector, the
 769 county property appraiser, or ~~of~~ the district, and the fees,
 770 costs, and expenses of any paying agents, trustees, or other
 771 fiduciaries for assessment bonds issued under this act, are
 772 deemed to be costs of the operation and maintenance of any
 773 drainage improvements in connection with which such special
 774 assessments were levied and the board shall be authorized and
 775 directed to provide for the payment each year of such costs of
 776 collection, fees, and other expenses from the administrative,
 777 maintenance, and operations tax as provided in this act as shall
 778 be mutually agreed upon between the board and the county revenue
 779 collector and county property appraiser as additional
 780 compensation for their ~~his or her~~ services for each such
 781 assessment district in which the special assessments are
 782 collected ~~by him or her~~.

783 (e) All assessments shall constitute a lien upon the

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784 property so assessed, from the date of final confirmation
 785 thereof, of the same nature and to the same extent as the lien
 786 for general county taxes falling due in the same year or years
 787 in which such assessments or installments thereof fall due, and
 788 any assessment or installment not paid when due shall be
 789 collectible with such interest and with a reasonable attorney's
 790 fee and costs, but without penalties, by the district by
 791 proceedings in a court of equity to foreclose the line of
 792 assessments as a lien for mortgages is or may be foreclosed
 793 under the laws of the state; provided that any such proceedings
 794 to foreclose shall embrace all installments of principal
 795 remaining unpaid with accrued interest thereon, which
 796 installments shall, by virtue of the institution of such
 797 proceedings, immediately become due and payable. Nevertheless,
 798 if, prior to any sale of the property under decree of
 799 foreclosure in such proceedings, payment be made of the
 800 installment or installments which are shown to be due under the
 801 provisions of subsection ~~subsections~~ (2) or subsection (3), and
 802 by this subsection, and all costs, including interest and
 803 attorney's fees, such payment shall have the effect of restoring
 804 the remaining installments to their original maturities as
 805 provided by the resolution passed pursuant to this subsection
 806 and the proceedings shall be dismissed. It shall be the duty of
 807 the board to enforce the prompt collection of assessment by the
 808 means herein provided, and such duty may be enforced at the suit
 809 of any holder of bonds issued under this act in a court of
 810 competent jurisdiction by mandamus or other appropriate
 811 proceedings or action. Not later than 30 days after the annual

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812 installments are due and payable, it shall be the duty of the
813 board to direct the attorney for the district to institute
814 actions within 2 months after such direction to enforce
815 collection of all special assessments for assessable
816 improvements made under this section and remaining due and
817 unpaid at the time of such direction. Such action shall be
818 prosecuted in the manner and under the conditions in and under
819 which mortgages are foreclosed under the laws of the state. It
820 shall be lawful to join in one action the collection of
821 assessments against any or all property assessed by virtue of
822 the same assessment roll unless the court shall deem such
823 joinder prejudicial to the interest of any defendant. The court
824 shall allow a reasonable attorney's fee for the attorney for the
825 district, and the same shall be collectible as a part of or in
826 addition to the costs of the action. At the sale pursuant to
827 decree in any such action, the district may be a purchaser to
828 the same extent as an individual person or corporation, except
829 that the part of the purchase price represented by the
830 assessments sued upon and the interest thereon need not be paid
831 in cash. Property so acquired by the district may be sold or
832 otherwise disposed of.

833 (f) All assessments and charges made under the provisions
834 of this section for the payment of all or any part of the cost
835 of any assessable improvements for which assessment bonds shall
836 have been issued under the provisions of this act, or which have
837 been pledged as additional security for any other bonds or
838 obligations issued under this act, shall be used only for the

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839 payment of principal or interest on such assessment bonds or
 840 other bonds or obligations issued under this act.

841 Section 45 ~~46~~. Issuance of certificates of indebtedness
 842 based on assessments for assessable improvements; assessment
 843 bonds.—

844 (1) The board may, after any assessments for assessable
 845 improvements are made, determined, and confirmed as provided in
 846 section 44 ~~45~~, issue certificates of indebtedness for the amount
 847 so assessed against the abutting property or property otherwise
 848 benefited, as the case may be, and separate certificates shall
 849 be issued against each part or parcel of land or property
 850 assessed, which certificates shall state the general nature of
 851 the improvement for which the said assessment is made. Said
 852 certificates shall be payable in annual installments in
 853 accordance with the installments of the special assessment for
 854 which they are issued. The board may determine the interest to
 855 be borne by such certificates as provided by section 31, and may
 856 sell such certificates at either private or public sale and
 857 determine the form, manner of execution, and other details of
 858 such certificates. Such certificates shall recite that they are
 859 payable only from the special assessments levied and collected
 860 from the part or parcel of land or property against which they
 861 are issued. The proceeds of such certificates may be pledged for
 862 the payment of principal of and interest on any revenue bonds or
 863 general obligation bonds issued to finance in whole or in part
 864 such assessable improvement, or, if not so pledged, may be used
 865 to pay the cost or part of the cost of such assessable
 866 improvements.

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867 Section 48 ~~49~~. Changing boundary lines; annexation and
 868 exclusion of lands.—

869 (1) Whenever the owners of a majority of the acreage of
 870 the land within a prescribed area adjacent to the boundaries of
 871 the district petitions the board to include a specific area of
 872 lands within the boundaries of the district or when the board by
 873 resolution proposes that an area of land adjacent to the
 874 boundaries of the district be included within the boundaries of
 875 the district, the board shall publish a notice once a week for 2
 876 consecutive weeks in a newspaper of general circulation
 877 published in Broward County describing the boundaries of the
 878 area which is proposed to be taken into the boundaries of the
 879 district. The notice shall be directed to the landowners within
 880 the area proposed to be taken into the boundaries of the
 881 district and shall direct said landowners to show cause in
 882 writing before the board at a time and place to be stated in
 883 such notice why such area of land should not be brought into the
 884 boundaries of the district and why the proceedings and powers
 885 authorized by this act should not be exercised by the board. At
 886 the time and place stated in said notice, the board shall hear
 887 all objections of any landowner within the area proposed to be
 888 taken into the boundaries of the district and if no objections
 889 are made or if said objections, if made, are overruled by the
 890 board, the board shall enter in its minutes its findings and
 891 adopt a final resolution of annexation confirming the new
 892 boundaries of the district as they may be extended. Thereafter,
 893 the board may proceed with the development, drainage, and water
 894 management ~~reclamation~~ of the new area of land brought into the

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895 | district. If the board shall overrule any landowners' objections
 896 | as provided herein or if such landowner shall deem himself or
 897 | herself aggrieved by the aforesaid action of the board, such
 898 | landowner may within 20 days after the board adopts its final
 899 | resolution of annexation invoke the jurisdiction of the circuit
 900 | court for Broward County. When said resolution annexing the new
 901 | area to the boundaries of the district shall have been adopted
 902 | by the board, or by a court of competent jurisdiction if such
 903 | proposed action shall have been challenged by a landowner by the
 904 | judicial proceedings hereinabove authorized, the board may adopt
 905 | a water control plan ~~of reclamation~~ for the newly annexed area
 906 | and thereafter proceed in a like manner as prescribed in this
 907 | act. Upon the adoption of the final resolution of annexation,
 908 | all provisions of this act shall apply to the newly annexed area
 909 | of land. Lands lying within the boundaries of the district may
 910 | be deannexed in the same manner as the procedure for annexation.

911 | Section ~~49~~ 50. Unit development; powers of board to
 912 | designate units of district and adopt system of progressive
 913 | drainage by units; water control plans ~~of reclamation~~ and
 914 | financing assessments for each unit; amendment of unit plan.—

915 | (1) The board is authorized in its discretion to drain and
 916 | provide water management ~~reclaim~~ and place under water control
 917 | or more completely and intensively to drain and provide water
 918 | management ~~reclaim~~ and place under water control the lands in
 919 | the district by designated areas or parts of the district to be
 920 | called "units." The units into which the district may be so
 921 | divided shall be given appropriate numbers or names by the
 922 | board, so that the units may be readily identified and

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923 distinguished. The board shall have the power to fix and
924 determine the location, area, and boundaries of lands to be
925 included in each and all such units, the order of development
926 thereof, and the method of carrying on the work in each unit.
927 The unit system of drainage and water management provided by
928 this section may be conducted and all of the proceedings by this
929 section and this act authorized in respect to such unit or units
930 may be carried on and conducted at the same time as or after the
931 work of draining and providing water management for ~~reclaiming~~
932 ~~of~~ the entire district has been or is being or shall be
933 instituted or carried on under the provisions of this act or
934 under chapter 298, Florida Statutes, or both.

935 (2) If the board determines that it is ~~it~~ advisable to
936 conduct the work of draining and providing water management for
937 ~~reclaiming~~ the lands in the district by units, as authorized by
938 this section, the board shall, by resolution, declare its
939 purpose to conduct such work accordingly, and shall fix the
940 number, location, and boundaries of and description of lands
941 within such unit or units and give them appropriate numbers or
942 names. The entire district may also be designated as a unit for
943 the proper allocation of such part of the water control and
944 drainage plan ~~of reclamation and drainage~~ as benefits the entire
945 district.

946 (3) As soon as practicable after the adoption of such
947 resolution, the board shall publish notice once a week for 2
948 consecutive weeks in a newspaper or newspapers published and of
949 general circulation in Broward County, briefly describing the
950 units into which the district has been divided and the lands

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951 embraced in each unit, giving the name, number, or other
952 designation of such units, requiring all owners of lands in the
953 district to show cause in writing before the board at a time and
954 place to be stated in such notice why such division of the
955 district into such units should not be approved, and the system
956 of development by units should not be adopted and given effect
957 by the board, and why the proceedings and powers authorized by
958 this section should not be had, taken, and exercised. At the
959 time and place stated in the notice, the board shall hear all
960 objections or causes of objection, all of which shall be in
961 writing, of any landowner in the district who may appear in
962 person or by attorney, to the matters mentioned and referred to
963 in such notice, and, if no objections are made, or, if
964 objections are made and overruled by the board, then the board
965 shall enter in its minutes its finding and order confirming the
966 resolution, and may thereafter proceed with the development,
967 drainage, and water management ~~reclamation~~ of the district by
968 units pursuant to such resolution and to the provisions of this
969 act. The failure to make objections as provided in this
970 subsection shall constitute a waiver of such objection, and, if
971 any objection shall be made and overruled or otherwise not
972 sustained, confirmation of the resolution shall be the final
973 adjudication of the issues presented unless a judicial
974 proceeding is initiated within 10 days after such ruling.

975 (4) The board may, as a result of any objections or of
976 other matters brought forth at such hearing, modify or amend
977 said resolution in whole or in part, confirm said resolution
978 after overruling all objections, or reject said resolution and,

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979 | if such resolution is confirmed, modified, or amended, may
980 | proceed thereafter in accordance with said resolution as
981 | confirmed, modified, or amended. The sustaining of such
982 | objections and the rescinding of such resolutions shall not
983 | exhaust the power of the board under this section, but the board
984 | may at any time adopt other resolutions under this section and
985 | thereupon proceed on due notice in like manner as provided in
986 | this section. If the board shall overrule or refuse to sustain
987 | any such objections in whole or in part made by any landowner in
988 | the district, or if any such landowner shall deem himself or
989 | herself aggrieved by any action of the board in respect to any
990 | objections so filed, such landowner may, within 10 days after
991 | the ruling of the board, invoke the jurisdiction of the circuit
992 | court for the 17th circuit; and such suits shall be conducted
993 | like other chancery suits, except that said suits shall have
994 | preference over all other pending actions except criminal
995 | actions and writs of habeas corpus.

996 | (5) When the resolutions creating the unit system shall be
997 | confirmed by the board, or by the circuit court, if such
998 | proposed action shall be challenged by a landowner by the
999 | judicial proceedings authorized in this section, the board may
1000 | adopt a water control plan or plans ~~of reclamation~~ for and in
1001 | respect to any or all such units, and to have the benefits and
1002 | damages resulting therefrom assessed and apportioned in like
1003 | manner as is provided by chapter 298, Florida Statutes, in
1004 | regard to water control plans ~~of reclamation~~ for the assessments
1005 | of benefits and damages of the entire district, or in like
1006 | manner as is provided for in this act for the assessments of

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1007 | benefits. The board shall have the same powers in respect to
1008 | each and all of such units as is vested in them with respect to
1009 | the entire district. All the provisions of this act shall apply
1010 | to the drainage, water management ~~reclamation~~, and improvement
1011 | of each, any, and all such units, and the enumeration of or
1012 | reference to specific powers or duties of the commissioners or
1013 | any other officers or other matters in this act, as set forth in
1014 | this act, shall not limit or restrict the application of any and
1015 | all of the proceedings and powers herein to the drainage and
1016 | water management ~~reclamation~~ of such units as fully and
1017 | completely as if such unit or units were specifically and
1018 | expressly named in every section and clause of this act where
1019 | the entire district is mentioned or referred to. Unless the
1020 | board by resolution otherwise provides, all assessments, levies,
1021 | taxes, bonds, and other obligations made, levied, assessed, or
1022 | issued for or in respect to any such unit or units shall be a
1023 | lien and charge solely and only upon the lands in such unit or
1024 | units, respectively, for the benefit of which the same shall be
1025 | levied, made, or issued, and not upon the remaining units or
1026 | lands in the district.

1027 | (6) The board may at any time amend its resolution by
1028 | changing the location and description of lands in any unit or
1029 | units, provided that if the location of or description of lands
1030 | located in any unit or units is so changed, notice of the change
1031 | shall be published as required in this section for notice of the
1032 | formation or organization of such unit or units, and all
1033 | proceedings shall be had and done in that regard as are provided
1034 | in this section for the original creation of such unit or units.

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1035 (7) If, after the determination of benefits with respect
 1036 to any unit or units or the issuance of bonds or other
 1037 obligations which are payable from taxes or assessments for
 1038 benefits levied upon lands within such unit or units, the board
 1039 finds the water control plan ~~of reclamation~~ of any such unit or
 1040 units insufficient or inadequate for efficient development, the
 1041 water control plan ~~of reclamation~~ may be amended or changed as
 1042 provided in chapter 298, Florida Statutes, or as provided in
 1043 this act, and the unit or units may be amended or changed as
 1044 provided in this section by changing the location and
 1045 description of lands in such unit or units or by detaching lands
 1046 therefrom or by adding lands thereto, but only upon the approval
 1047 or consent of not less than the holders of a majority in
 1048 principal amount of such bonds or other obligations, or such
 1049 other percentage as may be required by the terms of such bonds
 1050 or other obligations, or without such consent or approval, if
 1051 the proceedings authorizing such bonds provide that such action
 1052 may be taken without the consent or approval of the holders
 1053 thereof. In the event of such amendment or change, all
 1054 assessments, levies, taxes, bonds, or other obligations made,
 1055 levied, assessed, incurred, or issued for or in respect to any
 1056 such unit or units shall be allocated and apportioned to the
 1057 amended unit or units in proportion to the benefits assessed
 1058 with respect to the amended water control plan ~~of reclamation~~.
 1059 In the event of the change of the boundaries of any unit as
 1060 provided in this section and the allocation and apportionment to
 1061 the amended unit or units or assessments, levies, taxes, bonds,
 1062 and other obligations in proportion to the benefits assessed for

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1063 the amended water control plan ~~of reclamation~~, the holders of
1064 bonds or other obligations hereafter issued for the original
1065 unit shall be entitled to all rights and remedies against any
1066 lands added to the amended unit or units as fully and to the
1067 same extent as if such added lands had formed and constituted a
1068 part of the original unit or units at the time of the original
1069 issuance of such bonds or other obligations, and regardless of
1070 whether the holders of such bonds or other obligations are the
1071 original holders thereof or the holders from time to time
1072 hereafter, and the rights and remedies of such holders against
1073 the lands in the amended unit or units, including any lands
1074 added thereto, under such allocation and apportionment, shall
1075 constitute vested and irrevocable rights and remedies to the
1076 holders from time to time of such bonds or other obligations as
1077 fully and to the same extent as if such bonds or other
1078 obligations had been originally issued to finance the
1079 improvements in such amended unit or units under such amended
1080 water control plan ~~of reclamation~~. Conversely, in the event of
1081 the change of the boundaries of any unit wherein lands are
1082 detached therefrom, as provided for in this section, said lands
1083 so detached shall be relieved and released from any further
1084 liability for the assessment, levy, or payment of any taxes for
1085 the purpose of paying the principal or interest on any bonds
1086 originally issued for the original unit from which said lands
1087 were detached.

1088 Section 51 ~~52~~. Mandatory use of certain district
1089 facilities and services.—The district may require all lands,
1090 buildings, and premises, and all persons, firms, and

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1091 corporations, within the district to use the drainage and water
 1092 management ~~reclamation~~ facilities of the district. Subject to
 1093 such exceptions as may be provided by the resolutions, rules, or
 1094 bylaws of the board, and subject to the terms and provisions of
 1095 any resolution authorizing any bonds and agreements with
 1096 bondholders, no drainage or water management and ~~reclamation~~
 1097 facilities shall be constructed or operated within the district
 1098 unless the board gives consent thereto and approves the plans
 1099 and specifications therefor. The violation of the foregoing
 1100 requirements is declared to be a criminal offense and
 1101 misdemeanor within the meaning of s. 775.08, Florida Statutes,
 1102 and shall be punishable as provided by general law.

1103 Section 54 ~~55~~. Maintenance and operation of projects and
 1104 drainage and water management facilities ~~across rights-of-ways.~~
 1105 The district shall have the power to construct, maintain, and
 1106 operate its projects and drainage and water management
 1107 facilities in, along, on, or under any dedications to the
 1108 public, platted or dedicated rights-of-way, platted or dedicated
 1109 reservations, streets, easements, water management areas,
 1110 alleys, highways, or other public places or ways, and across any
 1111 drain, ditch, canal, floodway, holding basin, excavation,
 1112 railroad right-of-way, easement, reservation, water management
 1113 area, track, grade, fill, or cut, within or without the
 1114 district.

1115 Section 57 ~~58~~. Fees, rentals, tolls, fares, and charges;
 1116 procedure for adoption and modification; minimum revenue
 1117 requirements.—The district shall have the power to prescribe,
 1118 fix, establish, and collect rates, fees, rentals, tolls, fares,

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1119 or other charges, hereinafter sometimes referred to as
 1120 "revenues," and to revise the same from time to time, for the
 1121 facilities and services furnished or to be furnished by the
 1122 district, including, but not limited to, drainage and water
 1123 management facilities.

1124 Section 58 ~~59~~. Subdivision regulation.—

1125 (2) Any division of a parcel of land as a subdivision as
 1126 defined in this act shall be subject to such plat and
 1127 subdivision regulations hereafter adopted, amended, or modified
 1128 by the district under the authority of law. Such regulations may
 1129 provide for streets in the subdivision to be of such width,
 1130 grade, and location as to facilitate drainage and water
 1131 management; provide that adequate easements and rights-of-way be
 1132 provided for drainage and water management and that the lay-out
 1133 of the subdivision conform to the comprehensive water control
 1134 plan for drainage and water management for the area; and provide
 1135 for the drainage and water management requirements to be met.
 1136 The district shall not approve any subdivision plat unless the
 1137 land included within the subdivision is suitable or shall be
 1138 made suitable to the various purposes for which it is intended
 1139 to be used, and, in particular, unless all land intended for
 1140 building sites can be used safely for building purposes, without
 1141 the danger from flood or other inundation, or from any such
 1142 menace to health, safety, or public welfare. ~~After the effective~~
 1143 ~~date of this act,~~ It shall be unlawful for anyone being an
 1144 owner, or agent of an owner, of any land to transfer, sell,
 1145 agree to sell, or negotiate to sell such land by reference to,
 1146 or exhibition of, or by any other use of a plat or subdivision

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1147 | of such land, without having submitted a plat of such
 1148 | subdivision to the district and obtaining its approval as
 1149 | required by this act. The unlawful use of a plat by the owner,
 1150 | or the agent of the owner, of such land before it is properly
 1151 | approved by the district is declared to be a criminal offense
 1152 | and misdemeanor within the meaning of s. 775.08, Florida
 1153 | Statutes, and shall be punishable as provided by general law.
 1154 | The description by metes and bounds in the instrument of
 1155 | transfer or other document used in the process of transferring
 1156 | shall not exempt the transaction from such penalties.

1157 | Section 61 ~~62~~. Obstructions, damage, and destruction
 1158 | prohibited; damages; enforcement; and penalties.—

1159 | (4) A person may not willfully, or otherwise, obstruct any
 1160 | canal, drain, ditch, watercourse, or water management area or
 1161 | destroy any drainage works constructed in or maintained by the
 1162 | district or obstruct or damage any easement, right-of-way, or
 1163 | other property dedicated to the district or the public or fail
 1164 | to comply with the district's 5-year recertification program
 1165 | rules, criteria, or regulations.

1166 | Section 63 ~~64~~. Bailey Drainage District abolished and
 1167 | assets transferred to South Broward Drainage District.—That
 1168 | effective October 1, 1992, the Bailey Drainage District hereto
 1169 | created by the Florida Legislature pursuant to chapter 67-950,
 1170 | Laws of Florida, and amendments thereto, was abolished. Except
 1171 | as provided by sections 67 and 68 ~~and 69~~, the easements, rights-
 1172 | of-way, dikes, ditches, facilities, equipment, files, papers,
 1173 | plans, and all other assets, real or personal, of whatever
 1174 | description and wheresoever situate of said Bailey Drainage

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1175 District, on October 1, 1992, were surrendered to the Board of
1176 Supervisors of the South Broward Drainage District and such
1177 easements, rights-of-way, dikes, ditches, facilities, equipment,
1178 files, papers, plans, and all other assets of the Bailey
1179 Drainage District shall, by operations and provisions of this
1180 section of this law, become and remain easements, rights-of-way,
1181 dikes, ditches, facilities, equipment, files, papers, plans, and
1182 all other assets of the South Broward Drainage District.

1183 Section 64 ~~65~~. Bailey Drainage District powers,
1184 indebtedness, and liabilities transferred to South Broward
1185 Drainage District.—Commencing on October 1, 1992, all powers,
1186 duties, responsibilities, obligations, and functions of Bailey
1187 Drainage District except as stated in sections 67 and 68 ~~and 69~~,
1188 shall be performed by South Broward Drainage District and South
1189 Broward Drainage District shall assume all indebtedness of
1190 Bailey Drainage District. Commencing on October 1, 1992, except
1191 as stated in sections 67 and 68 ~~and 69~~, South Broward Drainage
1192 District shall assume all liabilities of Bailey Drainage
1193 District both known and unknown as of October 1, 1992.

1194 Section 67 ~~68~~. Bailey Drainage District road right-of-way
1195 and responsibility for roadways transferred to Board of
1196 Commissioners of Broward County.—Notwithstanding the provisions
1197 of sections 63, 64, 65, and 66, ~~and 67~~, the South Broward
1198 Drainage District shall have no requirements or responsibility
1199 for maintaining or improving any roadways located within the
1200 lands described in section 62, ~~63~~ and on October 1, 1992, all
1201 road rights-of-way described in section 68 ~~69~~ along with the
1202 roadways constructed therein were surrendered to the Board of

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1203 Commissioners of Broward County and by operation and provisions
1204 of this section became and shall remain rights-of-way and
1205 property of Broward County, subject to all drainage easements
1206 previously dedicated to Bailey Drainage District which as of
1207 October 1, 1992, are drainage easements of South Broward
1208 Drainage District.

1209 Section 69 ~~70~~. Broward County responsible for operation
1210 and maintenance of roadways within lands described in section 68
1211 ~~69~~.—Pursuant to the provisions of chapters 335 and 336, Florida
1212 Statutes, Broward County shall, from October 1, 1992, be the
1213 governmental entity responsible for operation and maintenance of
1214 all roads within the lands described in section 62 ~~63~~ and
1215 located within the right-of-way described in section 68 ~~69~~, said
1216 roads to be part of the Broward County road system.

1217 Section 71 ~~72~~. South Broward Drainage District to have all
1218 of its power and authority and jurisdiction over lands described
1219 in section 62 ~~63~~.—Commencing on October 1, 1992, the South
1220 Broward Drainage District shall have all of the powers and
1221 authority and jurisdiction over and within the territory
1222 described in section 62 ~~63~~ hereof and of the inhabitants thereof
1223 and the property located therein as it had over and within its
1224 boundaries prior to October 1, 1992; and all of the laws,
1225 regulations, and resolutions of or pertaining to the South
1226 Broward Drainage District shall apply to and have the same force
1227 and effect on all the territory described in section 62 ~~63~~ as if
1228 such territory had been a part of said South Broward Drainage
1229 District at the time of passage and approval of such laws,
1230 regulations, and resolutions.

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1231 Section 3. Nothing in this act supersedes chapter 99-468,
1232 Laws of Florida.

1233 Section 4. A certified copy of this act shall be recorded
1234 in the Broward County Public Records by the South Broward
1235 Drainage District.

1236 Section 5. If any provision of this act or its application
1237 to any person or circumstance is held invalid, the invalidity
1238 does not affect other provisions or applications of this act
1239 which can be given effect without the invalid provision or
1240 application, and to this end the provisions of this act are
1241 severable.

1242 Section 6. This act shall take effect upon becoming a law.