

House Bill No. 1017

An act relating to the Plantation Acres Improvement District, Broward County; providing for codification of special laws relating to the Plantation Acres Improvement District pursuant to section 189.429, Florida Statutes; providing legislative intent; codifying, reenacting, and amending chapters 67-924, 82-274, 86-355, and 99-426, Laws of Florida; providing for creation, status, charter amendments, and boundaries; providing for applicability of certain provisions of chapter 298, Florida Statutes; providing definitions; providing for a board of supervisors and powers and duties; providing for a district manager and treasurer; providing for board member compensation; providing for a seal; authorizing the board to establish its fiscal year; providing annual budget procedures; providing for a water control plan; providing for assessments and taxes; authorizing the issuance of bonds; providing for liens; providing for use of district facilities and services; requiring bids for certain purchases; authorizing the district's use of rights-of-way; authorizing the board to enter into agreements with other political bodies; providing for action by landowners; providing for enforcement and penalties; exempting district property from execution; providing minimum charter requirements in accordance with section 189.404, Florida Statutes; providing for construction, effect, and conflict; repealing chapters 67-924, 82-274, 86-355, and 99-426, Laws of Florida; providing an effective date.

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

Section 1. Intent.—Pursuant to section 189.429, Florida Statutes, this act constitutes the codification of all special acts relating to the Plantation Acres Improvement District. It is the intent of the Legislature in enacting this law to provide a single, comprehensive special act charter for the district, including all current legislative authority granted to the district by its several legislative enactments and any additional authority granted by this act and chapters 189 and 298, Florida Statutes, as amended from time to time.

Section 2. Codification.—Chapters 67-924, 82-274, 86-355, and 99-426, Laws of Florida, relating to the Plantation Acres Improvement District, formerly the Dixie Drainage District, are codified, reenacted, and amended as provided herein.

Section 3. The Plantation Acres Improvement District is reenacted and the charter for the district is re-created and reenacted to read:

Section 1. Creation; charter amendments; abolishment of the Dixie Drainage District.—There is hereby created the Plantation Acres Improvement District in Broward County, Florida, which includes all of the area previously within the Dixie Drainage District. The district was created by special act of the Legislature in 1982 and its charter may be amended only by special act of the Legislature. The abolishment of the Dixie Drainage District by chapter 82-274, Laws of Florida, is hereby ratified and confirmed.

Section 2. Status; boundaries.—The Plantation Acres Improvement District is declared to be an independent improvement district and a public corporation of the state pursuant to chapter 298, Florida Statutes, and other applicable general laws, as amended from time to time. The district is created for the purposes of providing public infrastructure, services, the assessment, levy, and collection of taxes, non-ad valorem assessments, and fees, the operation of district facilities and services, and all other purposes stated in this act consistent with chapters 189 and 298, Florida Statutes, and other applicable general laws. The boundaries of the district shall be as follows:

Beginning at the intersection of the said North right-of-way of the North New River Canal and the East line of said Section 12; thence due North along the said East line of Section 12 and along the East line of said Section 1 a distance of 3163.04 feet; thence North 0°03'55" West along the said East line of Section 1 and along the East line of said Section 36, a distance of 5420.00 feet; thence North 0°04'12" East along the said East line of Section 36, a distance of 3762.80 feet to the Northeast corner of said Section 36 and the Southeast corner of said Section 25; thence North 0°03'22" East along the East line of said Section 25 a distance of 1519.54 feet; thence North 0°04'014" West along the said East line of Section 25 a distance of 3780.64 feet to the Northeast corner of said Section 25; thence North 88°46'30" West along the North line of said Section 25 a distance of 5333.38 feet to the Northwest corner thereof; thence South 0°31'53" East along the West line of said Section 25 a distance of 5438.54 feet to the Southwest corner of said Section 25 and the Northwest corner of said Section 36; thence South 0°01'08" East along the West line of said Section 36, a distance of 5314.33 feet to the Southwest corner of said Section 36 and the Northwest corner of said Section 1; thence South 0°03'19" East along the West line of said Section 1, a distance of 5267.60 feet to the Southwest corner of said Section 1 and the Northwest corner of said Section 12; thence South 0°00'03" West along the West line of said Section 12, a distance of 353.64 feet to a point on the said North right-of-way line of the North New River Canal; thence South 75°17'10" East along the said North right-of-way line, a distance of 5458.67 feet to the Point of Beginning.

Said lands situate, lying and being in Broward County, Florida, and which said boundary line embraces and includes those certain tracts or parcels of land described as follows:

Tracts 1 through 64, inclusive of the Subdivision of Section 25, Township 49 South, Range 40 East, according to the Florida Fruit Lands Company's Subdivision Map No. 1, recorded in Plat Book 2, Page 17 of the Public Records of Dade County, Florida, together with all rights-of-ways and dedications of record.

Tracts 1 through 24, inclusive, in the Northeast Quarter (NE ¼); Tracts 1 through 24, inclusive, in the Northwest Quarter (NW ¼); Tracts 1 through 24, inclusive, in the Southeast Quarter (SE ¼); Tracts 1 through 24, inclusive in the Southwest Quarter (SW ¼); all according to the subdivision of Section 36, Township 49 South, Range 40 East, according to Chambers Land Company's Subdivision recorded in Plat Book 1, Page 5-A of the Public Records of Broward County, Florida, together with all rights-of-way and dedications of record.

Tracts 1 through 64, inclusive, of the Subdivision of Section 1, Township 50 South, Range 40 East, according to the Florida Fruit Lands Company's Subdivision Map No. 1, recorded in Plat Book 2, Page 17 of the Public Records of Dade County, Florida, together with all rights-of-ways and dedications of record.

That portion of Section 12, Township 50 South, Range 40 East, lying North of the North right-of-way line of North New River Canal.

Said land comprising of all of Sections 25 and 36, Township 49 South, Range 40 East; and all of Section 1, Township 50 South, Range 40 East; and all that portion of Section 12, Township 50 South, Range 40 East, lying North of the North right-of-way line of the North New River Canal.

Section 3. Applicability of certain provisions of chapter 298, Florida Statutes, to the Plantation Acres Improvement District; inconsistent laws inapplicable.—The provisions of chapter 298, Florida Statutes, and all amendments thereto, now existing or hereafter enacted, are declared to be applicable to the Plantation Acres Improvement District insofar as not inconsistent with the provisions of this act or any subsequent special acts relating to the Plantation Acres Improvement District. Said Plantation Acres Improvement District shall have all of the powers and authorities mentioned in or conferred by said chapter 298, Florida Statutes, as it may be amended from time to time, except as they may conflict with this act.

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

(1) “Assessable improvements” includes without limitation any and all drainage and land reclamation works and facilities, storm sewers and drains, 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.

(2) “Bond” includes “certificate,” and provisions applicable to bonds shall be equally applicable to certificates. “Bond” includes general obligations bonds, assessment bonds, refunding bonds, revenue bonds, or any combination thereof, and such other obligations in the nature of bonds as are provided for in this act, as the case may be.

(3) “Board” means the board of supervisors of the Plantation Acres Improvement District, or if such board shall be abolished, the board, body, or commission succeeding to the principal functions thereof or to whom the powers given by this act to the board shall be given by law.

(4) “Cost,” when used with reference to any project, includes, but is not limited to, the expenses of determining the feasibility or practicability of acquisition, construction, or reconstruction; the cost of surveys, estimates, plans, and specifications; the cost of acquisition, construction, or reconstruction; the cost of improvements; engineering, fiscal, and legal expenses and charges; the cost of all labor, materials, machinery, and equipment; the cost of all lands, properties, rights, easements, and franchises acquired; federal, state, and local taxes and assessments; financing charges; the creation of

initial reserve and debt service funds; working capital; interest charges incurred or estimated to be incurred on money borrowed prior to and during construction and acquisition and for such period of time after completion of construction or acquisition as the board may determine; the cost of issuance of bonds pursuant to this act, including advertisements and printing; the cost of any election held pursuant to this act and all other expenses of issuance of bonds; discount, if any, on the sale or exchange of bonds; administrative expenses; such other expenses as may be necessary or incidental to the acquisition, construction, or reconstruction of any project or to the financing thereof, or the development of any lands within the district; and reimbursement of any public or private body, person, firm, or corporation for any moneys advanced in connection with any of the foregoing items of cost. Any obligation or expense incurred prior to the issuance of bonds in connection with the acquisition, construction, or reconstruction of any project or improvements thereon, or in connection with any other development of land that the board of the district shall determine to be necessary or desirable in carrying out the purposes of this act, may be treated as a part of such cost.

(5) “District” means the Plantation Acres Improvement District and “District Manager” means the manager of the district.

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

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

(8) “Water and flood control facilities” means any canals, ditches, 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, and disposal of water, and any purposes appurtenant, necessary, or incidental thereto, and includes all real and personal property and any interest therein, rights, easements, and franchises of any nature relating to any such water and flood control facilities or necessary or convenient for the acquisition, construction, reconstruction, operation, or maintenance thereof.

Section 5. Board of supervisors; election; organization; terms of office; quorum; report and minutes.—

(1) The board of the district shall be the governing body of the district and shall be elected on a nonpartisan basis by the qualified electors in the district in accordance with the provisions of section 189.405, Florida Statutes, as amended from time to time. The board shall exercise the powers granted to the district under this act and under chapters 189 and 298, Florida Statutes, as amended from time to time. The board shall consist of five members, and except as otherwise provided herein, each member shall hold office for a term of 4 years and until his or her successor shall be chosen

and shall qualify. A majority of the members of the board shall be residents of Broward County, and all members shall be residents of Florida. All members of the board shall be landowners within the district.

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

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

(4) As soon as practicable after each election, the board shall organize by choosing one supervisor to be chair and one to be vice chair of the board and by appointing a recording secretary, who need not be a member of the board. In the event an employee of the district serves as the board's recording secretary, an appointment to such office shall not be necessary following an election.

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

(6) The board shall keep a permanent record book entitled "Record of Proceedings of Plantation Acres Improvement District," in which shall be recorded minutes of all meetings, resolutions, proceedings, certificates, bonds given by all employees, and any and all corporate acts, which book shall at reasonable times be opened to the inspection of any landowner, taxpayer, resident, or bondholder of the district, and such other persons in accordance with chapter 119, Florida Statutes. Such record book shall be kept at any office or other regular place of business maintained by the board in Broward County.

Section 6. Appointment and duties of district manager.—For the purpose of preserving and maintaining any facility constructed or erected under the provisions of this act or under the provisions of chapter 298, Florida Statutes, and for maintaining and operating the equipment owned by the district and such other duties as may be prescribed by the board, the board may employ and fix the compensation of a district manager who shall have charge and supervision of the works of the district.

Section 7. Treasurer; depositories; fiscal agent.—

(1) The board shall designate a person who is a resident of Florida, or a bank or trust company organized under the laws of Florida or under the National Banking Act, as treasurer of the district, who shall have charge of the funds of the district. Such funds shall be disbursed only upon the order of, or pursuant to, the resolution of the board by warrant or check signed by the treasurer, or by such other person as may be authorized by the board. The board may give the treasurer such other or additional powers and duties as the board may deem appropriate, and fix his or her compensation. The board may require the treasurer to give a bond in such amount, on such

terms, and with such sureties as may be deemed satisfactory to the board to secure the performance by the treasurer of his or her powers and duties. The board shall audit or have audited the books of the treasurer at least once a year.

(2) The board shall select depositories in which the bonds and funds of the board and of the district shall be deposited in accordance with chapter 280, Florida Statutes, governing public deposits.

Section 8. Compensation of board.—Each supervisor shall be entitled to receive for his or her services an amount not to exceed \$300 per month. In addition, each supervisor shall receive reasonable traveling expenses for attending district business outside of the district. Unless the board by resolution otherwise provides, such traveling expenses shall not be in excess of the amounts provided by law for state and county officials.

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

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

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

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

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

(5) To regulate and set forth by appropriate resolution the drainage requirements and conditions to be met for any development upon any land within the district, including, but not limited to, authority to require as a condition precedent for any development that good and sufficient bond be posted to ensure proper drainage for the area to be developed.

(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 any purpose authorized by this act or chapter 298, Florida Statutes; 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, tract, grade, fill, or cut; to construct roadways over levees and embankments; and to construct any and all of said works and improvements across, through, or over any public right-of-way, highway, grade, fill, or cut in or out of the district.

(9) To hold, control, and acquire by donation, purchase, or condemnation, any easement, reservation, or dedication in the district, for any of the purposes herein provided; and to condemn as provided by chapters 73 and 74, Florida Statutes, or acquire by purchase or grant for use in the district, any land or property within the district necessary for the purpose of this act.

(10) To assess and impose upon all of the lands in the district an ad valorem tax, an annual improvement tax, and a maintenance tax as hereinafter provided.

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

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

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

(14) To cooperate with or contract with 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, consultants, agents, employees, and representatives as the board of supervisors may from time to time determine necessary and to fix their compensation and duties.

(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, development, settlement, urban subdivision, homesites, and other beneficial developments as a result of the drainage operations of the district.

(18) To make use of any public easements, dedications to public use, platted reservations for public purposes, or any reservations for roadway or drainage purposes within the boundaries of the district.

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

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

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

(22) To establish administrative and financial “units” within the district, as described and governed by section 298.353, Florida Statutes, as it may be amended from time to time.

(23) To exercise any and all other powers conferred upon water control districts by chapter 298, Florida Statutes.

Section 10. Seal.—The official seal of the district shall bear the legend “Plantation Acres Improvement District, Broward County, Florida, Seal, Established 1982.”

Section 11. Fiscal year.—The board by resolution shall establish the fiscal year for the district.

Section 12. Annual budget.—Prior to June 1 of each year after this act is effective, the treasurer of the district shall prepare a proposed budget to be submitted to the board for its 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 as proposed by the district manager or modify the same in part or in whole. The board shall indicate its 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 in general circulation within the district in Broward County, Florida, 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 meetings. 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 13. Plan of improvement of roads and water control; proceedings thereof.—The board may proceed to adopt a water control plan as provided in chapter 298, Florida Statutes, or as provided in this section. The board shall cause to be made by the chief engineer, or such other engineer or engineers as the board may employ for that purpose, a complete and comprehensive plan for water control of the lands or improvements of roads located within the district which meets the requirements of sections 298.225 and 298.301, Florida Statutes, as amended from time to time.

Section 14. Amendment of water control plan.—The board may at any time and from time to time amend its water control plan or any plan providing for the construction of roads upon or the drainage of lands within the district in accordance with the procedures established in chapter 298, Florida Statutes, and may provide for such new and additional drainage facilities, canals, ditches, levees, roads, and other works as the board may determine. In connection with the revision of any water control plan or the provision of any new or additional road or drainage facilities, canals, ditches, levees, or other works, or in the event the total taxes and assessments theretofore levied or the funds derived from the sale of bonds are insufficient to pay the cost of any drainage works, benefits may be reassessed, additional assessments made, and taxes levied in accordance with the procedures provided in this act or in chapter 298, Florida Statutes. The board may at any time approve and make effective technical changes or modifications in any plan of improvement or reclamation not affecting assessed benefits, levy of taxes, or the security of bondholders.

Section 15. Assessing land for development; apportionment of assessment.—After the requirements of chapter 298, Florida Statutes, have been met regarding the water control plan, engineer's report, and list of lands with assessed benefits, the district shall levy a non-ad valorem assessment or special assessment in accordance with chapter 298, Florida Statutes, as amended from time to time, and this act.

Section 16. Prepayment of taxes or assessments.—The board may provide that any tax or assessment may be paid at any time before due, together

with interest accrued thereon to the date of prepayment and any prepayment premiums or penalties, if such prior payment shall be permitted by the proceedings authorizing any bonds or other obligations for the payment of which special assessments have been pledged or taxes levied.

Section 17. Tax liens.—All taxes and non-ad valorem assessments of the district provided for in this act or chapter 298, Florida Statutes, together with all penalties for default in the payment of the same and all costs in collecting the same, shall constitute a lien as provided in chapter 298, Florida Statutes, as amended from time to time. A sale of any of the real property within the district for state and county or other taxes shall not operate to relieve or release the property so sold from the lien for subsequent district taxes or installments of district taxes which lien may be enforced against such property as though no such sale thereof had been made. The provisions of section 194.171, Florida Statutes, and amendments thereto, shall be applicable to district taxes with the same force and effect as if said provisions were expressly set forth in this act.

Section 18. Issuance of bond anticipation notes.—In addition to the other powers provided for in this act and not in limitation thereof, the district shall have the power, at any time and from time to time, after the authorization to issue any bonds of the district, to borrow money for the purposes for which such bonds are to be issued and in anticipation of the receipt of the proceeds of the sale of such bonds. Such bond anticipation notice may be issued, at any time and from time to time, to issue bond anticipation notes in a principal sum not in excess of the authorized maximum amount of such bond issue. Such notes shall be in such denomination or denominations, bear interest at such rate as the board may determine not to exceed the maximum rate allowed by law, mature at such time or times not later than 5 years from the date of issuance, and be in such form and executed in such manner as the board shall prescribe. Such notes may be sold at either public or private sale or, if such notes shall be renewal notes, may be exchanged for notes then outstanding on such terms as the board shall determine. Such notes shall be paid from the proceeds of such bonds when issued. The board may, in its discretion, in lieu of retiring the notes by means of bonds, retire them by means of current revenues or from any taxes or assessments levied for the payment of such bonds, but, in such event, a like amount of the bonds authorized shall not be issued.

Section 19. Short term borrowing.—The district at any time may obtain loans, in such amount and on such terms and conditions as the board may approve, for the purpose of paying any of the expenses of the district or any costs incurred or that may be incurred in connection with any of the projects of the district, which loans shall have a term not exceeding 2 years from the date of issuance and may be renewable for a like term or terms and shall bear such interest as the board may determine, not to exceed the highest rate allowed by law, and may be payable from and secured by a pledge of such funds, revenues, taxes, and assessments as the board may determine. For the purpose of defraying such costs and expenses, the district may issue negotiable notes, warrants, or other evidences of debt signed on behalf of the district by any one of the board duly authorized by the board, such notes or other evidences of indebtedness to be payable at such times, to bear such

interest as the board may determine not to exceed 10 percent per annum, and to be sold or discounted at such price or prices and on such terms as the board may deem advisable. The board shall have the right to provide for the payment thereof by pledging the whole or any part of the funds, revenues, taxes, and assessments of the district. The approval of the qualified electors who are freeholders residing in the district shall not be necessary except where required by Florida law.

Section 20. Trust agreements.—In the discretion of the board, any issue of bonds may be secured by a trust agreement by and between the district and a corporate trustee or trustees, which may be any trust company or bank having the powers of a trust company within or without the state. The resolution authorizing the issuance of the bonds or such trust agreement may pledge the revenues to be received from any projects of the district and may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as the board may approve, including without limitation covenants setting forth the duties of the district in relation to the acquisition, construction, reconstruction, improvement, maintenance, repair, operation, and insurance of any projects, the fixing and revising of the rates, fees, and charges, and the custody, safeguarding, and application of all moneys, and for the employment of consulting engineers in connection with such acquisition, construction, reconstruction, improvement, maintenance, repair, or operation. It shall be lawful for any bank or trust company incorporated under the laws of the state, which may act as a depository of the proceeds of bonds or of revenues, to furnish such indemnifying bonds or to pledge such securities as may be required by the district. Such resolution or trust agreement may set forth the rights and remedies of the bondholders and of the trustee, if any, and may restrict the individual right of action by bondholders. The board may provide for the payment of the proceeds of the sale of the bonds and the revenues of any project to such officer, board, or depository as it may designate for the custody thereof, and for the method of disbursement thereof with such safeguards and restrictions as it may determine. All expenses incurred in carrying out the provisions of such resolution or trust agreement may be treated as part of the cost of operation of the project to which such trust agreement pertains.

Section 21. Sale of bonds.—Bonds may be sold in blocks or installments at different times, or an entire issue or series may be sold at one time. Bonds may be sold at public or private sale after such advertisement, if any, as the board may deem advisable, but not in any event at less than 95 percent of the par value thereof, together with accrued interest thereon. Bonds may be sold or exchanged for refunding bonds. Special assessment and revenue bonds may be delivered as payment by the district of the purchase price or lease of any project or part thereof, or a combination of projects or parts thereof, or as the purchase price or exchanged for any property, real, personal, or mixed, including franchises, or services rendered by any contractor, engineer, or other person, all at one time or in blocks from time to time, in such manner and upon such terms as the board in its discretion shall determine. The price or prices for any bonds sold, exchanged, or delivered may be:

(1) The money paid for the bonds.

(2) The principal amount, plus accrued interest to the date of redemption or exchange, or outstanding obligations exchanged for refunding bonds.

(3) In the case of special assessment or revenue bonds, the amount of any indebtedness to contractors or other persons paid with such bonds, or the fair value of any properties exchanged for the bonds, as determined by the board.

Section 22. Authorization and form of bonds.—Bonds may be authorized by resolution or resolutions of the board which shall be adopted by a majority of all of the members thereof then in office. Such resolution or resolutions may be adopted at the same meeting at which they are introduced, and need not be published or posted. The board may by resolution authorize the issuance of bonds and fix the aggregate amount of bonds to be issued, the purpose or purposes for which the moneys derived therefrom shall be expended, the rate or rates of interest, not to exceed the highest rate allowed by law, the denomination of the bonds, whether or not the bonds are to be issued in one or more series, the date or dates of maturity, which shall not exceed 40 years from their respective dates of issuance, the medium of payment, the place or places within or without the state where payment shall be made, registration privileges, redemption terms and privileges (whether with or without premium), the manner of execution, the form of the bonds including any interest coupons to be attached thereto, the manner of execution of bonds and coupons, and any and all other terms, covenants, and conditions thereof, and the establishment of revenue or other funds. Such authorizing resolution may further provide that such bonds may be executed manually or by engraved, lithographed, or facsimile signature, provided that where signatures are engraved, lithographed, or facsimile, no bond shall be valid unless countersigned by a registrar or other officer designated by appropriate resolution of the board. The seal of the district may be affixed, lithographed, engraved, or facsimile on such bonds. In case any officer whose signature shall appear on any bonds or coupons shall cease to be such officer before the delivery of such bonds, such signature or facsimile shall nevertheless be valid and sufficient for all purposes the same as if he or she had remained in office until such delivery.

Section 23. Interim certificates; replacement certificates.—Pending the preparation of definitive bonds, the board may issue interim certificates or receipts or temporary bonds, in such form and with such provisions as the board may determine, exchangeable for definitive bonds when such bonds shall have been executed and are available for delivery. The board may also provide for the replacement of any bonds which shall become mutilated or shall be lost or destroyed.

Section 24. Negotiability of bonds.—Any bond issued under this act and any interim certificate, receipt, or temporary bond, in the absence of an express recital on the face thereof that it is nonnegotiable, shall be fully negotiable and shall be and constitute negotiable instruments within the meaning and for all purposes of the law merchant and the laws of Florida.

Section 25. Defeasance.—The board may make such provision with respect to the defeasance of the right, title, and interest of the holders of any of the bonds and obligations of the district in any revenues, funds, or other properties by which such bonds are secured as the board deems appropriate and, without limitation on the foregoing, may provide that when such bonds or obligations become due and payable or shall have been called for redemption, and the whole amount of the principal and interest and premium, if any, due and payable upon the bonds or obligations then outstanding shall be paid, or sufficient moneys or direct obligations of the United States Government the principal of and the interest on which when due will provide sufficient moneys, shall be held or deposited in trust for such purpose, and provision shall also be made for paying all other sums payable in connection with such bonds or other obligations, then and in such event the right, title, and interest of the holders of the bonds in any revenues, funds, or other properties by which such bonds are secured shall thereupon cease, determine, and become void, and the board may apply any surplus in any sinking fund established in connection with such bonds or obligations and all balances remaining in all other funds or accounts other than money held for the redemption or payment of the bonds or other obligations to a lawful purpose of the district as the board shall determine.

Section 26. Issuance of additional bonds.—If the proceeds of any bonds shall be less than the cost of completing the project in connection with which such bonds are issued, the board may authorize the issuance of additional bonds, upon such terms and conditions as the board may provide in the resolution authorizing the issuance thereof, but only in compliance with the resolution or other proceedings authorizing the issuance of the original bonds.

Section 27. Refunding bonds.—The district shall have the power to issue bonds to provide for the retirement or refunding of any bonds or obligations of the district that at the time of such issuance are or subsequently thereto become due and payable, or that at the time of issuance have been called or are or will be subject to call for redemption within 10 years thereafter, or the surrender of which can be procured from the holders thereof at prices satisfactory to the board. Refunding bonds may be issued at any time when in the judgment of the board such issuance will be advantageous to the district. No approval of the qualified electors who are freeholders residing in the district shall be required for the issuance of refunding bonds except in cases where such approval is required by the constitution. The board may by resolution confer upon the holders of such refunding bonds all rights, powers, and remedies to which the holders would be entitled if they continued to be the owners and had possession of the bonds for the refinancing of which said refunding bonds are issued, including, but not limited to, the preservation of the lien of such bonds on the revenues of any project or on pledged funds, without extinguishment, impairment, or diminution thereof. The provisions of this act pertaining to bonds of the district shall, unless the context otherwise requires, govern the issuance of refunding bonds, the form and other details thereof, the rights of the holders thereof, and the duties of the board with respect to the same.

Section 28. Revenue bonds.—

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

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

Section 29. General obligation bonds.—

(1) The district shall have the power from time to time to issue general obligation bonds in an aggregate principal amount of bonds outstanding at any one time not in excess of 35 percent of the assessed value of the taxable property within the district as shown on the pertinent tax records at the time of the authorization of the general obligation bonds for which the full faith and credit of the district is pledged. Except for refunding bonds, no general obligation bonds shall be issued unless the issuance thereof shall have been approved at an election of freeholders who are qualified electors, which shall be called and held in accordance with the requirements for such election as prescribed by the constitution and election laws of Florida. Such elections shall be called to be held in the district by the Board of County Commissioners of Broward County upon the request of the board of the district. The expenses of calling and holding such referendum elections shall be borne by the district and the district shall reimburse the county for any expenses incurred in calling or holding such elections. In the alternative, at the option of the board, the board may make such other provision for the registration of such qualified electors who are freeholders and the calling

and holding of such elections as the board may from time to time deem appropriate.

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

(3) If the board shall determine to issue general obligation bonds for more than one different purpose, the approval of the issuance of the bonds for each and all such purposes may be submitted to the freeholders on one and the same ballot. The failure of the freeholders to approve the issuance of bonds for any one or more purposes shall not defeat any approval of bonds for any other purpose.

Section 30. Bonds as legal investment or security.—Notwithstanding any provisions of any other law to the contrary, all bonds issued under the provisions of this act shall constitute legal investment for savings banks, banks, trust companies, insurance companies, executors, administrators, trustee guardians, and other fiduciaries, and for any board, body, agency, instrumentality, county, municipality, or other political subdivision of the state, and shall be and constitute securities which may be deposited by banks or trust companies as security for deposits of state, county, municipal, or other public funds, by insurance companies as required or voluntary statutory deposits.

Section 31. Covenants.—Any resolution authorizing the issuance of bonds may contain such covenants as the board may deem advisable and all such covenants shall constitute valid and legally binding and enforceable contracts between the district and the bondholders, regardless of the time of issuance thereof. Such covenants may include, without limitation, covenants concerning the disposition of the bond proceeds, the use and disposition of project revenues, the pledging of revenues, taxes, and assessments, the obligation of the district with respect to the operation of the project and the maintenance of adequate project revenues, the issuance of additional bonds, the appointment powers and duties of trustees and receivers, the acquisition of outstanding bonds and obligations, restrictions on the establishing of competing projects or facilities, restrictions on the sale or disposal of the assets and property of the district, the priority of assessment liens, the priority of claims by bondholders on the taxing power of the district, the maintenance of deposits to ensure the payment of revenues by users of district facilities or services, the discontinuance of district services by reason of delinquent payments, acceleration upon default, the execution of necessary instruments, the procedure for amending or abrogating covenants with the bondholders, and such other covenants as may be deemed necessary or desirable for the security of the bondholders.

Section 32. Validity of bonds; validation proceedings.—

(1) Any bonds issued by the district shall be incontestable in the hands of bona fide purchasers or holders for value and shall not be invalid because

of any irregularity or defects in proceedings for the issue and sale thereof. Prior to the issuance of any bonds, the district may, but is not required to, publish notice at least once in a newspaper or newspapers of general circulation in Broward County and within the district stating the date of adoption of the resolution authorizing such obligations, the amount, the maximum rate of interest and maturity of such obligations, and the purpose in general terms for which such obligations are to be issued, and further stating that any action or proceeding questioning the validity of such obligations or of the proceedings authorizing the issuance thereof, or of any of the covenants made therein, must be instituted within 20 days after the first publication of such notice, or the validity of such obligations, proceedings, and covenants shall not be thereafter questioned in any court whatsoever. If no such action or proceeding is so instituted within such 20-day period, then the validity of such obligations, proceedings, and covenants shall be conclusive, and all persons or parties whatsoever shall be forever barred from questioning the validity of such obligations, proceedings, or covenants in any court whatsoever.

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

Section 33. Authority for issuance of bonds.—This act constitutes full and complete authority for the issuance of bonds and the exercise of the powers of the district provided herein. No procedures or proceedings, publications, notices, consents, approvals, orders, acts, or things by the board, or any board, officers, commission, department, agency, or instrumentality of the district, other than those required by this act, shall be required to issue any bonds or to do any act or perform anything under this act, and the issuance or sale of bonds pursuant to the provisions of this act need not comply with the requirements of any other law applicable to the issuance or sale of bonds, except as otherwise provided in this act, and shall not require the consent or approval of the board of drainage commissioners of the State of Florida or of any other board, officers, commission, department, agency, or instrumentality of the State of Florida or any political subdivision thereof. Except as otherwise provided herein, no proceedings or procedures of any character whatever shall be necessary or required for the issuance of bonds other than the adoption of an appropriate resolution by the board as provided in this act with respect to the issuance of the same. The powers conferred by this act on the district with respect to the issuance and sale of bonds shall be in addition and supplemental to the powers conferred by any other law.

Section 34. Pledge by the State of Florida to the bondholders of the district and to the Federal Government.—The State of Florida pledges to the holders of any bonds issued under this act that it will not limit or alter the rights of the district to own, acquire, construct, reconstruct, improve, maintain, operate, or furnish the projects or to levy and collect the taxes, assessments, rentals, rates, fees, and other charges provided for herein and to fulfill the terms of any agreement made with the holders of such bonds or

other obligations, and that it will not in any way impair the right or remedies of the holders.

Section 35. Ad valorem taxes.—The board shall have the power to levy and assess an ad valorem tax on all the taxable property in the district to pay the principal of and interest on any general obligation bonds of the district, or to provide for any sinking or other funds established in connection with any such bonds, or both. The ad valorem tax provided for herein shall not exceed 2 mills and shall be in addition to the county and all other ad valorem taxes provided for by law. Such tax shall be assessed, levied, and collected in the same manner and same time as county taxes. The tax shall be a lien until paid on the property against which assessed, enforceable in like manner as county tax liens.

Section 36. Annual installment taxes.—The board may levy and collect annual installment taxes. Such taxes shall be levied in accordance with chapter 298, Florida Statutes, as amended from time to time.

Section 37. Maintenance tax.—The board may levy an annual maintenance tax. Such tax shall be levied in accordance with chapter 298, Florida Statutes, as amended from time to time.

Section 38. Enforcement of taxes.—The collection and enforcement of all assessments or taxes levied by the district shall be as provided in chapter 298, Florida Statutes, as amended from time to time.

Section 39. When unpaid tax is delinquent; penalty.—All taxes provided for in this act shall become delinquent and bear penalties in accordance with chapter 298, Florida Statutes, as amended from time to time.

Section 40. Tax exemption.—As the exercise of the powers conferred by this act constitute the performance of essential public functions, and as the projects of the district will constitute public property used for public purposes, all assets and properties of the district, and all bonds issued hereunder and interest paid thereon, and all fees, charges, and other revenues derived by the district from the projects provided by this act shall be exempt from all taxes by the state or by any political subdivision, agency, or instrumentality thereof. However, nothing in this act shall be deemed to exempt from taxation any property, project, facility, or business activity or enterprise that cannot validly be undertaken as a public function by special taxing districts or other public bodies under the laws and Constitution of Florida and, further, that nothing in this act shall be deemed to exempt any property, project, facility, or business activity or enterprise of the district, or revenues derived therefrom, which would be subject to taxation under the general laws of Florida if such property, project, or facility were owned or undertaken by a municipal corporation.

Section 41. Non-ad valorem or special assessments.—The board shall levy non-ad valorem or special assessments in accordance with this section or chapter 189, chapter 197, or chapter 298, Florida Statutes:

(1) AUTHORITY FOR PROVIDING IMPROVEMENTS AND LEVYING AND COLLECTING SPECIAL ASSESSMENTS AGAINST PROPERTY

BENEFITED.—The board may provide for the construction, reconstruction, repair, paving, repaving, hard surfacing, rehard surfacing, widening, guttering, and drainage of streets; may provide for the drainage and reclamation of wet, low, or overflowed lands; and may provide for the payment of all or any part of the costs of any such improvements by levying and collecting special assessments on the abutting, adjoining, contiguous, or other specifically benefited property.

(2) METHOD OF PRORATING SPECIAL ASSESSMENTS.—Special assessments against property deemed to be benefited by local improvements, as provided for in section 42(1), shall be assessed upon the property specially benefited by the improvement in proportion to the benefits to be derived therefrom, said special benefits to be determined and prorated according to such method as the board may prescribe.

(3) RESOLUTION REQUIRED TO DECLARE SPECIAL ASSESSMENTS.—When the board may determine to make any assessable improvement and defray the whole or any part of the expense thereof by special assessments, the board shall so declare by resolution stating the nature of the proposed improvement, designating the street or streets to be improved, the location of storm sewers and drains, or the location of the drainage project, and the part or portion of the expense thereof to be paid by special assessments, the manner in which said assessments shall be made, when said assessments are to be paid, and what part, if any, shall be apportioned to be paid from the general improvement fund of the board; and said resolution shall also designate the lands upon which the special assessments shall be levied and, in describing said lands, it shall be sufficient to describe them as “all lots and lands adjoining and contiguous or bounding and abutting upon such improvements or specially benefited thereby and further designated by the assessment plat hereinafter provided for.” Such resolution shall also state the total estimated cost of the improvement. Such estimated cost shall include the cost of construction or reconstruction, the cost of all labor and materials, the cost of all lands, property, rights, easements, and franchises acquired, financing charges, interest prior to and during construction and for 1 year after completion of construction, discount on the sale of special assessment bonds, cost of plans and specifications, inspections, surveys of estimates of costs and of revenues, cost of engineering and legal services, printing and publishing notices and proceedings, abstracting title, and all other expenses necessary or incident to determining the feasibility or practicability of such construction or reconstruction, administrative expense, and such other expense as may be necessary or incident to the financing herein authorized.

(4) PLANS AND SPECIFICATIONS, WITH ESTIMATED COST OF PROPOSED IMPROVEMENT REQUIRED BEFORE ADOPTION OF RESOLUTION.—At the time of the adoption of the resolution provided for in subsection (3), there shall be on file with the secretary of the board an assessment plat showing the area to be assessed, with plans and specifications, and an estimate of the apportioned cost and benefit to each lot of the proposed improvement, which assessment plat, plans and specifications, and estimate shall be open to the inspection of the public.

(5) PUBLICATION OF RESOLUTION.—Upon the adoption of the resolution provided for in subsection (3), the board shall cause said resolution to be published one time in a newspaper of general circulation published in the district, and shall cause said resolution to be published once a week for a period of 2 weeks in a newspaper of general circulation published in Broward County.

(6) ASSESSMENT ROLL.—Upon the adoption of the resolution aforesaid, the board shall cause to be made an assessment roll in accordance with the method of assessment provided for in said resolution, which assessment roll shall be completed and filed with the secretary of the board as promptly as possible. Said assessment roll shall show the lots and lands assessed and the amount of the benefit to and the assessment against each lot or parcel of land. If said assessment is to be paid in installments, the number of annual installments in which the assessment is divided shall also be entered and shown upon said assessment roll.

(7) PUBLICATION OF ASSESSMENT ROLL.—Upon the completion of said assessment roll, the board shall by resolution fix a time and place at which the owners of the property to be assessed, or any other persons interested therein, may appear and be heard as to the propriety and advisability of making such improvements, as to the cost thereof, as to the manner of payment therefor, and as to the amount thereof to be assessed against each property so improved. Ten days' notice in writing of such time and place shall be given to such property owners which shall be served by mailing a copy of such notice to each of such property owners at his or her last known address, the names and addresses of such property owners to be obtained from the records of the property appraiser or from such other sources as the board or engineer deems reliable, with proof of such mailing to be made by the affidavit of the secretary of the district, or by the engineer, said proof to be filed with the secretary, provided that failure to mail said notice or notices shall not invalidate any of the proceedings hereunder. Notice of the time and place of such hearing shall also be given by two publications a week apart in a newspaper of general circulation in the district, and in like manner in a newspaper of general circulation published in Broward County, provided that the last publication shall be at least 1 week prior to the date of the hearing. Said notice shall describe the streets or other areas to be improved and advise all persons interested that the description of each property to be assessed and the amount to be assessed to each piece or parcel of property may be ascertained at the office of the secretary of the board. Such service by publication shall be verified by the affidavit of the publisher and filed with the secretary of the district.

(8) EQUALIZING BOARD TO HEAR COMPLAINTS AND ADJUST ASSESSMENTS; OBJECTIONS; WAIVER OF OBJECTIONS; REBATE OF DIFFERENCE IN COST AND ASSESSMENT; CREATION OF LIEN.—At the time and place named in the notice provided for in subsection (7), the board shall meet as an equalizing board to hear and consider any and all objections as to such special assessments and shall adjust and equalize the said assessments on a basis of justice and right; and all objections to any such assessment roll on the grounds it contains items which cannot be properly assessed against the property, or that it is, for any default or defect

in the passage or character of the assessment roll or the plans or specifications or estimate, void or voidable in whole or in part, or that it exceeds the power of the board, shall be made in writing in person or by attorney, and filed with the secretary of the board at or before the time or adjourned time of such hearing of the assessment roll. Any objections against the making of assessable improvements not so made shall be considered waived and, if any objections shall be made and overruled or shall not be sustained, the confirmation of the assessment shall be the final adjudication of the issue presented unless proper steps shall be taken in a court of competent jurisdiction to secure relief within 20 days of such confirmation; and, when so equalized and approved by resolution of the board, such assessments shall stand confirmed and remain legal, valid, and binding first liens, upon the property against which such assessments are made, until paid. However, upon completion of the improvement, the board shall credit to each of said assessments the difference in the assessment as originally made, approved, and confirmed, and the proportionate part of the actual cost of said improvement to be paid by special assessments as finally determined upon the completion of said improvement, provided that in no event shall the final assessments exceed the amount of benefits originally assessed. Promptly after such confirmation, the assessments shall be recorded by the secretary in a special book, to be known as the "Improvement Lien Book," and the record of the lien in said book shall constitute prima facie evidence of its validity. The board may by resolution grant a discount equal to all or a part of the payee's proportionate share of the cost of the project consisting of bond financing costs, such as capitalized interest, funded reserves, and bond discount included in the estimated cost of the project, upon payment in full of any assessment during such period prior to the time such financing costs are incurred as may be specified by the board.

(9) PRIORITY OF LIEN; INTEREST; AND METHOD OF PAYMENT.— Said special assessments shall be payable at the time and in the manner stipulated in the resolution providing for said improvements; shall remain liens, coequal with the lien of all state, county, district, and municipal taxes, superior in dignity to all other liens, titles, and claims, until paid; shall bear interest, at a rate not to exceed 1 percent above the rate of interest at which the improvement bonds authorized pursuant to this act and used for the improvement are sold, from the date of the acceptance of said improvement; and may, by the resolution aforesaid, be made payable in not more than 20 equal yearly installments, to which, if not paid when due, there shall be added a penalty at the rate of 1 percent per month, until paid. However, said assessments may be paid without interest at any time within 30 days after the improvement is completed and a resolution accepting the same has been adopted by the board.

(10) PAYMENT AND COLLECTION OF SPECIAL ASSESSMENT; FORECLOSURE; SERVICE OF PROCESS.—

(a) Any assessment may be paid at the office of the secretary of the board within 30 days after the confirmation thereof, without interest. Thereafter, all assessments shall be payable in equal installments, with interest as determined by the board, not to exceed the highest rate allowed by law, from the expiration of said 30 days in each of the succeeding number of years not

exceeding 20, which the board shall determine by resolution. 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 tax collector of the county at the same time as the general county taxes are collected, and the board shall in such event certify to the county tax collector in each year a list of all such special assessments and names of the owners of and a description 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 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 fiscal year, together with any deficiencies for prior years.

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

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

(e) All assessments shall constitute a lien upon the 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 lien 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. In the foreclosure of any special assessment, service of process against unknown or nonresident defendants may be had by publication, as now provided by law in other chancery suits. The foreclosure proceedings shall be prosecuted to a sale and conveyance of the property involved in said proceedings as now provided by law in suits to foreclose mortgages; or, in the alternative, said proceeding may be instituted and prosecuted under chapter 173, Florida Statutes. 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 this section, and all costs, including interest and reasonable attorney's fees, such payment shall have the effect of restoring the remaining installments to their original maturities as provided by the resolution and the proceedings shall be dismissed at the cost and expense of the landowner. 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 by suit by any holder of bonds issued and then outstanding under this act in a court of competent jurisdiction by mandamus or other appropriate proceedings. Not later than 30 days after the annual 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 the collection of all special assessments for assessable improvements made under this section and remaining due and unpaid at the time of such direction. 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 expressly order 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 costs incident thereto and interest thereon need not be paid in cash. Property so acquired by the district may be sold or otherwise disposed of.

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

(11) ADVERTISEMENT FOR BIDS.—After the passage of the resolution authorizing the construction or reconstruction of assessable improvements and the final confirmation of the assessment roll, the board shall publish at least once in a newspaper published in Broward County and of general circulation in the district, a notice calling for sealed bids to be received by

the district for the construction of the work, unless in the initial resolution the board shall have 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 shall have given two or more alternative descriptions of the assessable improvements as to its material, nature, character, and size, and if the board shall not have 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 shall deem 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 upon the full performance of the work in accordance with such contract and full payment for all materials and labor expense incurred thereby. The board shall have the right to reject any or all bids and, if all bids are rejected, the board may readvertise or may determine to do the work by the district forces without contract.

(12) BONDS MAY BE ISSUED TO AN AMOUNT NOT EXCEEDING THE AMOUNT OF LIENS ASSESSED FOR THE COST OF IMPROVEMENTS TO BE PAID BY SPECIAL ASSESSMENT.—After the equalization, approval, and confirmation of the levying of the special assessments for improvements as provided by this section and as soon as a contract for said improvement has been finally let, the board may by resolution or ordinance authorize the issuance of bonds, to be designated “Improvement Bonds, Series No. ” in an amount not in excess of the aggregate amount of said liens levied for such improvements. Said bonds shall be payable from a special and separate fund to be known as the “Improvement Fund, Series No. ” which shall be used solely for the payment of the principal and interest of said “Improvement Bonds, Series No. ” and for no other purpose. Said fund shall be deposited in a separate bank account and all the proceeds collected from the principal, interest, and penalties of said liens shall be deposited and held in said fund. Said bonds so issued shall never exceed the amount of liens assessed, and said bonds shall mature not later than 6 months after the maturity of the last installment of said liens. Said bonds shall bear certificates signed by the secretary of the board certifying that the amount of liens levied, the proceeds of which are pledged to the payment of said bonds, are equal to the amount of the bonds issued. The bonds may be delivered to the contractor in payment for his or her work or may be sold at public or private sale for not less than par and accrued interest, the proceeds to be used in paying for the cost of the work. Said bonds shall not be a charge on, or payable out of, the general revenues of the district, but shall be payable solely out of said assessments, installments, interest, and penalties.

Any surplus remaining after payment of all bonds and interest thereon shall revert to the district and be used for any board purpose.

Section 42. Issuance of certificates of indebtedness based on assessments for assessable improvements; assessment bonds.—

(1) The board may, after any assessments for assessable improvements are made, determined, and confirmed, as provided in section 41, issue certificates of indebtedness for the amount so assessed against the abutting property or property otherwise benefited, as the case may be, and in that event separate certificates shall be issued against each part or parcel of land or property assessed, which certificates shall state the general nature of the improvement for which the said assessment is made. Said certificates shall be payable in annual installments in accordance with installments of the special assessment for which they are issued. The board may determine the interest to be borne by such certificates, not to exceed the highest rate allowed by law, and may sell such certificates at either private or public sale and determine the form, manner of execution, and other details of such certificates. Such certificates shall recite that they are payable only from the special assessments levied and collected from the part or parcels of land or property against which they are issued. The proceeds of such certificates may be pledged for the payment of principal of and interest on any bonds issued to finance in whole or in part such assessed improvement, or, if not so pledged, may be used to pay the cost or part of the cost of such assessable improvements.

(2) The district may also issue assessment bonds or other obligations payable from a special fund into which such certificates of indebtedness referred to in the preceding subsection may be deposited; or, if such certificates of indebtedness have been issued, the district may assign to such special fund for the benefit of the holders of such assessment bonds or other obligations, or to a trustee for such bondholders, the assessment liens provided for in this act unless such certificates of indebtedness or assessment liens have been theretofore pledged for any bonds or other obligations authorized hereunder. If the board creates such special fund and issues such assessment bonds or other obligations, the proceeds from such certificates of indebtedness and from assessment liens deposited therein shall be used only for the payment of the assessment bonds or other obligations issued as provided in this section. The district is hereby authorized to covenant with the holders of such assessment bonds or other obligations that it will diligently and faithfully enforce and collect all the special assessments and interest or penalties thereon for which such certificates of indebtedness and assessment liens have been deposited in or assigned to such fund and to foreclose such assessment liens so assigned to such special fund or represented by the certificates of indebtedness deposited in said special fund, after such assessment liens have become delinquent, and deposit the proceeds derived from such foreclosure, including interest and penalties, in such special fund, and to make any other covenants deemed necessary or advisable in order to properly secure the holders of such assessment bonds or other obligations.

(3) The assessment bonds or other obligations issued pursuant to this section shall have such dates of issue and maturity as shall be deemed

advisable by the board, provided, however, that the maturities of such assessment bonds or other obligations shall not be more than 2 years after the due date of the last installment which will be payable on any of the special assessments for which such assessment liens, or the certificates of indebtedness representing such assessment liens, are assigned to or deposited in such special fund.

(4) Such assessment bonds or other obligations issued under this section shall bear such interest as the board may determine, not to exceed the maximum allowed by law, shall be executed, shall have such provisions for redemption prior to maturity, and shall be sold in the manner and be subject to all of the applicable provisions contained in this act for revenue bonds, except as the same may be inconsistent with the provisions of this section.

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

Section 43. Foreclosure of liens.—Any lien in favor of the district arising under chapter 298, Florida Statutes, or under this act may be foreclosed by the district by foreclosure proceedings in the name of the district in the circuit court in like manner as is provided in chapter 173, Florida Statutes, and amendments thereto, and the provisions of said chapter shall be applicable to such proceedings with the same force and effect as if said provisions were expressly set forth in this act. Any act required or authorized to be done by or on behalf of a city or town in foreclosure proceedings under chapter 173, Florida Statutes, may be performed by such officer or agent of the district as the board of supervisors may designate. Such foreclosure proceedings may be brought at any time after the expiration of 1 year from the date any tax, or installment thereof, becomes delinquent.

Section 44. Payment of taxes and redemption of tax liens of the district; sharing in proceeds of tax sale under section 197.542, Florida Statutes.—

(1) The district has the right to:

(a) Pay any delinquent state, county, district, municipal, or other tax or assessment upon land located wholly or partially within the boundaries of the district; and

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

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

(3) In any sale of land pursuant to section 197.542, Florida Statutes, and amendments thereto, the district may certify to the clerk of the circuit court of the county holding such sale the amount of taxes due to the district upon the lands sought to be sold, and the district shall share in the disbursement of the sales proceeds in accordance with the provisions of this act and under law.

Section 45. Mandatory use of certain district facilities and services.—The district may require all lands, buildings, and premises and all persons, firms, and corporations within the district to use the reclamation, roads, and drainage 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, roads, or reclamation facilities shall be constructed, reconstructed, or operated within the district unless the board gives its consent thereto and approves the plans and specifications therefor.

Section 46. Bids required.—No contract shall be let by the board for the construction or maintenance of any project authorized by this act, except pursuant to chapter 298 or chapter 255, Florida Statutes, and other applicable general law.

Section 47. Maintenance of projects across rights-of-way.—The district shall have the power to construct, operate, and maintain its projects in, along, or under any dedications to the public, platted rights-of-way, platted reservations, easements, streets, alleys, highways, or other public places or ways, and across any drain, ditch, canal, floodway, holding basin, excavation, grade, fill, or cut, within or without the district.

Section 48. Agreements with other political bodies for the joint discharge of common functions.—The board and any other political bodies, whether now in existence or hereafter created, are authorized to enter into and carry into effect contracts and agreements relating to the common powers, duties, and functions of the board and any other political bodies, to the end that there may be effective cooperation and coordination in discharging their common functions, powers, and duties.

Section 49. Action taken on consent of landowners.—Any action required under this act or under chapter 298, Florida Statutes, to be taken on public hearing for the purposes of receiving and passing on objections by landowners may be taken without such notice or hearing upon the written consent of all the landowners affected by such action.

Section 50. Enforcement and penalties.—The board or any aggrieved person may have recourse to such remedies in law or equity as may be necessary to ensure compliance with the provisions of this act, including injunctive relief to enjoin or restrain any person violating the provisions of this act, or the bylaws, resolutions, regulations, rules, codes, and orders adopted under or pursuant to this act. In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure, land, or water is used, in violation of this

act, or of any code, order, resolution, or other regulation made under authority conferred by this act or under law, the board and any citizen residing in the district may institute any appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use, to restrain, correct, or avoid such violation, to prevent the occupancy of such building, structure, land, or water, and to prevent any illegal act, conduct, business, or use in or about such premises, land, or water.

Section 51. Exemption of district property from execution.—All district property shall be exempt from levy and sale by virtue of an execution and no execution or other judicial process shall issue against such property, nor shall any judgment against the district be a charge or lien on its property or revenues, provided that nothing herein contained shall apply to or limit the rights of bondholders to pursue any remedy for the enforcement of any lien or pledge given by the district in connection with any of the bonds or obligations of the district.

Section 52. Minimum charter requirements.—In accordance with section 189.404(3), Florida Statutes, the following subsections satisfy the minimum charter requirements of the Plantation Acres Improvement District:

(1) The district is organized and exists for all purposes set forth in this act and chapters 189 and 298, Florida Statutes, as they may be amended from time to time.

(2) The powers, functions, and duties of the district regarding ad valorem taxation, bond issuance, other revenue-raising capabilities, budget preparation and approval, liens and foreclosure of liens, use of tax deeds and tax certificates as appropriate for ad valorem taxes, non-ad valorem assessments, and contractual agreements shall be as set forth in this act and chapters 170, 189, 197, 200, and 298, Florida Statutes, or any other applicable general or special law, as they may be amended from time to time.

(3) The district was created by special act of the Legislature in 1982.

(4) The district's charter may be amended only by special act of the Legislature.

(5) In accordance with this act and chapter 189, Florida Statutes, the district is governed by a five-member board elected by the qualified electors in the district. The membership and organization of the board shall be as set forth in this act and chapter 189, Florida Statutes, as they may be amended from time to time.

(6) The compensation of board members shall be governed by this act and chapter 189, Florida Statutes, as they may be amended from time to time.

(7) The administrative duties of the board of supervisors shall be as set forth in this act and chapter 298, Florida Statutes, as they may be amended from time to time.

(8) Requirements for financial disclosure, meeting notices, reporting, public records maintenance, and per diem expenses for officers and employ-

ees shall be as set forth in chapters 112, 189, 286, and 298, Florida Statutes, as they may be amended from time to time.

(9) The procedures and requirements governing the issuance of bonds, notes, and other evidence of indebtedness by the district shall be as set forth in this act and chapter 298, Florida Statutes, and applicable general laws, as they may be amended from time to time.

(10) The procedures for conducting district elections and for qualification of electors shall be pursuant to this act and chapter 189, Florida Statutes, as they may be amended from time to time.

(11) The district may be financed by any method established in this act, chapter 189 or chapter 298, Florida Statutes, and applicable general laws, as they may be amended from time to time.

(12) The methods for collecting ad valorem taxes, non-ad valorem assessments, fees, or service charges shall be as set forth in this act, chapters 170, 197, 200, and 298, Florida Statutes, and other applicable general laws, as they may be amended from time to time.

(13) The district's planning requirements shall be as set forth in this act and chapters 189 and 298, Florida Statutes, as they may be amended from time to time.

(14) The district's geographic boundary limitations shall be as set forth in this act.

Section 4. Construction.—This act shall be construed as remedial and shall be liberally construed to promote the purpose for which it is intended.

Section 5. Effect.—In the event that any part of this act should be held void for any reason, such holding shall not affect any other part thereof.

Section 6. Conflict.—Except as otherwise provided in this act, in the event of a conflict of the provisions of this act with the provisions of any other act, the provisions of this act shall control to the extent of such conflict.

Section 7. Repeal of prior special acts.—Chapters 67-924, 82-274, 86-355, and 99-426, Laws of Florida, are repealed.

Section 8. This act shall take effect upon becoming a law.

Approved by the Governor April 23, 2002.

Filed in Office Secretary of State April 23, 2002.