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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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clarifying applicability; providing severability;
providing an effective date.

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

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

Section 9. Definitions.—

(1) "Assessable improvements" includes, without limitation, any and all drainage, ~~and land,~~ and water management ~~reclamation~~ works and facilities, sewer systems, storm sewers and drains, water systems, streets, roads, 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 any and all modifications, improvements, and enlargements thereof.

(10) "Drainage and water management ~~reclamation~~ facilities" means any canals, ditches, water management areas, or other drainage facilities, reservoirs, dams, levees, sluiceways, dredging, holding basins, floodways, pumping stations, or any other works, structures, or facilities for the conservation, control, development, utilization, management, and disposal of water, and any purposes appurtenant, necessary, or 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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the drainage and water management requirements and conditions to be met for the land within the district and for plats to be entitled to record on any land within the district, including authority to require as a condition precedent for any platting, that good and sufficient bond be posted to assure proper drainage and water management for the area to be platted.

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

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

(8) To construct or enlarge, or cause to be constructed or enlarged, any and all bridges or culverts that may be needed in or out of the district, across any drain, ditch, canal, floodway, holding basin, excavation, public highway, railroad right-of-way, easement, reservation, tract, grade, fill, or cut; to construct roadways over levees and embankments; to construct any and all of said works and improvements across, through, or over any drain, ditch, canal, floodway, holding basin, excavation, public highway, railroad right-of-way, easement, reservation, track, grade, fill, or cut in or out of the 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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jurisdiction over the district. Notwithstanding the above, the district's designated water control elevations shall be maintained in accordance with the terms of the district's South Florida Water Management District permits and any agreements that may be entered into between the district, South Florida Water Management District, and any other governmental entity. When reviewing all submitted permit applications, including, but not limited to, all district projects, the district shall take into consideration the water control elevations in the design, construction, and maintenance of all drainage and water management facilities such that the design, construction, and maintenance within the district will not adversely impact the designated water control elevations.

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

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

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

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

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

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

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

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

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

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

Section 22. Adoption, revision, and revocation of water control plan ~~of reclamation.~~—In addition to and not in limitation of its power to provide for and adopt a water control plan ~~of reclamation~~ provided in section 21 and under chapter 298, Florida Statutes, and amendments thereto, the board may at 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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10 percent of said total amount for emergencies. The said tax shall be apportioned to, and levied on, each tract or parcel of land in said district ~~in proportion to the benefits assessed, and not in excess thereof~~; and in case bonds are issued, as provided in this act, a tax shall be levied in a sum not less than an amount 90 percent of which shall be equal to the principal of said bonds. The amount of bonds to be issued for paying the cost of the works as set forth in the water control plan of reclamation shall be ascertained and determined by the board; however, the total amount of all bonds to be issued by the district shall in no case exceed 90 percent of the benefits assessed upon the lands of the district. The amount of the interest, as estimated by said board, which will accrue on such bonds, shall be included and added to the said tax, but the interest to accrue on account of the issuing of said bonds shall not be construed as a part of the costs of construction in determining whether or not the expenses and costs of making said improvements are equal to, or in excess of, the benefits assessed. The secretary or treasurer of the board, or the director, as soon as said total tax is levied, shall, at the expense of the district, prepare a list of all taxes ~~taxes~~ levied, in the form of a well bound book, which book shall be endorsed and named "~~DRAINAGE~~ TAX RECORD OF SOUTH BROWARD DRAINAGE DISTRICT, BROWARD COUNTY, FLORIDA," which endorsement shall be printed or written at the top of each page in said book, and shall be signed and certified by the chairperson and secretary or treasurer of the board, attested by affixing the 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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~~revenue collector in the same manner and time as county taxes and the proceeds therefrom paid to the district. The tax shall be a lien until paid on the property against which assessed and enforceable in like manner as county taxes. The amount of said maintenance tax shall be determined by the board based upon a report of the chief engineer or director and assessed by the board upon such lands, which may be all of the lands within the district, benefited by the maintenance thereof.~~

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

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

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

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

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

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

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

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

(g) The preliminary roll shall be advisory only and shall be subject to the action of the board as hereafter provided. Upon the filing with the secretary of the board or the director of the preliminary assessment roll, the secretary of the board or the director shall publish at least once in a newspaper published and of general circulation in the county where the benefited land is located, a notice stating that at a meeting of 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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assessments shall be payable in equal installments, with interest as provided by section 31 from the expiration of the 60 days in each of the succeeding number of years which the board shall determine by resolution, not exceeding 20. However, the board may provide that any assessment may be paid at any time before due, together with interest accrued thereon to the date of payment, if such prior payment shall be permitted by the proceedings authorizing any assessment bonds or other obligations for the payment of which such special assessments have been pledged.

(b) All such special assessments levied pursuant to this act may, in the discretion of the board, be collected by the revenue collector of the county at the same time as the general county taxes are collected by the revenue collector of the county, and the board shall in such event certify to the county revenue collector and county property appraiser in each year a list of all such special assessments and a description of, and names of the owners of, the properties against which such special assessments have been levied and the amounts due thereon in such year, and interest thereon for any deficiencies for prior years. The amount to be so certified by the board to the county revenue collector and county property appraiser to be collected in such year may include, in the discretion of the board, the principal installment of such special assessments which will become due at any time in the next succeeding fiscal year, and all or any part of the interest which will become due on such special assessments during such next fiscal year, 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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property so assessed, from the date of final confirmation thereof, of the same nature and to the same extent as the lien for general county taxes falling due in the same year or years in which such assessments or installments thereof fall due, and any assessment or installment not paid when due shall be collectible with such interest and with a reasonable attorney's fee and costs, but without penalties, by the district by proceedings in a court of equity to foreclose the line of assessments as a lien for mortgages is or may be foreclosed under the laws of the state; provided that any such proceedings to foreclose shall embrace all installments of principal remaining unpaid with accrued interest thereon, which installments shall, by virtue of the institution of such proceedings, immediately become due and payable. Nevertheless, if, prior to any sale of the property under decree of foreclosure in such proceedings, payment be made of the installment or installments which are shown to be due under the provisions of subsection ~~subsections~~ (2) or subsection (3), and by this subsection, and all costs, including interest and attorney's fees, such payment shall have the effect of restoring the remaining installments to their original maturities as provided by the resolution passed pursuant to this subsection and the proceedings shall be dismissed. It shall be the duty of the board to enforce the prompt collection of assessment by the means herein provided, and such duty may be enforced at the suit of any holder of bonds issued under this act in a court of competent jurisdiction by mandamus or other appropriate proceedings or action. Not later than 30 days after the annual

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

(f) All assessments and charges made under the provisions of this section for the payment of all or any part of the cost of any assessable improvements for which assessment bonds shall have been issued under the provisions of this act, or which have been pledged as additional security for any other bonds or 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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embraced in each unit, giving the name, number, or other designation of such units, requiring all owners of lands in the district to show cause in writing before the board at a time and place to be stated in such notice why such division of the district into such units should not be approved, and the system of development by units should not be adopted and given effect by the board, and why the proceedings and powers authorized by this section should not be had, taken, and exercised. At the time and place stated in the notice, the board shall hear all objections or causes of objection, all of which shall be in writing, of any landowner in the district who may appear in person or by attorney, to the matters mentioned and referred to in such notice, and, if no objections are made, or, if objections are made and overruled by the board, then the board shall enter in its minutes its finding and order confirming the resolution, and may thereafter proceed with the development, drainage, and water management ~~reclamation~~ of the district by units pursuant to such resolution and to the provisions of this act. The failure to make objections as provided in this subsection shall constitute a waiver of such objection, and, if any objection shall be made and overruled or otherwise not sustained, confirmation of the resolution shall be the final adjudication of the issues presented unless a judicial proceeding is initiated within 10 days after such ruling.

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

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

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

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

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

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(7) If, after the determination of benefits with respect to any unit or units or the issuance of bonds or other obligations which are payable from taxes or assessments for benefits levied upon lands within such unit or units, the board finds the water control plan ~~of reclamation~~ of any such unit or units insufficient or inadequate for efficient development, the water control plan ~~of reclamation~~ may be amended or changed as provided in chapter 298, Florida Statutes, or as provided in this act, and the unit or units may be amended or changed as provided in this section by changing the location and description of lands in such unit or units or by detaching lands therefrom or by adding lands thereto, but only upon the approval or consent of not less than the holders of a majority in principal amount of such bonds or other obligations, or such other percentage as may be required by the terms of such bonds or other obligations, or without such consent or approval, if the proceedings authorizing such bonds provide that such action may be taken without the consent or approval of the holders thereof. In the event of such amendment or change, all assessments, levies, taxes, bonds, or other obligations made, levied, assessed, incurred, or issued for or in respect to any such unit or units shall be allocated and apportioned to the amended unit or units in proportion to the benefits assessed with respect to the amended water control plan ~~of reclamation~~. In the event of the change of the boundaries of any unit as provided in this section and the allocation and apportionment to the amended unit or units or assessments, levies, taxes, bonds, and other obligations in proportion to the benefits assessed for

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the amended water control plan ~~of reclamation~~, the holders of bonds or other obligations hereafter issued for the original unit shall be entitled to all rights and remedies against any lands added to the amended unit or units as fully and to the same extent as if such added lands had formed and constituted a part of the original unit or units at the time of the original issuance of such bonds or other obligations, and regardless of whether the holders of such bonds or other obligations are the original holders thereof or the holders from time to time hereafter, and the rights and remedies of such holders against the lands in the amended unit or units, including any lands added thereto, under such allocation and apportionment, shall constitute vested and irrevocable rights and remedies to the holders from time to time of such bonds or other obligations as fully and to the same extent as if such bonds or other obligations had been originally issued to finance the improvements in such amended unit or units under such amended water control plan ~~of reclamation~~. Conversely, in the event of the change of the boundaries of any unit wherein lands are detached therefrom, as provided for in this section, said lands so detached shall be relieved and released from any further liability for the assessment, levy, or payment of any taxes for the purpose of paying the principal or interest on any bonds originally issued for the original unit from which said lands were detached.

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

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

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

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

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

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

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

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

Section 61 ~~62~~. Obstructions, damage, and destruction prohibited; damages; enforcement; and penalties.-

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

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

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

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

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

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

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

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