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shall continue until their successors are appointed and qualified as herein provided.

Section 2. That all laws or parts of laws in conflict herewith be and the same are hereby repealed.

Section 3. This act shall become a law immediately upon its passage and approval by the governor, or upon its becoming a law without such approval.

Became a law without the Governor's approval.

Filed in Office Secretary of State June 18, 1963.

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SENATE BILL NO. 1314

AN ACT relating to Broward County authorizing the Board of County Commissioners of said county to provide for the construction, acquisition or purchase of water or sewer systems or any combination thereof and improvements, additions and extensions thereto and the operation and maintenance thereof; to provide for optional methods of financing such construction, acquisition, purchase or improvement by the issuance of revenue bonds or assessment bonds or any combination thereof of said county; providing for the fixing and collecting of rates and charges to users of such systems to pay such revenue bonds, and the levy and collection of special assessments on property benefited by the construction or acquisition of such systems or improvements to pay such assessment bonds or revenue bonds; providing for the rights, remedies and security of the holders of any such bonds, and providing when this Act shall take effect.

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

Section 1. This Act may be known and cited as the Broward County Water and Sewer Act.

Section 2. It is hereby declared as a matter of legislative determination that the extensive growth of population and attendant industry and commerce throughout the County of Broward has given rise to public health and water supply problems of state and county concern, in that many areas in said county are not served by water and sewer facilities normally and generally provided and

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maintained by the municipalities of the county or their agencies or instrumentalities or by private corporations or persons and are not otherwise adequately provided for; that many of such areas are in extreme need of such sewage disposal and water supply facilities, and that it is the intent and purpose of this Act to provide means for said county to alleviate such conditions in such areas.

Section 3. As used in this Act, the following words and terms shall have the following meanings, unless some other meaning is plainly intended:

(a) "County Board" shall mean the board of county commissioners of Broward County, Florida.

(b) "sewer system" shall mean and shall include any plant, system, facility or property and additions, extensions and improvements thereto at any future time constructed or acquired as part thereof, useful or necessary or having the present capacity for future use in connection with the collection, treatment, purification or disposal of sewage of any nature or originating from any source, including industrial wastes resulting from any processes of industry, manufacture, trade or business or from the development of any natural resources; and without limiting the generality of the foregoing definition shall include treatment plants, pumping stations, lift stations, valves, force mains, intercepting sewers, laterals, pressure lines, mains and all necessary appurtenances and equipment, all sewer mains and laterals for the reception and collection of sewage from premises connected therewith, and shall include all real and personal property and any interest therein, rights, easements and franchises of any nature whatsoever relating to any such system and necessary or convenient for the operation thereof.

(c) "water system" shall mean and include any plant, system, facility or property and additions, extensions and improvements thereto at any future time constructed or acquired as part thereof, useful or necessary or having the present capacity for future use in connection with the development of sources, treatment or purification and distribution of water for domestic or industrial use and, without limiting the generality of the foregoing, shall include dams, reservoirs, storage tanks, mains, lines, valves, pumping stations, laterals, and pipes for the purpose of carrying water to the premises connected with such system and shall include all real and personal property and any interests therein, rights, easements and

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franchises of any nature whatsoever relating to any such system and necessary or convenient for the operation thereof.

(d) "cost" as applied to the acquisition and construction of a water system or a sewer system or combined water and sewer system or extensions, additions or improvements thereto shall include the cost of construction or reconstruction, acquisition or purchase, the cost of labor, materials, machinery and equipment, cost of all lands and interests therein, property, rights, easements and franchises of any nature whatsoever, financing charges, interest prior to and during construction and for not more than two years after completion of the construction or acquisition of such water system or sewer system or combined water and sewer system or extensions, additions or improvements thereto, the creation of initial reserve or debt service funds, bond discount, cost of plans and specifications, surveys and estimates of costs and revenues, costs of engineering, financial and legal services, and all other expenses necessary or incidental in determining the feasibility or practicability of such construction, reconstruction or acquisition, administrative expenses and such other expenses as may be necessary or incidental to the financing authorized by this Act, and including reimbursement of the county or any other person, firm or corporation for any moneys advanced in connection with any of the foregoing items of cost.

(e) "assessable improvements" shall mean that portion or portions of a sewer system or a water system or combined water and sewer system of a local nature and of benefit to the premises or lands served thereby and particularly, without limiting the generality of the foregoing, with reference to a sewer system, shall include, without being limited to, laterals and mains for the collection and reception of sewage from premises connected therewith, local or auxiliary pumping or lift stations, treatment plants or disposal plants, and other appurtenant facilities and equipment for the collection, treatment and disposal of sewage; and with reference to a water system shall include such mains and laterals and other distribution facilities, pumping stations, and sources of supply as are of benefit to the property served by such water system together with incidental equipment and appurtenances necessary therefor.

(f) "revenue bonds" shall mean bonds or other obligations secured by and payable from the revenues derived from rates, fees and charges collected by the county from the users of the facilities of

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any water system or sewer system or combined water and sewer system and which may be additionally secured by a pledge of the proceeds of special assessments levied against benefited property.

(g)e “assessment bonds” shall mean bonds or other obligations secured by and payable from special assessments levied against benefited lands pursuant to this Act.

(h)e “area of operation” shall mean an area designated by the County Board, by resolution duly adopted, as the area to be served by and in which a sewer system or water system or combined water and sewer system, constructed or acquired pursuant to this Act, may operate.

Section 4. In addition to any other powers which are conferred upon the County Board by the provisions of this Act or which may now or hereafter be conferred upon the County Board by the provisions of any other law, general, special or otherwise, the County Board is hereby authorized and empowered:

(a)e To, by resolution duly adopted, designate one or more areas of operation within the county which are to be served by and in which a sewer system or water system or combined water and sewer system constructed or acquired pursuant to this Act, may operate and to denominate such area or areas of operation by number, name or other appropriate descriptive title;

(b)e To employ engineers, attorneys, accountants, financial or other experts and such other agents and employees as said County Board may require or deem necessary to effectuate the purposes of this Act, or to contract for any such services;

(c)e To construct, install, erect, acquire and to operate, maintain, improve, extend, or enlarge and reconstruct a water system or a sewer system or combined water and sewer system within the county and, for and on behalf of the county, to have the exclusive control and jurisdiction thereof; to issue revenue bonds or assessment bonds of the county, or any combination thereof, to pay all or part of the cost of such construction, reconstruction, erection, acquisition or installation of such water system, sewer system or combined water and sewer system, and additions, extensions and improvements thereto;

(d)e To regulate the use of sewers and the supply of water within the county and to prohibit the use and maintenance of outhouses,

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privies, septic tanks or other unsanitary structures or appliances within the county;

(e) To fix and collect rates, fees and other charges to persons or property or both for the use of the facilities and services provided by any water system or sewer system or combined water and sewer system and to fix and collect charges for making connections with any such water system or sewer system or combined water and sewer system and to provide for the imposition of reasonable penalties on any users or property for any such rates, fees or charges that are delinquent;

(f) To acquire in the name of the county by purchase, gift or the exercise of the right of eminent domain, such lands and rights and interest therein, including lands under water and riparian rights and to acquire such personal property as it may deem necessary in connection with the construction, reconstruction, improvement, extension, installation, erection or operation and maintenance of any water system or sewer system or combined water and sewer system and to hold and dispose of such real and personal property;

(g) To exercise exclusive jurisdiction, control and supervision over any water system or sewer system or combined water and sewer system or any part thereof owned, operated and maintained by the county and to make and enforce such rules and regulations for the maintenance and operation of any water system or sewer system or combined water and sewer system as may be, in the judgment of the County Board, necessary or desirable for the efficient operation of any such system or improvements in accomplishing the purposes of this Act;

(h) To restrain, enjoin or otherwise prevent the violation of this Act or of any resolution, rule or regulation adopted pursuant to the powers granted by this Act;

(i) To contract with municipalities or other private or public corporations or persons to provide or receive a water supply or for sewage disposal, collection or treatment;

(j) To prescribe methods of pretreatment of industrial wastes not amenable to treatment with domestic sewage before accepting such wastes for treatment and to refuse to accept such industrial wastes when not sufficiently pretreated as may be prescribed, and

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by proper resolution to prescribe penalties for the refusal of any person or corporation to so pretreat such industrial wastes;

(k) To require and enforce the use of its facilities whenever and wherever they are accessible;

(l) To sell or otherwise dispose of the effluent, sludge or other byproducts as a result of sewage treatment;

(m) To construct and operate connecting, intercepting or outlet sewers and sewer mains and pipes and water mains, conduits or pipe lines in, along or under any streets, alleys, highways or other public places or ways within the state or any municipality or political subdivision necessary for the purposes of this Act; and

(n) Subject to such provisions and restrictions as may be set forth in the resolution authorizing or securing any bonds or other obligations issued under the provisions of this Act, to enter into contracts with the government of the United States or any agency or instrumentality thereof, or with any county, municipality, district, authority or political subdivision, private corporation, partnership, association or individual providing for or relating to the treatment, collection and disposal of sewage, or the treatment, supply and distribution of water and any other matters relevant thereto or otherwise necessary to effect the purposes of this Act, and to receive and accept from any federal agency, grants or loans for or in aid of the planning, construction, reconstruction or financing of any water system or sewer system or combined water and sewer system and to receive and accept aid or contributions or loans from any other sources of either money, property, labor or other things of value, to be held, used and applied for the purpose for which such grants, contributions or loans may be made.

Section 5. The County Board, for and on behalf of the county, is authorized to provide from time to time for the issuance of revenue bonds of the county to pay all or any part of the cost of a water system or sewer system or combined water and sewer system, or any additions, extensions or improvements thereto. The principal of and interest on any such bonds shall be payable from the rates, fees, charges or other revenues derived from the operation of any such system or systems in the manner provided in this Act and the resolution authorizing such revenue bonds and pledging such revenues. Such revenue bonds may also be additionally secured by the pledge of special assessments levied pursuant to this Act.

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The provisions of this section shall apply to any revenue bonds or assessment bonds issued pursuant to this Act. Said bonds may be authorized by resolution or resolutions of the County Board, which may be adopted at the same meeting at which they are introduced by a majority of all the members thereof then in office and need not be published or posted. Said bonds shall bear interest at a rate or rates not exceeding five per centum (5%) per annum, may be in one or more series, may bear such date or dates, may mature at such time or times not exceeding forty (40) years from their respective dates, except that assessment bonds shall not mature later than two (2) years after the maturity of the last annual installment of the special assessments pledged for the payment of such assessment bonds, may be payable in such medium of payment, at such place or places within or without the state, may carry such registration privileges, may be subject to such terms of prior redemption, with or without premium, may be executed in such manner, may contain such terms, covenants and conditions, and may be in such form otherwise as such resolution or subsequent resolutions shall provide. Said bonds may be sold, or exchanged for refunding bonds, or delivered to contractors in payment for any part of the works or improvements financed by such bonds, or delivered in exchange for any properties, either real, personal or mixed, including franchises, to be acquired for such works or improvements, all at one time or in blocks from time to time, in such manner as the County Board in its discretion shall determine, and at such price or prices, computed according to standard tables of bond values, as will yield to the purchasers, or the holders of outstanding obligations surrendered in exchange for refunding bonds, or the contractors paid with such bonds, or the owners of any properties exchanged for such bonds, income at a rate not exceeding five per centum (5%) per annum to the stated maturity dates of the bonds on the money paid or the principal amount of outstanding obligations exchanged for refunding bonds, or the amount of any indebtedness to contractors paid with such bonds, or the value of any properties exchanged for said bonds.

Pending the preparation of the definitive bonds, interim certificates or receipts or temporary bonds in such form and with such provisions as the County Board may determine may be issued to the purchaser or purchasers of the bonds issued hereunder. Said bonds and such interim certificates or receipts or temporary bonds shall be fully negotiable and shall be and constitute negotiable instru-

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ments within the meaning of and for all purposes of the law merchant and the negotiable instruments law of the State of Florida.

The proceeds of the sale of any such bonds shall be used solely for the payment of the costs of the construction or acquisition of any water system or sewer system or combined water and sewer system or the reconstruction or construction or acquisition of extensions, improvements and additions thereto, and shall be disbursed in such manner and under such restrictions, as the County Board may provide in the authorizing resolution. The County Board may also provide for the replacement of any bonds which shall have become mutilated and be destroyed or lost upon proper indemnification. Revenue bonds and assessment bonds may be issued under the provisions of this Act without obtaining the consent of any commission, board, bureau or agency of the state, and without any other proceeding or happening of any other condition or thing than those proceedings, conditions or things which are specifically required by this Act.

A resolution providing for the issuance of revenue bonds may also contain such limitations upon the issuance of additional revenue bonds secured on a parity with the bonds theretofore issued, as the County Board may deem proper, and such additional bonds shall be issued under such restrictions and limitations as may be prescribed by such authorizing resolution.

Section 6. The County Board shall fix the initial schedule of rates, fees or other charges for the use of the services and facilities to be furnished by any such water system or sewer system or combined water and sewer system to be paid by the owner, tenant or occupant of each lot or parcel of land which may be connected with or use any such system or systems of the county. After the system or systems shall have been in operation the County Board may revise the schedule of rates, fees and charges from time to time; provided, however, that such rates, fees and charges shall be so fixed and revised so as to provide sums, which, with other funds available for such purposes, shall be sufficient at all times to pay the expenses of operating and maintaining such water system or sewer system or combined water and sewer system, including reserves for such purposes, the principal of and interest on revenue bonds as the same shall become due and reserves therefor, and to provide a



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margin of safety over and above the total amount of any such payments, and to comply fully with any covenants contained in the proceedings authorizing the issuance of any bonds or other obligations of the county. The county shall charge and collect such rates, fees and charges so fixed or revised, and such rates, fees and charges shall not be subject to the supervision or regulation by any other commission, board, bureau, agency or other political subdivision or agency of the county or state.

Such rates, fees and charges shall be just and equitable and uniform for users of the same class and where appropriate may be based or computed either upon the quantity of water consumed or upon the number and size of sewer connections or upon the number and kind of plumbing fixtures in use in the premises or upon the number or average number of persons residing or working in or otherwise using or occupying such premises or upon any other factor affecting the use of the facilities furnished or upon any combination of the foregoing factors as may be determined by the County Board or on any other equitable basis.

No rates, fees or charges shall be fixed under the foregoing provisions of this Section until after a public hearing at which all the users of the proposed sewer system or water system or combined water and sewer system, or owners, tenants or occupants served or to be served thereby and all others interested shall have an opportunity to be heard concerning the proposed rates, fees and charges. Notice of such public hearing setting forth the proposed schedule or schedules of rates, fees and charges shall be given by one publication in a newspaper published in the county at least ten (10) days before the date fixed in such notice for the hearing, which may be adjourned from time to time. After such hearing such schedule or schedules, either as initially adopted, or as modified or amended, may be finally adopted. A copy of the schedule or schedules of such rates, fees or charges finally adopted shall be kept on file in the office of the Clerk of the County Board and shall be open at all times to public inspection. The rates, fees or charges so fixed for any class of users or property served shall be extended to cover any additional users or properties thereafter served which shall fall in the same class, without the necessity of any hearing or notice. Any change or revision of such rates, fees or charges may be made in the same manner as such rates, fees or charges were originally established as hereinabove provided; provided however,

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that if such changes or revisions be made substantially pro rata as to all classes of service no hearing or notice shall be required.

Section 7. The proceeds of all bonds or other obligations issued under this Act and all revenues derived from the operation of any water system or sewer system or combined water and sewer system for the payment of all or part of the cost of which any bonds or other obligations authorized by this Act have been issued shall be and constitute trust funds, and shall be used and applied only in accordance with the proceedings authorizing the issuance of any revenue bonds, assessment bonds or other obligations issued pursuant to this Act, and the County Board may appoint trustees, within or without the state, under trust agreements or indentures to hold and administer the proceeds of any such bonds or other obligations or any such revenues.

Section 8. In addition to the other provisions and requirements of this Act any resolution authorizing the issuance of revenue bonds, assessment bonds or any other obligations issued hereunder, may contain provisions and the County Board is authorized to provide and may covenant and agree with the several holders of such bonds as to:

(a) Reasonable deposits with the county in advance to insure the payment of rates, fees or charges for the facilities of the system;

(b) The discontinuance of the services and facilities of any water system or sewer system or combined water and sewer system for delinquent payments for either water services or sewer services and the terms and conditions of the restoration of such services;

(c) Contracts with private or public owners of a water system or sewer system not owned and operated by the county for the discontinuance of service to any users of the water system or sewer system or combined water and sewer system, as the case may be, owned and operated by the county;

(d) Limitations on the powers of the county to construct, acquire or operate, or permit the construction, acquisition or operation of any plants, structures, facilities or properties which may compete or tend to compete with any water system or sewer system or combined water and sewer system;

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(e) The manner and method of paying service charges and fees and the levying of penalties for delinquent payments;

(f) Subject to this Act the manner and order of priority of the disposition of revenues or redemption of any bonds or other obligations;

(g) Terms and conditions for modification or amendment of any provisions or covenants in any such proceedings authorizing the issuance of bonds or other obligations;

(h) Provisions for and limitations on the appointment of a trustee for bondholders for any water system or sewer system or combined water and sewer system;

(i) Provisions as to the appointment of a receiver of any sewer system or water system or combined water and sewer system, on default of payment of principal or interest on any such bonds or other obligations or the breach of any covenant or condition of such authorizing proceedings or the provisions and requirements of this Act;

(j) Provisions as to the execution and entering into of trust agreements regarding the holding and disposition of revenues derived from such systems and the proceeds of bonds issued for the cost of acquisition or construction or improvement of a water system or sewer system or combined water and sewer system, or for any other purposes necessary to secure any such bonds;

(k) Provisions as to the maintenance of any such system or systems and reasonable insurance thereof; and

(l) Any other matters necessary to secure such bonds and the payment of the principal and interest thereof.

All such provisions of the bond proceedings and all such covenants and agreements in addition to the other provisions and requirements of this Act shall constitute valid and legally binding contracts between the county and the several holders of any such bonds and shall be enforceable by any such holder or holders by mandamus or other appropriate action, suit or proceeding in law or in equity in any court of competent jurisdiction.

Section 9. In the event that the fees, rates or charges for the services and facilities of any water or sewer system or combined

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water and sewer system shall not be paid as and when due, any unpaid balance thereof and all interest accruing thereon shall be a lien on any parcel or property affected thereby. Such liens shall be superior and paramount to the interest in such parcel or property of any owner, lessee, tenant, mortgagee or other person except the lien of county taxes and shall be on a parity with the lien of such county taxes. In the event that any such service charge shall not be paid as and when due and shall be in default for thirty (30) days or more, the unpaid balance thereof and all interest accrued thereon, together with attorneys' fees and costs, may be recovered by the county in a civil action, and any such lien and accrued interest may be foreclosed or otherwise enforced by the county by action or suit in equity as for the foreclosure of a mortgage on real property.

Section 10. No proceedings in respect of the issuance of revenue bonds, assessment bonds or other obligations authorized by this Act shall be necessary except such as are required by this Act. The provisions of this Act shall constitute an irrevocable contract between said county and the holders of any such bonds or coupons thereof issued pursuant to the provisions hereof. Any holder of such bonds may either at law or in equity, by suit, action or mandamus, enforce and compel the performance of the duties required by this Act or of any of the officers or persons hereinmentioned in relation to said bonds, or the levy, assessment, collection and enforcement and application of the revenues, assessments and other funds pledged for the payment of the principal and interest thereof.

Section 11. The County Board may provide for the construction or reconstruction of assessable improvements as defined in Section 3 hereof, and for the levying of special assessments upon benefited property for the payment thereof, under the provisions of this section.

(a) The initial proceeding under this section shall be the passage by the County Board of a resolution ordering the construction or reconstruction of such assessable improvements, indicating the location by terminal points and routes and either giving a description of the improvements by its material, nature, character and size or giving two or more descriptions with the directions that the material, nature, character and size shall be subsequently determined in conformity with one of such descriptions. Sewer or water improvements need not be continuous and may be in more

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than one locality or street. The resolution ordering any such improvement may give any short and convenient designation to each improvement ordered thereby, and the property against which assessments are to be made for the cost of such improvement may be designated as an assessment district, followed by a letter or number or name to distinguish it from other assessment districts, after which it shall be sufficient to refer to such improvement and property by such designation in all proceedings and assessments, except in the notices required by this section.

(b) As soon as possible after the passage of such resolution the engineer for the county shall prepare, in duplicate, plans and specifications for each improvement ordered thereby and an estimate of the cost thereof. Such cost shall include, in addition to the items of cost as defined in this Act, the cost of relaying streets and sidewalks necessarily torn up or damaged and the following items of incidental expenses:

- (1) Printing and publishing notices and proceedings;
- (2) Costs of abstracts of title; and

(3) Any other expense necessary or proper in conducting the proceedings and work provided for in this section, including the estimated amount of discount, if any, upon the sale of assessment bonds or any other obligations issued hereunder for which such special assessments are to be pledged. If the resolution shall provide alternative descriptions of material, nature, character and size, such estimate shall include an estimate of the cost of the improvement of each such description.

The engineer shall also prepare in duplicate a tentative apportionment of the estimated total cost of the improvement as between the county and each lot or parcel of land subject to special assessment under the resolution, such apportionment to be made in accordance with the provisions of the resolution and in relation to apportionment of cost provided herein for the preliminary assessment roll. Such tentative apportionment of total estimated cost shall not be held to limit or restrict the duties of the engineer in the preparation of such preliminary assessment roll. One of the duplicates of such plans, specifications and estimates and such tentative apportionment shall be filed with the Clerk of the County Board and the other duplicate shall be retained by the engineer in his files, all thereof to remain open to public inspection.

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(c) The Clerk of the County Board upon the filing with him of such plans, specifications, estimates and tentative apportionment of cost shall publish once in a newspaper published in the county and of general circulation in the county, a notice stating that at a meeting of the County Board on a certain day and hour, not earlier than fifteen (15) days from such publication, the County Board will hear objections of all interested persons to the confirmation of such resolution, which notice shall state in brief and general terms a description of the proposed assessable improvements with the location thereof, and shall also state that plans, specifications, estimates and tentative apportionment of cost thereof are on file with the Clerk of the County Board. The Clerk of the County Board shall keep a record in which shall be inscribed, at the request of any person, firm or corporation having or claiming to have any interest in any lot or parcel of land, the name and post office address of such person, firm or corporation, together with a brief description or designation of such lot or parcel, and it shall be the duty of the Clerk of the County Board to mail a copy of such notice to such person, firm or corporation at such address at least ten (10) days before the time for the hearing as stated in such notice, but the failure of the Clerk of the County Board to keep such record or so to inscribe any name or address or to mail any such notice shall not constitute a valid objection to holding the hearing as provided in this section or to any other action taken under the authority of this section.

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

(e) All objections to any such resolution on the ground that it contains items which cannot be properly assessed against property, or that it is, for any default or defect in the passage or character of the resolution or the plans or specifications or estimate, void or voidable in whole or in part, or that it exceeds the power of the County Board, shall be made in writing in person or by attorney, and filed with the Clerk of the County Board at or before the time or adjourned time of such hearing. Any objections against the making of any assessable improvements not so made shall be considered as waived, and if any objection shall be made and overruled or shall not

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be sustained, the confirmation of the resolution 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 twenty (20) days.

(f) Whenever any resolution providing for the construction or reconstruction of assessable improvements and for the levying of special assessments upon benefited property for the payment thereof shall have been confirmed, as hereinabove provided, or at any time thereafter, the County Board may issue assessment bonds payable out of such assessments when collected. Said bonds shall mature not later than two (2) years after the maturity of the last annual installment in which said special assessments may be paid, as provided in subsection (k) hereof, and shall bear interest at not exceeding five per centum (5%) per annum. Such assessment bonds shall be executed, shall have such provisions for redemption prior to maturity, shall be sold in the manner and be subject to all of the applicable provisions contained in section 5 hereof, except as the same are inconsistent with the provisions of this section. The amount of such assessment bonds for any assessable improvement, prior to the confirmation of the preliminary assessment roll provided for in subsection (j) hereof, shall not exceed seventy per centum (70%) of the estimated amount of the cost of such assessable improvements which are to be specially assessed against the lands and real estate to be specially benefited thereby, as shown in the estimates of the engineer referred to in subsection (b) hereof. The amount of such assessment bonds for any assessable improvement to be issued, after the confirmation of the preliminary assessment roll provided for in subsection (j) hereof, including any assessment bonds theretofore issued, shall not exceed the amount of special assessments actually confirmed and levied by the County Board as provided in subsection (j) hereof.

Such assessment bonds shall be payable from the proceeds of the special assessments levied for the assessable improvement for which such assessment bonds are issued.

(g) After the passage of the resolution authorizing the construction or reconstruction of assessable improvements has been confirmed as provided in subsection (d) hereof, the County Board may publish at least once in a newspaper published and of general circulation in the county a notice calling for sealed bids to be received by the County Board on a date not earlier than fifteen (15)

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days from the first publication for the construction of the work, unless in the initial resolution the County Board shall have declared its intention to have the work done by county forces without contract. The notice shall refer in general terms to the extent and nature of the improvement or 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 County 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 County Board shall deem advisable, or a bid bond in like amount with corporate surety satisfactory to the County Board to insure the execution of a contract to carry out the work in accordance with such plans and specifications and insure the filing at the making of such contract, of a bond in the amount of the contract price with corporate surety satisfactory to the County Board conditioned for the performance of the work in accordance with such contract. The County Board shall have the right to reject any or all bids, and if all bids are rejected the County Board may readvertise or may determine to do the work by the county forces without contract.

(h) Promptly after the completion of the work, the engineer for the county, who is hereby designated as the official of the county to make the preliminary assessment of benefits from assessable improvements, shall prepare a preliminary assessment roll and file the same with the Clerk of the County Board which roll shall contain the following:

(1) A description of abutting lots and parcels of land or lands which will benefit from such assessable improvements and the amount of such benefits to each such lot or parcel of land. Such lots and parcels shall include the property of the county and any school



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district or other political subdivision. There shall also be given the name of the owner of record of each lot or parcel where practicable, and in all cases there shall be given a statement of the number of feet of property so abutting, which number of feet shall be known as the frontage.

(2) The total cost of the improvement and the amount of incidental expense.

(i) The preliminary roll shall be advisory only and shall be subject to the action of the County Board as hereinafter provided. Upon the filing with the Clerk of the County Board of the preliminary assessment roll, the Clerk of the County Board shall publish at least once in a newspaper published and of general circulation in the county a notice stating that at a meeting of the County Board to be held on a certain day and hour, not less than fifteen (15) days from the date of such publication, which meeting may be a regular, adjourned or special meeting, all interested persons may appear and file written objections to the confirmation of such roll. Such notice shall state the class of the assessable improvements and the location thereof by terminal points and route.

(j) At the time and place stated in such notice the County Board shall meet and receive the objections in writing of all interested persons as stated in such notice. The County Board may adjourn the hearing from time to time. After the completion thereof the County Board shall either annul or sustain or modify in whole or in part the prima facie assessment as indicated on such roll, either by confirming the prima facie assessment against any or all lots or parcels described therein or by cancelling, increasing or reducing the same, according to the special benefits which the County Board decides each such lot or parcel has received or will receive on account of such improvement. If any property which may be chargeable under this section shall have been omitted from the preliminary roll or if the prima facie assessment shall not have been made against it, the County Board may place on such roll an apportionment to such property. The County Board shall not confirm any assessment in excess of the special benefits to the property assessed, and the assessments so confirmed shall be in proportion to the special benefits. Forthwith after such confirmation such assessment roll shall be delivered to the Clerk of the County Board. The assessment so made shall be final and conclusive as to each lot or parcel

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assessed unless proper steps be taken within thirty (30) days in a court of competent jurisdiction to secure relief. If the assessment against any property shall be sustained or reduced or abated by the court, the Clerk of the County Board shall note that fact on the assessment roll opposite the description of the property affected thereby. The amount of the special assessment against any lot or parcel which may be abated by the court, unless the assessment upon all benefited property be abated, or the amount by which such assessment is so reduced, may by resolution of the County Board be made chargeable against the county at large; or, at the discretion of the County Board, a new assessment roll may be prepared and confirmed in the manner hereinabove provided for the preparation and confirmation of the original assessment roll.

(k) Any assessment may be paid at the office of the Clerk of the County Board within sixty (60) days after the confirmation thereof, without interest. Thereafter all assessments shall be payable in equal installments, with interest at not exceeding eight per centum (8%) per annum from the expiration of said sixty (60) days in each of the succeeding number of years which the County Board shall determine by resolution, not exceeding twenty (20); provided however, that the County 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.

All such special assessments shall be collected by the tax collector of the county at the same time as the general county taxes are collected by the tax collector of the county, and the County Board shall certify to the county tax collector in each year a list of all such special assessments and a description of and names of the owners of the properties against which such special assessments have been levied and the amounts due thereon in such year, and interest thereon, and any deficiencies for prior years.

All assessments shall constitute a lien upon the property so assessed from the date of confirmation of the resolution ordering the improvement, 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

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with such interest and with a reasonable attorney's fee and costs, but without penalties, by the county 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. 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 the resolution passed pursuant to subsection (j) of this section, and by this subdivision (k) and all costs including interest and attorney's fee, such payment shall have the effect of restoring the remaining installments to their original maturities as provided by the resolution passed pursuant to this subsection (k) and the proceedings shall be dismissed. It shall be the duty of the County Board to enforce the prompt collection of assessment by the means herein provided, and such duty may be enforced at the suit of any holder of bonds issued under this Act in a court of competent jurisdiction by mandamus or other appropriate proceedings or action. Not later than thirty (30) days after the annual installments are due and payable, it shall be the duty of the County Board to direct the County Attorney to institute actions within two (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. Such action shall be prosecuted in the manner and under the conditions in and under which mortgages are foreclosed under the laws of the state. It shall be lawful to join in one action the collection of assessments against any or all property assessed by virtue of the same assessment roll unless the court shall deem such joinder prejudicial to the interest of any defendant. The court shall allow a reasonable attorney's fee for the County Attorney, 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 county may be a purchaser to the same extent as an individual person or corporation, except that the part of the purchase price represented by the assessments sued upon and the interest thereon need not be paid in cash. Property so acquired by a county may be sold or otherwise disposed of, the proceeds of such disposition to be placed in the fund provided by subdivision (1) of this section; provided,

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however, that no sale or other disposition thereof shall be made unless the notice calling for bids therefor to be received at a stated time and place shall have been published in a newspaper published and of general circulation in the county at least twenty (20) days prior to such disposition.

(1) All assessments and charges made under the provisions of this section for the payment of all or any part of the cost of any assessable improvements for which assessment bonds shall have been issued under the provisions of this Act, or which have been pledged as additional security for any other bonds or obligations issued under this Act, shall be used only for the payment of principal of or interest on such assessment bonds or other bonds or obligations.

(m) The county and each school district and other political subdivision wholly or partly within the county 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.

Section 12. The County Board may, after any assessments for assessable improvements are made, determined and confirmed as provided in Section 11, issue certificates of indebtedness for the amount so assessed against the abutting property or property otherwise benefited, as the case may be, and separate certificates shall be issued against each part or parcel of land 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 the installments of the special assessments for which they are issued. The County Board may determine the interest to be borne by such certificates at a rate no greater than six per centum (6%) per annum, 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 parcel of land against which they are issued. The proceeds of such certificates may be pledged

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for the payment of principal of and interest on any revenue bonds or assessment bonds issued to finance in whole or in part such assessable improvements, or, if not so pledged, may be used to pay the cost or part of the cost of such assessable improvements.

The County Board may also issue assessment bonds or other obligations payable from a special fund into which such certificates of indebtedness referred to in the preceding paragraph may be deposited; or, if such certificates of indebtedness have not been issued, the County Board 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 subsection (j) of Section 11, unless such certificates of indebtedness or assessment liens have been theretofore pledged for any bonds or other obligations authorized hereunder. In the event of the creation of such special fund and the issuance of such assessment bonds or other obligations, the proceeds of such certificates of indebtedness or assessment liens deposited therein shall be used only for the payment of the assessment bonds or other obligations issued as provided in this Section 12. The County Board 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 and penalties thereon for which such certificates of indebtedness or 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 further make any other necessary covenants deemed necessary or advisable in order to properly secure the holders of such assessment bonds or other obligations.

All assessment bonds or other obligations issued under the provisions of this Act, except certificates of indebtedness issued against separate parcels of land 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 Negotiable Instruments Law of the state.

Section 13. The County Board shall cause to be made at least once a year a comprehensive report of each water system or sewer

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system or combined water and sewer system, including all matters relating to rates, revenues, expenses of maintenance, repair and operation and renewals and capital replacements, principal and interest requirements and the status of all funds and accounts. Copies of such report shall be filed with the Clerk of the County Board and shall be open to public inspection.

Section 14. As the exercise of the powers conferred by this Act constitutes the performance of essential public functions and as any water system or sewer system or combined water and sewer system constructed under the provisions of this Act constitutes public property used for public purposes, such water systems, sewer systems or combined water and sewer system and all properties, revenues, or other assets thereof.

Section 15. All revenue bonds and assessment bonds issued pursuant to this Act shall be and constitute legal investments for state, county, municipal and all other public funds and for banks, savings banks, insurance companies, executors, administrators, trustees and all other fiduciaries, and shall also be and constitute securities eligible as collateral security for all state, county, municipal or other public funds.

Section 16. The County Board is authorized to enter into agreements for the delivery of any revenue bonds or assessment bonds at one time or from time to time as full or partial payment for the services of any engineer or work done by any contractor who may have been retained or hired or been awarded a contract for the construction of all or any part of a water system or sewer system or combined water and sewer system, provided, however, that any such bonds so delivered for payment of such services or work performed shall have been authorized and issued in the manner provided in this Act and shall otherwise conform to the provisions hereof.

Section 17. Any water system or sewer system of the county may, by resolution of the County Board, be combined into a single consolidated system for purposes of financing or of operation and administration or both.

Section 18. The same rates, fees and charges shall be fixed and collected from the county and any school district or other political subdivision using the services and facilities of the water system or

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sewer system or combined water and sewer system, as are fixed and collected from other users of such facilities in the same class. No free water or sewer services shall be rendered by the county and no discrimination shall exist in the fees, rates and charges for users of the same class for any given water and/or sewer system. This section shall not require the charging of identical rates for users of different systems within the county.

Section 19. Any contract entered into by the county shall be deemed to have been made for the benefit of any holders of bonds issued pursuant to this Act to the extent necessary, and the terms of any such contract shall be enforceable by such bondholders in any appropriate legal proceeding. Any such contract if made with another public body or municipality shall be enforceable without the requirement of formal consideration.

Section 20. No sewage disposal plant or other facilities for the collection and treatment of sewage or any water treatment plant or other facilities for the supply and distribution of water, shall be constructed within any area of operation of a water system, sewer system or combined water and sewer system unless the County Board shall give its consent thereto and approve the plans and specifications therefor; subject, however, to the terms and provisions of any resolution authorizing any bonds and agreements with bondholders.

Section 21. The provisions of this Act shall be liberally construed to effect its purposes and shall be deemed cumulative, supplemental and alternative authority for the exercise of the powers provided herein.

Section 22. In case any one or more of the sections or provisions of this Act, or the application of such sections or provisions to any situations, circumstances or person, shall for any reason be held to be unconstitutional or invalid, such unconstitutionality or invalidity shall not affect any other sections or provisions of this Act or the application of such sections or provisions to any other situation, circumstance or person, and it is intended that this Act shall be construed and applied as if such section or provision so held unconstitutional or invalid had not been included in this Act.

Section 23. This Act shall take effect upon its becoming a law. Became a law without the Governor's approval.

Filed in Office Secretary of State June 18, 1963.