

January 5, 2010

A bill to be entitled

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2  
3 An act relating to South Broward Drainage District, Broward County amending  
4 Chapter 98-524, Laws of Florida, as amended; replacing references to the  
5 district's plan of reclamation with water control plan ; revising the definition of  
6 assessable improvements to include water management works and facilities;  
7 providing a definition for drainage and water management facilities; providing a  
8 definition for 5 year recertification program deleting and updating obsolete  
9 provisions; revising inconsistent provisions; revising the method of deciding  
10 elections of commissioners in the event of a tie vote; clarifying the powers of  
11 the board with respect to water management services; clarifying language  
12 relating to the imposition of district assessments and taxes; clarifying the powers  
13 of the board relating to construction of improvements; clarifying powers of the  
14 board relating to creation and funding of special project accounts, emergency  
15 fund accounts, hurricane/tropical storm damage accounts, community outreach  
16 program accounts and other special accounts and to use the funds in said  
17 accounts for any lawful purpose approved by the board; clarifying type of  
18 property subject to district rules, codes, criteria and regulations; providing the  
19 board with the power to establish, adopt and enforce rules, codes, criteria and  
20 regulations relating to the operations of the district; providing the board with the  
21 right but not the obligation to take such action as the board deems necessary to  
22 protect the health, safety, and welfare of the public, to protect and restore private  
23 and public property under certain conditions and to protect the integrity of the  
24 district's drainage facilities; providing provision adding the treasurer of the  
25 board as an authorized person to be involved in the preparation of the district's  
26 budget; providing that the district director be added as an authorized person for  
27 implementing activities and to receive documents relating to special  
28 assessments; providing rules, regulations, enforcement provisions and penalties  
29 for obstructions, damage and destruction of district facilities and violations of  
30 the district's 5 year recertification program criteria, rules, codes or regulations;  
31 providing severability; providing an effective date.

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33 Be it enacted by the Legislature of the State of Florida:

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Section 1 -- Subsections (1) and (10) of section 9, subsections (6) and (14) of section 10, subsections (2), (4), (5), (7), (8), (10), (12), (13), (17), (18) and (19) of section 13, sections 19, 21, 22, 23, 41 and 42, subsections (1), (2) and (3) of section 45, subsection (1) of section 49, subsections (1), (2), (3), (5) and (7) of section 50, section 52, sections 55 and 58, subsection (2) of section 59 and section 62 of section 2 of chapter 98-524, Laws of Florida as amended by chapter 2004-459, Laws of Florida and Chapter 2007-308, Laws of Florida, are amended and subsection (14) is added to section 9 and subsection (20) is added to section 13 of section 2 of chapter 98-524, Laws of Florida, as amended to read:

Section 9. Definitions --

(1) "Assessable improvements" includes, without limitation, any and all drainage, land and ~~land reclamation~~water management 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 ~~reclamation~~water management 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 and any interest therein, rights, easements, and franchises of any nature relating to any such drainage and ~~reclamation~~water management facilities or necessary or convenient for the acquisition, construction, reconstruction, operation, or maintenance thereof.

(14) "5 year recertification program" is the district's program that requires the district's 5 year surface water management operation and maintenance permit for drainage facilities to be renewed at the end of every five (5) years by the permittee/landowner and which requires that the permitted surface water management and drainage system is operational and complies with the district's rules, codes, regulations and criteria.

1 Section 10. Board of commissioners; election; organization; terms of office; benefits;  
2 quorum; report and minutes --

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

6 (a) In the general election of November 2008 and in the November general  
7 election of every 4<sup>th</sup> year thereafter, one commissioner shall be elected from Zone 1, one  
8 commissioner shall be elected from Zone 3, and one commissioner shall be elected from Zone 6.  
9 The commissioners elected in November 2008 shall serve until their terms expire in November  
10 2012.

11 (b) In the general election of November 2010, and in the November general  
12 election of every fourth year thereafter, one commissioner shall be elected from Zone 2, one  
13 commissioner shall be elected from Zone 4, and one commissioner shall be elected from Zone 5,  
14 and one commissioner shall be elected from Zone 7. The commissioners elected in November  
15 2010 shall serve until their terms expire in November 2014.

16 (c) If only one candidate qualifies for an office, that candidate shall be deemed  
17 elected. If two or more candidates qualify for an office, the names of those candidates shall be  
18 placed on the ballot for the designated November general election.

19 (d) The candidate receiving the highest number of votes cast for the office of  
20 commissioner for each respective zone at each respective election shall be declared elected to such  
21 office. If the vote results in a tie, the outcome shall be determined by ~~lot~~ the drawing of a card  
22 from a standard deck of 52 cards with the candidate drawing the highest card declared to be elected  
23 to such office.

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

26

27 Section 13. Powers--

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29 The district shall have, and the board may exercise, any or all the following powers:

30 (2) To establish, construct, operate, and maintain a system of main and lateral canals,  
31 drains, ditches, levees, dikes, dams, sluices, locks, revetments, reservoirs, holding basins,

1 floodways, pumping stations, syphons, culverts, and storm sewers, and to connect some or any of  
2 them as within the judgment of the board is deemed advisable to drain and ~~reclaim~~ provide water  
3 management services for the lands within the district.

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

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

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

20 (8) To construct or enlarge, or cause to be constructed or enlarged, any and all bridges  
21 or culverts that may be needed in or out of the district, across any drain, ditch, canal, floodway,  
22 holding basin, excavation, public highway, railroad right-of-way, road right-of-way, easement,  
23 reservation, tract, grade, fill, or cut; to construct roadways over levees and embankments; to  
24 construct any and all of said works and improvements across, through, or over any drain, ditch,  
25 canal, floodway, holding basin, excavation, public highway, railroad right-of-way, road  
26 right-of-way, easement, reservation, track, grade, fill, or cut in or out of the district; and to remove  
27 any fence, building or other improvements, in or out of the district for purposes of drainage and  
28 ~~reclamation~~ water management.

29 (10) To assess and impose upon all of the lands in the district ~~an~~ annual drainage tax, an  
30 ~~administrative tax, and a maintenance tax~~ assessments and taxes as hereinafter provided.

31 (12) To prohibit, regulate, and restrict by appropriate resolution all structures, materials,

1 and things, whether solid, liquid, or gas, whether permanent or temporary in nature, which come  
2 upon, come into, connect to, or be a part of any of the main or lateral drains, ditches, canals, levees,  
3 dikes, dams, sluices, revetments, reservoirs, holding basins, floodways, pumping stations, and  
4 syphons which may have been heretofore created or which may hereafter be created or hereafter  
5 constructed and to establish, adopt and enforce rules, codes, criteria and regulations relating to  
6 the operations of the district, and if deemed necessary by the board to take appropriate action to  
7 improve the quality of the water in, and flowing from or between water bodies within the district in  
8 accordance with all applicable, county, state, federal and South Florida Water Management  
9 District rules, codes, criteria and regulations.

10 (13) To administer and provide for the enforcement of all of the provisions herein,  
11 including the making, adopting, promulgating, amending, and repealing of all rules, codes, criteria  
12 and regulations necessary or convenient for the carrying out of the duties, obligations, and powers  
13 conferred on the district created herein and the right but not the obligation to take such action as the  
14 board deems necessary to protect the health, safety and welfare of the public, to protect and restore  
15 private and public property within and without the district when the danger or damage to said  
16 property is the result of the movement of water, erosion or the pollution of land or water or  
17 necessary to protect the integrity of the district's drainage and water management facilities and  
18 drainage systems and for the proper administration and enforcement thereof.

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

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

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

29 (20) To create and fund special project accounts, emergency fund accounts,  
30 hurricane/tropical storm damage accounts, community outreach program accounts and such other  
31 special accounts as the board deems appropriate and to use the monies deposited in said accounts

1 | for the purposes approved by the board. The monies in these accounts may be used for any lawful  
2 | purpose as the board shall determine.

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4 | Section 19. Annual budget --

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6 | Prior to the end of each fiscal year, the secretary, or the treasurer of the board or the director  
7 | of the district shall prepare a proposed budget to be submitted to the board for approval. The  
8 | proposed budget shall include an estimate of all necessary expenditures of the district for the next  
9 | ensuing fiscal year and an estimate of income to the district from the taxes and assessments  
10 | provided in this act. The board shall consider the proposed budget item by item and may either  
11 | approve the budget as proposed by the secretary, treasurer or director or modify the same in part or  
12 | in whole. The board shall indicate their approval of the budget by resolution, which resolution  
13 | shall provide for a hearing on the budget as approved. Notice of the hearing on the budget shall be  
14 | published in a newspaper of general circulation in Broward County once a week for 2 consecutive  
15 | weeks, provided that the second publication shall not be less than 7 days after the first publication.  
16 | The notice shall be directed to all landowners in the district and shall state the purpose of the  
17 | meeting. The notice shall further contain a designation of the date, time, and place of the public  
18 | hearing, which shall be not less than 7 days after the second publication. At the time and place  
19 | designated in the notice, the board shall hear all objections to the budget as proposed, and make  
20 | such changes as the board deems necessary. At the conclusion of the budget hearing the board  
21 | shall, by resolution, adopt the budget as finally approved by the board.

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23 | Section 21. Water control plan ~~Plan of reclamation; proceedings thereon~~--

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25 | The district's water control plan for the drainage and ~~reclamation~~water  
26 | management of lands which is in effect prior to October 1, ~~1998~~ 2010 shall remain in full force and  
27 | effect after October 1, ~~1998~~ 2010.

28 |  
29 | Section 22. Adoption, revision and revocation of water control plan ~~of reclamation~~. --

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31 | In addition to and not in limitation of its power to provide for and adopt a water control

1 | plan ~~of reclamation~~ provided in section 21 and under chapter 298, Florida Statutes, and  
2 | amendments thereto, the board may at any time and from time to time adopt, revoke or modify in  
3 | whole or in part, any water control plan ~~of reclamation~~ or any plan providing for the drainage and  
4 | water management of lands within the district, and may provide for such new and additional  
5 | drainage facilities, canals, ditches, levees, and other works as the board may determine. In  
6 | connection with the revision of any water control plan ~~of reclamation~~ or the providing of any new  
7 | or additional drainage and water management facilities, canals, ditches, levees, or other works, or  
8 | in the event that the total taxes and assessments theretofore levied or the funds derived from the  
9 | sale of bonds are insufficient to pay the cost of any drainage or water management works, benefits  
10 | may be reassessed, additional assessments made, and taxes levied in accordance with the  
11 | procedures provided in this act or in chapter 298, Florida Statutes. The board may at any time  
12 | approve and make effective technical changes or modifications in any water control plan ~~of~~  
13 | ~~reclamation or drainage~~ not affecting assessed benefits, levy of taxes, or the security of  
14 | bondholders.

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16 | Section 23. Assessing land for ~~reclamation~~drainage and water management;  
17 | apportionment of tax; ~~drainage~~ tax record. --

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19 | The board shall, without any unnecessary delay, levy a tax of such portion of benefits of the  
20 | district's water control plan ~~of reclamation~~ on all lands in the district to which benefits have been  
21 | assessed, as may be found necessary by the board to pay the costs of the construction, completion  
22 | and maintenance of the proposed works and improvements, as shown in said water control plan ~~of~~  
23 | ~~reclamation~~ and in carrying out the objects of said district; and, in addition thereto, 10 percent of  
24 | said total amount for emergencies. The said tax shall be apportioned to, and levied on, each tract or  
25 | parcel of land in said district ~~in proportion to the benefits assessed, and not in excess thereof~~; and  
26 | in case bonds are issued, as provided in this act, a tax shall be levied in a sum not less than an  
27 | amount 90 percent of which shall be equal to the principal of said bonds. The amount of bonds to  
28 | be issued for paying the cost of the works as set forth in the water control plan ~~of reclamation~~ shall  
29 | be ascertained and determined by the board; however, the total amount of all bonds to be issued by  
30 | the district shall in no case exceed 90 percent of the benefits assessed upon the lands of the district.  
31 | The amount of the interest, as estimated by said board, which will accrue on such bonds, shall be

1 included and added to the said tax, but the interest to accrue on account of the issuing of said bonds  
2 shall not be construed as a part of the costs of construction in determining whether or not the  
3 expenses and costs of making said improvements are equal to, or in excess of, the benefits  
4 assessed. The secretary or treasurer of the board, or the director, as soon as said total tax is levied,  
5 shall, at the expense of the district, prepare a list of all ~~taxies~~ taxes levied, in the form of a well  
6 bound book, which book shall be endorsed and named "~~DRAINAGE~~ TAX RECORD OF SOUTH  
7 BROWARD DRAINAGE DISTRICT, BROWARD COUNTY, FLORIDA", which endorsement  
8 shall be printed or written at the top of each page in said book, and shall be signed and certified by  
9 the chairperson and secretary of the board, attested by affixing the seal of the district, and the same  
10 shall thereafter become a permanent record in the office of said secretary or director. In the  
11 alternative, so long as the Broward County property appraiser or revenue collector assesses and  
12 collects the taxes and assessments authorized by this section, the records of the Broward County  
13 property appraiser shall satisfy the requirements of the ~~drainage~~ tax record of the district.

14  
15 Section 41.            Operation, construction, maintenance and administrative tax --  
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17            To carry on the business of the district and to pay the administrative, ~~and~~ operational,  
18 construction and maintenance costs thereof and in addition to any other tax or assessment  
19 authorized to be levied, the district is authorized to levy a tax on all the lands within the district as  
20 determined by the board for said purpose. This tax shall be a lien until paid on the property against  
21 which assessed and enforceable in like manner as county taxes. The amount of said tax shall be  
22 determined by the board based upon a report of the secretary or treasurer of the board or the  
23 director and assessed by the board upon such lands, which may be all of the lands within the  
24 district. This tax shall be evidenced to and certified by the board each year to the property  
25 appraiser and shall be entered by the property appraiser on the county tax rolls and shall, be  
26 collected by the revenue collector in the same manner and time as county taxes and the proceeds  
27 therefrom paid to the district.  
28

29 Section 42.            Maintenance tax --  
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1 ~~To maintain and preserve the drainage improvements of the district, a maintenance tax~~  
2 ~~shall be evidenced to and certified by the board each year to the property appraiser and shall be~~  
3 ~~entered by the property appraiser on the county tax rolls and shall, be collected by the revenue~~  
4 ~~collector in the same manner and time as county taxes and the proceeds therefrom paid to the~~  
5 ~~district. The tax shall be a lien until paid on the property against which assessed and enforceable in~~  
6 ~~like manner as county taxes. The amount of said maintenance tax shall be determined by the board~~  
7 ~~based upon a report of the chief engineer or director and assessed by the board upon such lands,~~  
8 ~~which may be all of the lands within the district, benefited by the maintenance thereof. See~~  
9 Section 41.

10  
11 Section 45. Special assessments --

12  
13 The board may provide for the construction or reconstruction of assessable improvements  
14 as defined in section 9, and for the levying of special assessments upon benefitted property for the  
15 payment thereof, under provisions of this section. Such special assessments may be levied and  
16 assessed in either of the alternate methods provided in subsections (2) and (3), and except for such  
17 procedure, all the other provisions of this section and this act shall apply to levy of such special  
18 assessments under either subsection (2) or subsection (3).

19 (1) The initial proceeding under subsection (2) or subsection (3) shall be the passage by  
20 the board of a resolution ordering the construction or reconstruction of such assessable  
21 improvements, indicating the location by terminal points and routes and either giving a description  
22 of the improvements by its material, nature, character, and size or giving two or more descriptions  
23 with the directions that the material, nature, character, and size shall be subsequently determined in  
24 conformity with one of such descriptions. Drainage improvements need not be continuous and  
25 may be in more than one locality. The resolution ordering any such improvement may give any  
26 short and convenient designation to each improvement ordered thereby, and the property against  
27 which assessments are to be made for the cost of such improvement may give any short and  
28 convenient designation to each improvement ordered thereby, and the property against which  
29 assessments are to be made for the cost of such improvement may be designated as an assessment  
30 district, followed by a letter or number or name to distinguish it from other assessment districts,  
31 after which it shall be sufficient to refer to such improvement and property by such designation in

1 all proceedings and assessments, except in the notices required by this section. As soon as possible  
2 after the passage of such resolution, the engineer or the director for the district shall prepare, in  
3 duplicate, plans and specifications for each improvement ordered thereby and an estimate of the  
4 cost thereof. Such cost shall include, in addition to the items of cost as defined in this act, the cost  
5 of relaying streets and sidewalks necessarily torn up or damaged and the following items of  
6 incidental expenses:

- 7 (a) Printing and publishing notices and proceedings.
- 8 (b) Costs of abstracts of title.
- 9 (c) Any other expense necessary or proper in conducting the proceedings and  
10 work provided for in this section, including the estimated amount of discount, if any, financial  
11 expenses upon the sale of assessment bonds or any other obligations issued hereunder for which  
12 such special assessment bonds or any other obligations issued hereunder for which such special  
13 assessments are to be pledged, and interest prior to and until not more than 2 years after the  
14 completion of said assessable improvements. If the resolution shall provide alternative  
15 descriptions of material, nature, character, and size, such estimate shall include an estimate of the  
16 cost of the improvement of each such description.

17 The district engineer or the director shall next prepare, in duplicate, a tentative  
18 apportionment of the estimated total cost of the improvement as between the district and each lot  
19 or parcel of land subject to special assessment under the resolution, such apportionment to be made  
20 in accordance with the provisions of the resolution and in relation to apportionment of cost  
21 provided herein for the preliminary assessment roll. Such tentative apportionment of total  
22 estimated cost shall not be held to limit or restrict the duties of the engineer or the director in the  
23 preparation of such preliminary assessment roll under subsection (2). One of the duplicates of such  
24 plans, specifications, and estimates and such tentative apportionment shall be filed with the  
25 secretary of the board and the other duplicate shall be retained by the engineer or the director in his  
26 or her files, all thereof to remain open to public inspection.

27 (2)(a) If the special assessments are to be levied under this subsection, the  
28 secretary of the board, or the director upon filing with the secretary or the director of such plans,  
29 specifications, estimates, and tentative apportionment of cost, shall publish once in a newspaper  
30 published in the county where the benefited land is located and of general circulation in the county,  
31 a notice stating that at a meeting of the board on a certain day and hour, not earlier than 15 days

1 from such publication, the board will hear objections of all interested persons to the confirmation  
2 of such resolution, which notice shall state in brief and general terms a description of the proposed  
3 assessable improvements with the location thereof, and shall also state that plans, specifications,  
4 estimates, and tentative apportionment of cost thereof are on file with the secretary of the board or  
5 the director. A copy of the notice shall be mailed to the landowners of the land to be benefited by  
6 construction of the assessable improvements. The landowners shall be determined by reference to  
7 the last available tax roll of Broward County. The secretary of the board or the director shall keep  
8 a record in which shall be inscribed, at the request of any person, firm, or corporation having or  
9 claiming to have any interest in any lot or parcel of land, the name and post office address of such  
10 person, firm, or corporation, together with a brief description or designation of such lot or parcel,  
11 and it shall be the duty of the secretary of the board or the director to mail a copy of such notice to  
12 such person, firm, or corporation at such address at least 10 days before the time for the hearing as  
13 stated in such notice, but the failure of the secretary of the board or the director to keep such record  
14 or so to inscribe any name or address or to mail any such notice shall not constitute a valid  
15 objection to holding the hearing as provided in this section or to any other action taken under the  
16 authority of this section.

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

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

31 (d) Whenever any resolution providing for the construction or reconstruction of

1 assessable improvements and for the levying of special assessments upon benefitted property for  
2 the payment thereof shall have been confirmed, and said special assessments are levied under this  
3 subsection, or at any time thereafter, the board may issue assessment bonds payable out of such  
4 assessments when collected. Such bonds shall mature not later than 2 years after the maturity of  
5 the last annual installment in which said special assessments may be paid, as provided in  
6 subsection (4), and shall bear interest as provided by section 31. Such assessment bonds shall be  
7 executed, shall have such provisions for redemption prior to maturity, and shall be sold in the  
8 manner and be subject to all of the applicable provisions contained in this act applicable to other  
9 bonds, except as the same are inconsistent with the provisions of this section. The amount of such  
10 assessment bonds for any assessable improvement, prior to the confirmation of the preliminary  
11 assessment roll provided for in this subsection shall not exceed the estimated amount of the cost of  
12 such assessable improvements which are to be specially assessed against the lands and real estate  
13 referred to in this section.

14 (e) After the passage of the resolution authorizing the construction or  
15 reconstruction of assessable improvements has been confirmed where special assessments are  
16 levied under this subsection or after the final confirmation of the assessment roll where such  
17 assessments are levied under subsection (3), the board may publish at least once in a newspaper  
18 published and of general circulation in the county where the benefitted land is located, a notice  
19 calling for sealed bids to be received by the board on a date not earlier than 15 days from the first  
20 publication for the construction of the work, unless in the initial resolution the board has declared  
21 its intention to have the work done by district forces without contract. The notice shall refer in  
22 general terms to the extent and nature of the improvements and may identify the same by the short  
23 designation indicated in the initial resolution and by reference to the plans and specifications on  
24 file. If the initial resolution has given two or more alternative descriptions of the assessable  
25 improvements as to its material, nature, character, and size, and, if the board has not theretofore  
26 determined upon a definite description, the notice shall call for bids upon each of such  
27 descriptions. Bids may be requested for the work as a whole or for any part thereof separately and  
28 bids may be asked for any one or more of such assessable improvements authorized by the same or  
29 different resolutions, but any bid covering work upon more than one improvement shall be in such  
30 form as to permit a separation of cost as to each improvement. The notice shall require bidders to  
31 file with their bids either a certified check drawn upon an incorporated bank or trust company in

1 such amount or percentage of their respective bids, as the board deems advisable, or a bid bond in  
2 like amount with corporate surety satisfactory to the board to ensure the execution of a contract to  
3 carry out the work in accordance with such plans and specifications and ensure the filing, at the  
4 making of such contract, of a bond in the amount of the contract price with corporate surety  
5 satisfactory to the board conditioned for the performance of the work in accordance with such  
6 contract. The board shall have the right to reject any or all bids, and, if all bids are rejected the  
7 board may re-advertise or may determine to do the work by the district forces without contract.

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

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

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

20 (g) The preliminary roll shall be advisory only and shall be subject to the action  
21 of the board as hereafter provided. Upon the filing with the secretary of the board or the director of  
22 the preliminary assessment roll, the secretary of the board or the director shall publish at least once  
23 in a newspaper published and of general circulation in the county where the benefited land is  
24 located, a notice stating that at a meeting of the board to be held on a certain day and hour, not less  
25 than 15 days after the date of such publication, which meeting may be a regular, adjourned, or  
26 special meeting, all interested persons may appear and file written objections to the confirmation  
27 of such roll. Such notice shall state the class of the assessable improvements and the location  
28 thereof by terminal points and route.

29 (h) At the time and place stated in such notice the board shall meet and receive  
30 the objections in writing of all interested persons as stated in such notice. The board may adjourn  
31 the hearing from time to time. After the completion thereof the board shall either annul or sustain

1 or modify in whole or in part the prima facie assessment as indicated on such roll, either by  
2 confirming the prima facie assessment against any or all lots or parcels described therein or by  
3 canceling, increasing, or reducing the same, according to the special benefits which the board  
4 decides each such lot or parcel has received or will receive on account of such improvement. If any  
5 property which may be chargeable under this section has been omitted from the preliminary roll or  
6 if the prima facie assessment has not been made against it, the board may place on such roll an  
7 apportionment to such property. The board shall not confirm any assessment in excess of the  
8 special benefits to the property assessed, and the assessments so confirmed shall be in proportion  
9 to the special benefits. Forthwith after such confirmation such assessment roll shall be delivered to  
10 the secretary of the board or the director. The assessment so made shall be final and conclusive as  
11 to each lot or parcel assessed unless proper steps be taken within 30 days in a court of competent  
12 jurisdiction to secure relief. If the assessment against any property shall be sustained or reduced or  
13 abated by the court, the secretary of the board or the director shall note that fact on the assessment  
14 roll opposite the description of the property affected thereby. The amount of the special assessment  
15 against any lot or parcel which may be abated by the court, unless the assessment upon all  
16 benefited property be abated, or the amount by which such assessment is so reduced, may, by  
17 resolution of the board, be made chargeable against the district at large; or, at the discretion of the  
18 board, a new assessment roll may be prepared and confirmed in the manner herein provided for the  
19 preparation and confirmation of the original assessment roll.

20 (i) Pending the final confirmation of such special assessments in the manner  
21 provided in this subsection, the district shall have a lien on all such lands and real estate after the  
22 passage of the initial resolution, subject, however, to the final confirmation thereof in the manner  
23 provided in this subsection.

24 (3)(a) The district engineer or the director, under the procedure provided for in this  
25 subsection shall next, after passage of the initial resolution and filing of the plans and estimates of  
26 cost by the district engineer or the director, prepare an assessment roll for the district in duplicate,  
27 which assessment roll shall contain an apportionment of the estimated total cost of the  
28 improvement as between the district and each lot or parcel of land subject to the special assessment  
29 under the initial resolution, such apportionment to be made in accordance with the provisions of  
30 the initial resolution. One of the duplicates of said assessment roll shall be filed with the secretary  
31 of the board and the other duplicate shall be retained by the district engineer or the director in his or

1 her files, all thereof to remain open to public inspection.

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

21 (c) At the time and place named in the notice provided for in paragraph (b), the  
22 board shall meet as an equalizing board to hear and consider any and all complaints as to the  
23 special assessments, and shall adjust and equalize the special assessments on a basis of justice and  
24 right, and, when so equalized and approved, such special assessment shall stand confirmed and  
25 remain legal, valid, and binding liens upon the properties upon which such special assessments are  
26 made, until paid in accordance with the provisions of this act. However, upon the completion of  
27 the improvements, if the actual cost of the assessable improvements is less than the amount of such  
28 special assessments levied, the district shall rebate to the owners of any properties which shall  
29 have been specially assessed for such assessable improvements the difference in the special  
30 assessments as originally made, levied, and confirmed, and the proportionate part of the actual cost  
31 of said assessable improvements as finally determined upon the completion of said assessable

1 improvements. In the event that the actual cost of said assessable improvements shall be more than  
2 the amount of the special assessments confirmed, levied, and as finally determined upon the  
3 completion of said assessable improvements, the proportionate part of such excess cost of such  
4 assessable improvements may be levied against all of the lands and properties against which such  
5 special assessments were originally levied, or, in the alternative, the board may, in its discretion,  
6 pay such excess cost from any legally available funds.

7 (d) All objections to any such assessment roll on the ground that it contains  
8 items which cannot be properly assessed against property, or that it is, for any default or defect in  
9 the passage or character of the assessment roll or the plans or specifications or estimate, void or  
10 voidable in whole or in part, or that it exceeds the power of the board, shall be made in writing, in  
11 person or by attorney, and filed with the secretary of the board or the director at or before the time  
12 or adjourned time of such hearing on the assessment roll. Any objections against the making of any  
13 assessable improvements not so made shall be considered as waived, and, if any objections shall be  
14 made and overruled or shall not be sustained, the confirmation of the assessment roll shall be the  
15 final adjudication of the issue presented unless proper steps are taken in a court of competent  
16 jurisdiction to secure relief within 20 days.

17 (e) All the provisions of subsection (2) not inconsistent with this subsection,  
18 shall apply to the levy of special assessments under this subsection.

19

20 Section 49. Changing boundary lines; annexation and exclusion of lands --

21

22 (1) Whenever the owners of a majority of the acreage of the land within a prescribed  
23 area adjacent to the boundaries of the district petitions the board to include a specific area of lands  
24 within the boundaries of the district or when the board by resolution proposes that an area of land  
25 adjacent to the boundaries of the district be included within the boundaries of the district, the board  
26 shall publish a notice once a week for 2 consecutive weeks in a newspaper of general circulation  
27 published in Broward County describing the boundaries of the area which is proposed to be taken  
28 into the boundaries of the district. The notice shall be directed to the landowners within the area  
29 proposed to be taken into the boundaries of the district and shall direct said landowners to show  
30 cause in writing before the board at a time and place to be stated in such notice why such area of  
31 land should not be brought into the boundaries of the district and why the proceedings and powers



1 authorized by this act should not be exercised by the board. At the time and place stated in said  
2 notice the board shall hear all objections of any landowner within the area proposed to be taken  
3 into the boundaries of the district and if no objections are made or if said objections, if made, are  
4 overruled by the board, the board shall enter in its minutes its findings and adopt a final resolution  
5 of annexation confirming the new boundaries of the district as they may be extended. Thereafter,  
6 the board may proceed with the development, drainage, and ~~reclamation~~ water management of the  
7 new area of land brought into the district. If the board shall overrule any landowners' objections as  
8 provided herein or if such landowner shall deem himself or herself aggrieved by the aforesaid  
9 action of the board, such landowner may within 20 days after the board adopts its final resolution  
10 of annexation invoke the jurisdiction of the circuit court for Broward County. When said  
11 resolution annexing the new area to the boundaries of the district shall have been adopted by the  
12 board, or by a court of competent jurisdiction if such proposed action shall have been challenged  
13 by a landowner by the judicial proceedings hereinabove authorized, the board may adopt a water  
14 control plan ~~of reclamation~~ for the newly annexed area and thereafter proceed in a like manner as  
15 prescribed in this act. Upon the adoption of the final resolution of annexation, all provisions of this  
16 act shall apply to the newly annexed area of land. Lands lying within the boundaries of the district  
17 may be deannexed in the same manner as the procedure for annexation.

18

19 Section 50. Unit development; powers of board to designate units of district and adopt  
20 system of progressive drainage by units; water control plans ~~of reclamation~~  
21 and financing assessments for each unit; amendment of unit plan --  
22

23

(1) The board is authorized in its discretion to drain and ~~reclaim~~ provide water  
24 management and place under water control or more completely and intensively to drain and  
25 ~~reclaim~~ provide water management and place under water control the lands in the district by  
26 designated areas or parts of the district to be called "units". The units into which the district may be  
27 so divided shall be given appropriate numbers or names by the board, so that the units may be  
28 readily identified and distinguished. The board shall have the power to fix and determine the  
29 location, area, and boundaries of lands to be included in each and all such units, the order of  
30 development thereof, and the method of carrying on the work in each unit. The unit system of  
31 drainage and water management provided by this section may be conducted and all of the

1 proceedings by this section and this act authorized in respect to such unit or units may be carried on  
2 and conducted at the same time as or after the work of draining and ~~reclaiming of providing water~~  
3 management for the entire district has been or is being or shall be instituted or carried on under the  
4 provisions of this act or under chapter 298, Florida Statutes, or both.

5 (2) If the board shall determine that is it advisable to conduct the work of draining and  
6 ~~reclaiming providing water management for~~ the lands in the district by units, as authorized by this  
7 section, the board shall, by resolution, declare its purpose to conduct such work accordingly, and  
8 shall fix the number, location, and boundaries of and description of lands within such unit or units  
9 and give them appropriate numbers or names. The entire district may also be designated as a unit  
10 for the proper allocation of such part of the water control plan ~~of reclamation and~~ drainage as  
11 benefits the entire district.

12 (3) As soon as practicable after the adoption of such resolution, the board shall publish  
13 notice once a week for 2 consecutive weeks in a newspaper or newspapers published and of  
14 general circulation in Broward County, briefly describing the units into which the district has been  
15 divided and the lands embraced in each unit, giving the name, number or other designation of such  
16 units, requiring all owners of lands in the district to show cause in writing before the board at a  
17 time and place to be stated in such notice why such division of the district into such units should  
18 not be approved, and the system of development by units should not be adopted and given effect by  
19 the board, and why the proceedings and powers authorized by this section should not be had, taken  
20 and exercised. At the time and place stated in the notice, the board shall hear all objections or  
21 causes of objection, all of which shall be in writing, of any landowner in the district who may  
22 appear in person or by attorney, to the matters mentioned and referred to in such notice, and, if no  
23 objections are made, or if objections are made and overruled by the board, then the board shall  
24 enter in its minutes its finding and order confirming the resolution, and may thereafter proceed  
25 with the development, drainage, and ~~reclamation~~water management of the district by units  
26 pursuant to such resolution and to the provisions of this act. The failure to make objections as  
27 provided in this subsection shall constitute a waiver of such objection, and, if any objection shall  
28 be made and overruled or otherwise not sustained, confirmation of the resolution shall be the final  
29 adjudication of the issues presented unless a judicial proceeding is initiated within 10 days after  
30 such ruling.

31 (5) When the resolutions creating the unit system shall be confirmed by the board, or

1 by the circuit court, if such proposed action shall be challenged by a landowner by the judicial  
2 proceedings authorized in this section, the board may adopt a water control plan or plans ~~of~~  
3 ~~reclamation~~ for and in respect to any or all such units, and to have the benefits and damages  
4 resulting therefrom assessed and apportioned in like manner as is provided by chapter 298, Florida  
5 Statutes, in regard to water control plans ~~of reclamation~~ for the assessments of benefits and  
6 damages of the entire district, or in like manner as is provided for in this act for the assessments of  
7 benefits. The board shall have the same powers in respect to each and all of such units as is vested  
8 in them with respect to the entire district. All the provisions of this act shall apply to the drainage,  
9 ~~reclamation~~water management, and improvement of each, any, and all such units, and the  
10 enumeration of or reference to specific powers or duties of the commissioners or any other officers  
11 or other matters in this act, as set forth in this act, shall not limit or restrict the application of any  
12 and all of the proceedings and powers herein to the drainage and ~~reclamation~~water management of  
13 such units as fully and completely as if such unit or units were specifically and expressly named in  
14 every section and clause of this act where the entire district is mentioned or referred to. Unless the  
15 board by resolution otherwise provides, all assessments, levies, taxes, bonds, and other obligations  
16 made, levied, assessed, or issued for or in respect to any such unit or units shall be a lien and charge  
17 solely and only upon the lands in such unit or units, respectively, for the benefit of which the same  
18 shall be levied, made, or issued, and not upon the remaining units or lands in the district.

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

1 or issued for or in respect to any such unit or units shall be allocated and apportioned to the  
2 amended unit or units in proportion to the benefits assessed with respect to the amended water  
3 control plan ~~of reclamation~~. In the event of the change of the boundaries of any unit as provided in  
4 this section and the allocation and apportionment to the amended unit or units or assessments,  
5 levies, taxes, bonds, and other obligations in proportion to the benefits assessed for the amended  
6 water control plan ~~of reclamation~~, the holders of bonds or other obligations hereafter issued for the  
7 original unit shall be entitled to all rights and remedies against any lands added to the amended unit  
8 or units as fully and to the same extent as if such added lands had formed and constituted a part of  
9 the original unit or units at the time of the original issuance of such bonds or other obligations, and  
10 regardless of whether the holders of such bonds or other obligations are the original holders thereof  
11 or the holders from time to time hereafter, and the rights and remedies of such holders against the  
12 lands in the amended unit or units, including any lands added thereto, under such allocation and  
13 apportionment, shall constitute vested and irrevocable rights and remedies to the holders from time  
14 to time of such bonds or other obligations as fully and to the same extent as if such bonds or other  
15 obligations had been originally issued to finance the improvements in such amended unit or units  
16 under such amended water control plan ~~of reclamation~~. Conversely, in the event of the change of  
17 the boundaries of any unit wherein lands are detached therefrom, as provided for in this section,  
18 said lands so detached shall be relieved and released from any further liability for the assessment,  
19 levy or payment of any taxes for the purpose of paying the principal or interest on any bonds  
20 originally issued for the original unit from which said lands were detached.

21

22 Section 52. Mandatory use of certain district facilities and services --

23

24 The district may require all lands, buildings, and premises, and all persons, firms, and  
25 corporations, within the district to use the drainage and ~~reclamation~~water management facilities of  
26 the district. Subject to such exceptions as may be provided by the resolutions, rules, or bylaws of  
27 the board, and subject to the terms and provisions of any resolution authorizing any bonds and  
28 agreements with bondholders, no drainage ~~and reclamation or water management~~ facilities shall be  
29 constructed or operated within the district unless the board gives consent thereto and approves the  
30 plans and specifications therefor. The violation of the foregoing requirements is declared to be a  
31 criminal offense and misdemeanor within the meaning of s. 775.08, Florida Statutes, and shall be

1 punishable as provided by general law.

2

3 Section 55. Construction, Maintenance and operation of projects ~~across~~  
4 ~~rights-of-ways~~ and drainage and water management facilities --

5

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

12

13 Section 58. Fees, rentals, tolls, fares, and charges: procedure for adoption and  
14 modification; minimum revenue requirements --

15

16 The district shall have the power to prescribe, fix, establish, and collect rates, fees, rentals,  
17 tolls, fares, or other charges, hereinafter sometimes referred to as "revenues", and to revise the  
18 same from time to time, for the facilities and services furnished or to be furnished by the district,  
19 including, but not limited to, drainage and water management facilities.

20

21 Section 59. Subdivision regulation --

22

23 (2) Any division of a parcel of land as a subdivision as defined in this act shall be  
24 subject to such plat, ~~and~~ subdivision and development regulations hereafter adopted, amended, or  
25 modified by the district under the authority of law. Such regulations may provide for streets in the  
26 subdivision to be of such width, grade, and location as to facilitate drainage and water  
27 management; provide that adequate easements and rights-of-way be provided for drainage and  
28 water management and that the lay-out of the subdivision and development conform to the  
29 comprehensive water control plan for drainage and water management for the area; and provide  
30 for the drainage and water management requirements to be met. The district shall not approve any  
31 subdivision plat or development unless the land included within the subdivision or development is

1 suitable or shall be made suitable to the various purposes for which it is intended to be used, and, in  
2 particular, unless all land intended for building sites can be used safely for building purposes,  
3 without the danger from flood or other inundation, or from any such menace to health, safety, or  
4 public welfare. ~~After the effective date of this act, it~~ It shall be unlawful for anyone being an  
5 owner, or agent of an owner, of any land to transfer, sell, agree to sell, or negotiate to sell such land  
6 by reference to, or exhibition of, or by any other use of a plat, ~~or~~ subdivision or development of  
7 such land, without having submitted a plat of such subdivision and/or plans for such development  
8 to the district and obtaining its approval as required by this act. The unlawful use of a plat or  
9 development by the owner, or the agent of the owner, of such land before it is properly approved  
10 by the district is declared to be a criminal offense and misdemeanor within the meaning of s.  
11 775.08, Florida Statutes, and shall be punishable as provided by general law. The description by  
12 metes and bounds in the instrument of transfer or other document used in the process of  
13 transferring, shall not exempt the transaction from such penalties.

14

15 Section 62. ~~Enforcement and penalties.~~ Obstructions, damage, and destruction  
16 prohibited; damages; enforcement; penalties --

17 (1) No person may willfully or otherwise obstruct or damage any canal, drain, ditch,  
18 watercourse or water management area or obstruct, damage or destroy any drainage works  
19 constructed in the district or obstruct or damage any easement, right-of-way or other property  
20 dedicated to the district or the public or fail to comply with the district's 5 year recertification  
21 program rules, codes, criteria or regulations.

22 (a) Any person who shall willfully or otherwise obstruct any canal, drain, ditch,  
23 water management area or other watercourse, or shall obstruct, damage or destroy any drainage or  
24 water management works constructed within the district, or shall obstruct or damage any  
25 easement, right-of-way or other property dedicated to the district or the public or shall fail to  
26 comply with the districts 5 year recertification program, rules, codes, criteria or regulations shall  
27 be liable to the district for double the district's cost of removing such obstruction or repairing such  
28 damage or bringing the property into compliance with the districts 5 year recertification program  
29 rules, codes, criteria or regulations. The cost shall include all labor, materials, equipment, and  
30 supplies necessary to effect such removal or repair, or to bring the property into compliance with  
31 the 5 year recertification program rules, codes, criteria or regulations and all costs and expenses.

1 including reasonable attorney's fees incurred by the district.

2 (b) If the board finds and determines that any dike, culvert, bridge, crossing, or  
3 any other device in any canal, drain, ditch, water management area or watercourse which is used  
4 for servicing any land or providing access thereto constitutes an obstruction or impediment to the  
5 free flow of water or drainage or access to maintenance of any district facility, whether the same  
6 has been so placed in or near any canal, drain, ditch, water management area or watercourse under  
7 permit by the district or otherwise, the record owner of the property provided access or service  
8 shall be notified in writing of such obstruction with a demand therein that such owner cause the  
9 condition to be remedied. The notice shall be given by registered mail, addressed to the owner or  
10 owners of the property described, as their names and addresses are shown upon the records of the  
11 county property appraiser, and shall be deemed complete and sufficient when so addressed and  
12 deposited in the United States mail with proper postage prepaid. In the event that such notice is  
13 returned by postal authorities, the district shall cause a copy of the notice to be served by any  
14 officers, commissioners, or agents of the district. An affidavit of such service by such officer,  
15 commissioner, or agent filed in the minutes of the district shall be proof of service thereof, upon  
16 the occupant of the land or upon any agent of the owner thereof. In the event that personal service  
17 upon the occupant of the land or upon any agent of the owner thereof cannot be performed after a  
18 reasonable search, the notice shall be accomplished by physical posting on the land. The notice  
19 shall be in substantially the following form:

20 Name of Owner:.....

21 Address of Owner:.....

22  
23 Our records indicate you are the owner(s) of the following land located in the South  
24 Broward Drainage District, Broward County, Florida:

25  
26 (describe property)

27 An inspection of this land and the abutting canal, drain, ditch, or water management  
28 area or watercourse discloses, and the Board of Commissioners of the South  
29 Broward Drainage District has found and determined, that an obstruction in said  
30 canal, drain, ditch, water management area or watercourse exists, thereby impeding  
31 the free flow of water and drainage or access to maintenance of a district facility

1 and constituting a hazard and danger to the inhabitants within the South Broward  
2 Drainage District so as to constitute a violation of the charter, rules, regulations and  
3 criteria of the South Broward Drainage District in that:

4  
5 (describe the condition which places the land in violation.)

6  
7 You are hereby notified that unless the condition above described is remedied so as  
8 to make it nonviolative of the charter, rules, regulations and criteria of the South  
9 Broward Drainage District within 20 days from the date hereof, the South Broward  
10 Drainage District will proceed to remedy this condition and the cost of the work,  
11 including advertising costs, reasonable attorney's fees, and all other expenses, will  
12 be imposed as lien on the land if not otherwise paid within 30 days after receipt of  
13 billing.

14  
15 South Broward Drainage District

16 BY. ....

17  
18 (c) Within 20 days after the mailing of the notice to said owner, the owner of  
19 the land may make written request to the board for a hearing before that body to show that the  
20 condition alleged in the notice does not exist or that such condition does not constitute an  
21 obstruction or impediment to the drainage and free flow of water in any canal, ditch, drain, water  
22 management area or watercourse of the district. At the hearing, the district and the land owner may  
23 introduce such evidence as is deemed necessary.

24 (d) If within 20 days after mailing of the notice no hearing has been requested  
25 and the condition described in the notice has not been remedied, the district shall cause the  
26 condition to be remedied by the district at the expense of the land owner. If a hearing has been held  
27 and has concluded adversely to the land owner, the district may cause the condition to be remedied  
28 at the expense of the land owner, by appropriate resolution, and may order the removal of the  
29 same, including any appurtenances thereto, and may provide for the payment of all or any part of  
30 the cost of any such removal by levying and collecting a special assessment on the property  
31 affected or afforded service by such bridge, culvert, etc.



1           (e) After causing the condition to be remedied, the secretary of the board or the  
2 director shall certify to the board the expenses incurred in remedying the condition. Upon the  
3 receipt of such certificate, the board shall review the same and determine the amount to be assessed  
4 against such property by resolution. Upon adoption of the resolution, the assessment shall  
5 constitute a lien on the respective lots or parcels of land or other real property upon which they are  
6 levied, superior to all other liens, except those for district and county taxes. In the alternative, the  
7 district may add the assessed amount to the taxes and assessments to be levied on such property by  
8 the county property appraiser as part of the district's annual taxes and assessments.

9           (f) The board shall cause to be recorded in the county public records, a copy  
10 of the resolution within 10 days or as reasonably practical after the adoption thereof. The  
11 assessment shall be payable at the time and in the manner stipulated in the resolution and the  
12 assessment shall remain a lien coequal with the lien of other taxes, superior in dignity to all other  
13 liens, titles, and claims, until paid and shall bear interest at a rate not to exceed 18 percent per  
14 annum or the highest amount allowed by law from the date of the resolution.

15           (g) Upon the failure of any land owner to pay the assessment or any installment  
16 thereof or any part thereof as provided for in the resolution, the board of commissioners shall cause  
17 to be brought the necessary legal proceedings to enforce payment thereof with all the accrued  
18 interest and penalties, together with all legal costs incurred, including reasonable attorneys' fees, to  
19 be assessed as a part of the cost; and in the event of default in the payment of any installment of an  
20 assessment, or any accrued interest on said assessment, the whole assessment with the interest and  
21 penalties thereon shall immediately become due and payable and subject to foreclosure. In the  
22 foreclosure of any assessment, service of process against unknown or nonresident defendants may  
23 be had by publication, as provided by law. Foreclosure proceedings shall be prosecuted to the sale  
24 and conveyance of the property involved in said proceedings as provided by law in suits to  
25 foreclose mortgages; or, in the alternative, said proceedings may be instituted and prosecuted  
26 under chapter 173, Florida Statutes, Foreclosure of Municipal Tax and Special Assessment Liens.

27           (h) The remedies provided in subsections (c) through (g) are in addition to and  
28 not in lieu of other remedies provided for in this act or otherwise.

29           (i) The above provisions and remedies apply to violations of the requirement  
30 for landowners to comply with the district's 5 year recertification program rules, codes, criteria or  
31 regulations.

1 |        ~~(+)~~(2)        The board or any aggrieved person may have recourse to such remedies in  
2 | law and equity as may be necessary to ensure compliance with the provisions of this act, including  
3 | injunctive relief to enjoin or restrain any person violating the provisions of this act, and any  
4 | bylaws, resolutions, regulations, rules, codes and orders adopted under this act, and the court shall,  
5 | upon proof of such violation, have the duty to issue forthwith such temporary and permanent  
6 | injunctions as are necessary to prevent such further violation thereof. In case any building or  
7 | structure, is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any  
8 | building, structure, land, or water is used, in violation of this act, or of any code, order, resolution  
9 | or other regulation made under authority conferred by this act or under law, the board and any  
10 | citizen residing in the district may institute any appropriate action or proceeding to prevent such  
11 | unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use,  
12 | to restrain, correct, or avoid such violation, to prevent the occupancy of such building, structure,  
13 | land, or water, and to prevent any illegal act, conduct, business, or use in or about such premises,  
14 | land, or water.

15 |        ~~(2)~~(3) The violation of any of the provisions of this act or the failure to abide by and obey  
16 | any of the bylaws, resolutions, regulations, rules, codes and orders adopted under this act is  
17 | declared to be a criminal offense and misdemeanor within the meaning of s.775.08, Florida  
18 | Statutes, and shall be punishable as provided by general law. Each day that the violation shall  
19 | continue shall constitute a separation violation.

20 |        ~~(3)~~(4) It shall be unlawful and a misdemeanor for the owner of any land subject to this act,  
21 | or the owner's agent or other persons, to advocate, propose, suggest, use, or exhibit a map, plat,  
22 | survey, or plan of subdivision or development of land except in conformity with this act and the  
23 | rules and regulations of the board.

25 |        Section 2. Record certified copy of act. - - A certified copy of this act shall be recorded in  
26 | the Broward County Public Records by the South Broward Drainage District.

Field Code Changed

28 |        Section 3. Except as otherwise provided in this act, in the event of a conflict of the  
29 | provisions of this act with the provisions of any other act, the provisions of this act shall control to  
30 | the extent of such conflict.

31

1 Section 4. If any provision of this act or the application thereof to any person or  
2 circumstance is held invalid, the invalidity shall not affect other provisions or applications of this  
3 act which can be given effect without the invalid provision or application, and to this end the  
4 provisions of this act are declared severable.

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6 Section 5. This act shall take effect upon becoming a law.

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