## Chapter 18 IMPROVEMENT AND SPECIAL-PURPOSE DISTRICTS

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Sec. 18-1. Definitions.

As used in this article, the following words and terms shall have the following meanings, unless the context shall indicate otherwise:

(a) *County* shall mean Miami-Dade County, Florida.

(b) *Board* shall mean the Board of County Commissioners of Miami-Dade County, Florida, as constituted under and pursuant to the Home Rule Charter of the County.

(c) *District* shall mean any special taxing district created and established under the provisions of this article.

(d) *Water system* shall include water supply systems and water distribution systems and shall embrace reservoirs, wells, intakes, mains, laterals, aqueducts, pumping stations, standpipes, filter stations, purification plants, hydrants, meters, valves and all necessary appurtenances and equipment and any facility used for, or to be used in connection with, the obtaining, production, treating, supplying or distributing of water for private or public use, but shall not include any facility used solely for, or in connection with, the business of bottling, selling, distributing or furnishing bottled water.

(e) *Sanitary sewers* shall include mains, pipes, laterals, manholes, lift stations, and all appurtenances used or useful for the reception of sewage and carrying such sewage to an outfall or some part of a sewage disposal system.

(f) *Sewage disposal system* shall include any plant, system, facility or property used or useful or having the present capacity for future use in connection with the collection, treatment, purification or disposal of sewage, 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, shall embrace treatment plants, pumping stations, intercepting sewers, pressure lines, mains and all necessary appurtenances and equipment.

(g) *Sewerage system* shall mean either sanitary sewers or a sewage disposal system or both.

(h) *Storm sewers* shall include drains or conduits below or above ground for the passage of stormwater, and may embrace pumping stations and outlets where deemed necessary and culverts, stream enclosures, and appurtenances and equipment where deemed necessary or advisable to carry off stormwater.

(i) *Street* shall include a street, boulevard, avenue, lane, alley, parkway, court, terrace and place but shall not include a sidewalk, and the words "street improvements" shall embrace the grading, paving, repaving, surfacing, and resurfacing of streets, with necessary drainage, stormwater inlets, manholes and catch basins, and may embrace curbs and gutters where deemed necessary by the Board.

(j) *Sidewalk* shall mean a path for pedestrians along a street, and the words "sidewalk improvements" shall embrace the grading, constructing and reconstructing of sidewalks, and may embrace curbs and gutters where deemed necessary by the Board.

(k) *Police and fire protection* shall include such buildings and such motorized and other equipment and facilities as are customary in the case of municipal police and fire departments.

(l) *Recreation facilities* shall include, but shall not be limited to, parks, playgrounds, athletic fields and swimming pools.

(m) *Street lighting* shall include poles, wires, conduits, lights and all appurtenances necessary for lighting streets.

(n) *Incinerator* shall include a furnace or other plant or property used or useful in connection with the collection and disposal of trash and garbage, including a sanitary land fill.

(o) *Beach erosion control* shall embrace bulkheads, sea walls, groins, breakwaters and beach nourishment and other commonly accepted methods used to protect land areas fronting on bodies of water from the erosive effects of wave, tide and current action.

(p) *Project* shall mean any public improvement mentioned in [Section 18-2](../level3/PTIIICOOR_CH18IMSPRPDI_ARTISPTADI.docx#PTIIICOOR_CH18IMSPRPDI_ARTISPTADI_S18-2PUWHDICR) and shall include all necessary real estate, equipment and facilities appurtenant thereto, and all property, rights, easements and interests pertaining thereto or acquired for the construction or the operation thereof.

(q) *Cost* as applied to any project shall include the cost of acquisition, construction, reconstruction or installation, the cost of labor and materials, machinery and equipment, the cost of all lands, property, rights, easements and franchises acquired, financing charges, interest prior to and during construction and, if deemed advisable by the Board, for one (1) year after completion of construction, cost of plans and specifications, surveys and estimates of costs and of revenues, cost of engineering, legal and financial services, administrative expenses, all expenses necessary or incident to determining the practicability of such acquisition or construction, all expenses incident to the creation and establishment of the district, and such other expenses as may be necessary or incident to the foregoing.

(r) *Public transit improvements or services* shall embrace the transporting of people by conveyances, or systems of conveyances, traveling on land or water, local or regional in nature, and available for use by the public, or a project undertaken by a public agency to provide public transit to its constituency, and may include but shall not be limited to the acquisition, design, construction, reconstruction, or improvement of a governmentally owned or operated transit system or ancillary facilities and improvements related thereto.

(Ord. No. 60-7, § 3, 2-9-60; Ord. No. 64-26, § 1, 7-7-64; Ord. No. 81-124, § 1, 11-17-81)

Sec. 18-2. Purposes for which districts created.

Special taxing districts may be created and established in Miami-Dade County, Florida, under the provisions of this article for the purpose of acquiring, constructing, reconstructing and installing any of the following public improvements or of providing any of the following special services within such districts:

(a) Water systems,

(b) Sewerage systems,

(c) Storm sewers,

(d) Street improvements,

(e) Sidewalk improvements,

(f) Police and fire protection,

(g) Recreation facilities,

(h) Street lighting,

(i) Incinerators,

(j) Beach erosion control, and

(k) Such other facilities or services which may be deemed essential by the Board.

Any such special taxing district may embrace not only an unincorporated area in the County but also all or a part of one (1) or more municipalities in the County; provided however, that no such district shall be comprised solely of a municipality or embrace all or a part of a municipality without the approval of the governing body of such municipality. It is the intent of this article to provide for the construction and the financing of public improvements and of providing services in areas in the County where such improvements and services could not conveniently be made available otherwise, that the cost of such improvements and services be borne on an equitable basis by those who receive the benefits thereof, and that property receiving special benefits be assessed in proportion to but not in excess of such special benefits.

Special taxing districts may be created and established for the purpose of providing street lighting in new subdivisions developed in the unincorporated areas of the County. The creation and establishment of such districts in new subdivisions shall be in accordance with the procedures hereinafter set forth, except that the petitions for the creation and establishment of such districts shall be signed by the owners of all property within the proposed district and by all persons, firms or corporations having any right, title or interest in and to the property involved, including mortgagees and other lien holders. The owners of the property embraced within the proposed district shall guarantee payment of all costs and expenses incident to the creation of such district and shall pay the entire cost of providing street lighting within the district for the first year. Such owners shall execute and file an appropriate surety bond in the form prescribed or approved by the County, providing for payment of the cost of creating the district and providing street lighting for the first year.

(Ord. No. 60-7, § 2, 2-9-60; Ord. No. 62-47, § 1, 12-4-62; Ord. No. 64-26, § 1, 7-7-64)

Sec. 18-3. Proceedings for creation and establishment of districts.

The proceedings for the creation and establishment of a district under the provisions of this article shall be as follows:

(a) *Petition.* There shall be filed with the Clerk of the Board a petition requesting the creation and establishment of a special taxing district under the provisions of this article, signed by the Mayor or by fifty (50) per centum of the resident owners of property embraced within the proposed district. Opposite each such signature of owners of property there shall be inserted his or her post office address and a brief reference to the property within the proposed district which is owned by such signer, and such reference shall be sufficient to identify any property involved and shall set forth the folio number of the County tax bill covering such property. For the purposes of any such petition of owners of property, the rights of mortgagees and lienors shall not be considered and the signature of any person holding a fee interest in the property shall be sufficient, and either the signature of the husband or the wife shall be sufficient in cases where the property is owned by both husband and wife. In addition to the foregoing such petition shall also contain and set forth the following:

(1) The boundaries or other description sufficient to identify the property embraced in the proposed district, together with a survey sketch showing the location of the proposed district, and

(2) A brief description of the project requested to be constructed, acquired, reconstructed or installed.

(b) *Certification of petition.* Upon receipt of such petition, the Clerk of the Board shall transmit a copy thereof to the County Manager, who shall examine the petition and file a written report with the Clerk at the earliest practicable date.

(c) *Investigation by County Manager.* If the County Manager finds that the petition has been properly presented in accordance with the requirements of this article, he shall cause to be made under his supervision and direction such investigations, surveys, plans and specifications as may be necessary to enable him to compile and file with the Board a written report and recommendations setting forth the following data and information:

(1) The boundaries or other description sufficient to identify the property to be embraced in the proposed district as set forth in the petition, together with any recommendations as to any territory within the proposed district that should be excluded from the district because of the disproportionate cost of providing for such territory the project petitioned for, or for any other reason, and any recommendations for the inclusion of any additional territory within the proposed district;

(2) The location of the project to be constructed, acquired, reconstructed or installed within the proposed district;

(3) An estimate of the cost of such project;

(4) An estimate of the annual expense to be borne by the district or the County of maintaining, repairing and operating such project, and his recommendations concerning service charges and the levy of special assessments to pay all or a part of such expense;

(5) Whether the proposed project and the proposed special taxing district conform to or conflict with the master plan of development for the County;

(6) His recommendations concerning the need and desirability for the requested project, the ability of the affected property to pay special taxes or to bear special assessments or both, and his opinion as to whether or not (i) all lots and parcels within the proposed district which are to be taxes or specially assessed will be specially benefited by the proposed project, (ii) any property which would be specially benefited by such project is not included in such district, and (iii) each lot or parcel in such district which is to be taxed or specially assessed will be specially benefited by such project in excess of the amount of such special taxes and special assessments to be levied thereon;

(7) If his recommendations under clause (6) are favorable to the creation of the requested special taxing district, his recommendations as to the levying of any special assessments against the benefited property, and an estimate of the amount to be assessed against each front foot or other unit of benefited property;

The County Manager shall file such written report and recommendations, accompanied by an appropriate map and other pertinent data, with the Clerk of the Board at the earliest practicable date. Upon receipt of such report, the Clerk shall immediately transmit a copy thereof to the mayor of the County.

(d) *Notice of public hearing.* Upon receipt of such report of the County Manager, and from such other investigations as the Board may make or cause to be made, the Clerk of the Board shall prepare a certificate fixing the place, date and hour for a public hearing, which certificate shall set forth a copy of the petition, excluding signatures, and brief summaries of the report and recommendations of the County Manager, including (but without limitation) his recommendations as to any additional territory which should be embraced within the proposed district. Notice of such public hearing, stating that a petition for the creation and establishment of a special taxing district under the provisions of this article has been filed with the Clerk of the Board and setting forth a brief description of the project petitioned for, the boundaries or other description sufficient to identify the property to be embraced in the proposed district, a brief summary of the report and recommendations of the County Manager, and stating the place, date and hour fixed by the Board for such public hearing, shall be:

(1) Published once a week for two (2) consecutive weeks in some newspaper of general circulation within the County to be designated in the resolution;

(2) Posted in not less than five (5) public places within the proposed district;

(3) Mailed to all owners of taxable property within the boundaries of the proposed district, including any additional territory recommended by the County Manager, whose names and addresses appear on the last preceding assessment roll for County taxes.

The first such publications and such posting and mailing shall occur not less than fifteen (15) days prior to the date fixed for such hearing. Such mailing shall be accomplished by the Clerk of the Board in sufficient time to cause a U.S. Postal Service postmark to be affixed to such mailing not less than fifteen (15) days prior to such hearing.

(e) *Public hearing.* At the time and place stated in such certificate, or to which an adjournment may be taken by the Board, the Board shall receive and hear objections of interested persons to the creation and establishment of the proposed district, the property to be embraced within the district, the project to be acquired, constructed, reconstructed or installed, or the levy of any special taxes or special assessments therefor, or to any defect in the petition or the proceedings theretofore taken, or which question any of the powers of the Board under the provisions of this article, and petition with such modifications, if any, as it may deem advisable and which do not enlarge the boundaries of the district as set forth in the certificate mentioned in subdivision (d) of this section or change the general type or character of the project. All such objections shall be in writing, in person or by attorney, and filed with the Board at or before the time or adjourned time of such hearing. Any objections not so made shall be considered as waived.

(f) *Ordinance establishing district.* If the Board shall, after such hearing, determine to grant the petition, either with or without modification, it shall adopt an ordinance reciting the proceedings theretofore taken and providing for the creation and establishment of the district. Such ordinance shall also set forth the following:

(1) The name or designation by which the district shall be known, such as "\_\_\_\_\_\_\_\_\_\_\_\_ Special Taxing District in Metropolitan Miami-Dade County, Florida" or "Special Taxing District No. \_\_\_\_\_\_\_\_\_\_\_\_ in Metropolitan Miami-Dade County, Florida", or such other appropriate name as the Board may determine;

(2) The boundaries of the district, or other description sufficient to identify the property to be embraced in the proposed district;

(3) A brief description of the project which is to be acquired, constructed, reconstructed or installed in the district;

(4) A declaration as to benefits and what part, if any, of the cost of the project is to be specially assessed; and

(5) A statement as to the method of financing, including estimates of:

(a) The amount of bonds of the district, if any, to be issued as hereinafter provided to pay the cost of the project,

(b) The amount required annually to be borne by the district or the County to pay the cost of maintaining, repairing and operating the project, and what percentage, if any, of such amount shall be specially assessed, and

(c) The amount, if any, to be derived annually from service charges or special assessments on benefited property or both.

Such ordinance shall order the acquisition, construction, reconstruction or installation of the project under the provisions of this article upon moneys being made available therefor and shall set forth the location of the project and a description thereof by its material, nature, character and size. Such ordinance may give any short and convenient designation to the project ordered thereby. Such ordinance shall also set forth what part, if any, of the cost of the project which shall be borne by the special taxing district at large, the balance of such cost to be specially assessed.

If the Board shall be of the opinion that, in lieu of the issuance of bonds as herein provided, an annual tax should be levied upon all property in the district subject to County taxation or that special assessments should be levied under the provisions of paragraph (17) of [Section 18-14](../level3/PTIIICOOR_CH18IMSPRPDI_ARTISPTADI.docx#PTIIICOOR_CH18IMSPRPDI_ARTISPTADI_S18-14SPAS) of this article, in order to furnish the services and facilities to be provided by the project for which the district is created, such ordinance shall set forth the maximum amount of such annual tax not exceeding ten (10) mills on each dollar of the assessed valuation of such property, excluding that portion of the valuation of such property which is subject to homestead exemption, or shall set forth what part of the cost of maintaining, repairing and operating the project shall be specially assessed in each year and the basis of the apportionment.

If the method of financing a project which is set forth in the ordinance adopted under the provisions of this subsection creating and establishing a district shall be other than the issuance of bonds of the district under the provisions of Sections [18-5](../level3/PTIIICOOR_CH18IMSPRPDI_ARTISPTADI.docx#PTIIICOOR_CH18IMSPRPDI_ARTISPTADI_S18-5BOOWISLI) and [18-6](../level3/PTIIICOOR_CH18IMSPRPDI_ARTISPTADI.docx#PTIIICOOR_CH18IMSPRPDI_ARTISPTADI_S18-6SASS) of this article or the levy of taxes under the provisions of [Section 18-7](../level3/PTIIICOOR_CH18IMSPRPDI_ARTISPTADI.docx#PTIIICOOR_CH18IMSPRPDI_ARTISPTADI_S18-7SAAXLIOF) of this article, the Board shall provide that the ordinance creating and establishing the district shall take effect when approved by a majority vote of the qualified electors residing in the district voting at an election to be called by the Board and noticed and conducted and the result thereof determined and declared either in the manner provided for the issuance of bonds of a district or in such other manner, by mailed ballot or otherwise, as the Board shall by ordinance determine; provided, however, that in the event the proposed district shall encompass both unincorporated and incorporated areas of the County, then and in that event, the ordinance creating and establishing the district shall take effect when approved by a majority vote of the freeholders who are qualified electors residing in the unincorporated area and also a majority vote of the qualified electors residing in each incorporated area in the district voting at an election to be called by the Board and noticed and conducted and the result thereof determined and declared either in the manner provided for the issuance of bonds of a district or in such other manner, by mailed ballot or otherwise, as the Board shall by resolution determine; provided, further, that nothing contained in this paragraph shall affect the validity of any district heretofore created and established under the provisions of this article.

(g) Notwithstanding any of the foregoing provisions of this article a district may be created and established under the provisions of this article for the combined purpose of acquiring, constructing, reconstructing or installing both a water system and a sewerage system, and as applied to a district so created and established, the word project shall embrace both the water system and the sewerage system.

Nothing in this article shall be construed as prohibiting the creation and establishment of a district which shall include all or any portion of the territory of another district or districts theretofore created and established under the provisions of this article for the purpose of providing a public improvement of another class.

(Ord. No. 60-7, § 4, 2-9-60; Ord. No. 64-26, § 1, 7-7-64; Ord. No. 64-50, § 1, 10-6-64; Ord. No. 65-59, § 1, 9-14-65; Ord. No. 72-13, § 1, 2-29-72; Ord. No. 81-23, § 3, 3-3-81; Ord. No. 92-96, § 1, 9-15-92; Ord. No. 07-145, § 1, 10-2-07)

Sec. 18-4. Actions to contest establishment of district; limitations; time limit.

Any suit, action or proceeding in any court questioning the validity of any ordinance creating and establishing a special taxing district under the provisions of this article or the sufficiency or the regularity or legality of the petition for the creation and establishment of such district, the publication, posting or mailing of copies of the notice stating the place, date and hour for a public hearing or of any proceeding theretofore taken in connection with the creation and establishment of such district, or the levy of special taxes or special assessments or both as provided in such ordinance, must be commenced within a period of thirty (30) days after the filing with the Clerk of the Circuit Court of a copy of the ordinance creating and establishing such district. After the expiration of such period of limitation, no right of action or defense founded upon the invalidity of any such ordinance, petition or proceeding shall be asserted, and no court shall have authority to inquire into any such matters and no suit, action or proceeding shall be instituted with respect thereto.

(Ord. No. 60-7, § 5, 2-9-60; Ord. No. 64-26, § 1, 7-7-64)

Sec. 18-5. Bonds—Power to issue; limitations.

To provide funds for paying the cost of the project for which a district shall have been created under the provisions of this article, or the cost of any extensions, enlargements or improvement of the project, bonds of such district may be issued as hereinafter provided in an amount, including any bonds then outstanding, not exceeding twenty-five (25) percentum of the assessed valuation of all property within the district (including homesteads) as shown by the last preceding assessment roll of the County. But no such bonds shall be issued unless the issuance of such bonds shall have been approved by a majority of the votes cast in an election in which a majority of the qualified electors residing in such district shall participate. Such election shall be called, noticed and conducted and the result thereof determined and declared in the manner required by law for the issuance of bonds of the County. The question submitted at such elections shall be substantially in the following form:

"Shall bonds of (here insert the name or designation of the District) in an aggregate principal amount not exceeding $\_\_\_\_\_\_\_\_\_\_\_\_ be issued for the purpose of \_\_\_\_\_ such bonds to bear interest at a rate not exceeding the maximum rate permitted by law, to be issued at one (1) time or from time to time in series and to mature, or the bonds of each series to mature, in annual installments, beginning not more than five (5) years and ending not more than thirty (30) years after the date of the bonds, both the principal and interest of such bonds to be payable from taxes if and to the extent that special assessments and revenues shall be insufficient for such purpose"?

(Ord. No. 60-7, § 6, 2-9-60; Ord. No. 64-26, § 1, 7-7-64; Ord. No. 70-47, § 1, 6-9-70)

Sec. 18-6. Same—Issuance.

If a majority of the qualified electors residing in the district shall participate in such election and if a majority of the votes cast at such election shall approve the issuance of such bonds, the Board may provide by ordinance at one (1) time or from time to time for the issuance of such bonds. The bonds of each series shall be dated, shall bear interest at such rate or rates not exceeding the maximum rate permitted by law, shall mature in annual installments, the first installment to be made payable not more than five (5) years and the last installment not more than thirty (30) years from the date of the bonds, as may be determined by the Board, and may be made redeemable before maturity, at the option of the Board, at such price or prices and under such terms and conditions as may be fixed by the Board prior to the issuance of the bonds. The Board shall determine the form and the manner of execution of the bonds, including any interest coupons to be attached thereto, and shall fix the denomination or denominations of the bonds and the place or places of payment of principal and interest, which may be at any bank or trust company within or without the state.

In case any officer whose signature or a facsimile of whose signature shall appear on any bonds or coupons shall cease to be such officer before the delivery of the bonds, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes the same as if he/she had remained in office until such delivery, and any bond may bear the facsimile signature of, or may be signed by, such person or persons as at the actual time of execution of such bond shall be the proper officer or officers to sign such bond although at the date of such bond such person or persons may not have been such officer or officers. All bonds issued under the provisions of this article are hereby declared to have all the qualities and incidents of negotiable instruments under the negotiable instruments law of the State. The bonds may be issued in coupon or in registered form, or both, as the Board may determine, and provision may be made for the registration of any coupon bonds as to principal alone and also as to both principal and interest, for the reconversion into coupon bonds of any bonds registered as to both principal and interest, and for the interchange of registered and coupon bonds. The Board may sell such bonds in such manner, either at public or private sale, and for such price, as it may determine to be for the best interests of the district but no such sale shall be made at a price less than ninety-seven (97) percentum of the principal amount of the bonds.

Prior to the preparation of definitive bonds, the Board may, under like restrictions, issue interim receipts or temporary bonds, with or without coupons, exchangeable for definitive bonds when such bonds shall have been executed and are available for delivery. The Board may also provide for the replacement of any bonds which shall become mutilated or shall be destroyed or lost.

The issuance of such bonds shall not be subject to any limitations or conditions contained in any other law, and bonds may be issued under the provisions of this article without obtaining the consent of any commission, Board, bureau or agency of the State or of any municipality, and without any other proceedings or the happening of any other conditions or things than those proceedings, conditions or things which are specifically required by this article.

The proceeds of the bonds shall be used solely for the payment of the cost of the project for which such bonds shall have been authorized and shall be disbursed in the manner provided by the ordinance authorizing the issuance of such bonds. If the proceeds of the bonds of any issue shall exceed the amount required for the purpose for which such bonds shall have been issued, the surplus shall be set aside and used only for paying the principal of and the interest on such bonds. In the event that the actual cost of the project exceeds the estimated cost, the Board may issue additional bonds to cover the deficiency, subject to the same restrictions as contained herein for the original issue of bonds.

(Ord. No. 60-7, § 7, 2-9-60; Ord. No. 64-26, § 1, 7-7-64; Ord. No. 70-47, § 2, 6-9-70)

Sec. 18-7. Same—Taxes in lieu of.

If the ordinance adopted under the provisions of subdivision (f) of [Section 18-3](../level3/PTIIICOOR_CH18IMSPRPDI_ARTISPTADI.docx#PTIIICOOR_CH18IMSPRPDI_ARTISPTADI_S18-3PRCRESDI) creating and establishing a district shall provide for the levy of an annual tax in lieu of the issuance of bonds, the Board shall provide by resolution for the calling and holding of an election for the purpose of submitting to the qualified electors residing in such district the question whether the Board shall levy such tax. The question submitted at such election shall be substantially in the following form:

"Shall an annual tax not exceeding \_\_\_\_\_\_\_\_\_\_\_\_ mills on each dollar of the assessed valuation of property be levied in (here insert the name or designation of the District) in Metropolitan Miami-Dade County, Florida, for the purpose of providing \_\_\_\_\_\_\_\_\_\_\_\_/\_\_\_\_\_\_\_\_\_\_\_\_/\_\_\_\_\_\_\_\_\_\_\_\_ within and for said District"?

Any election held under the provisions of this section or [Section 18-5](../level3/PTIIICOOR_CH18IMSPRPDI_ARTISPTADI.docx#PTIIICOOR_CH18IMSPRPDI_ARTISPTADI_S18-5BOOWISLI) shall be called, noticed and conducted and the result thereof determined and declared in such manner as may be provided by the Board and may be held at the same time that any general or primary election is held or at any other time as shall be fixed by the Board, anything in any law to the contrary notwithstanding.

(Ord. No. 60-7, § 8, 2-9-60; Ord. No. 64-26, § 1, 7-7-64)

Sec. 18-8. Same—Contest of election.

No right of action or defense founded upon the invalidity of any election held under the provisions of [Section 18-5](../level3/PTIIICOOR_CH18IMSPRPDI_ARTISPTADI.docx#PTIIICOOR_CH18IMSPRPDI_ARTISPTADI_S18-5BOOWISLI) on the question of issuing bonds of a district or held under the provisions of [Section 18-7](../level3/PTIIICOOR_CH18IMSPRPDI_ARTISPTADI.docx#PTIIICOOR_CH18IMSPRPDI_ARTISPTADI_S18-7SAAXLIOF) on the question of levying a tax in a district shall be asserted, nor shall the validity of any such election be open to question in any court upon any ground whatever, except in an action or proceeding commenced within thirty (30) days after the canvass of the returns of such election.

(Ord. No. 60-7, § 9, 2-9-60; Ord. No. 64-26, § 1, 7-7-64)

Sec. 18-9. Same—Validation.

Before any bonds shall be issued under the provisions of this article, the issuance of such bonds and the proceedings had and taken in connection with the same may be validated under the provisions of Chapter 75, Florida Statutes.

(Ord. No. 60-7, § 10, 2-9-60; Ord. No. 64-26, § 7, 7-7-64; Ord. No. 70-47, § 4, 6-9-70)

**Amendment note—**Ord. No. 70-47, § 4, amended [§ 18-9](../level3/PTIIICOOR_CH18IMSPRPDI_ARTISPTADI.docx#PTIIICOOR_CH18IMSPRPDI_ARTISPTADI_S18-9SAAL) by substituting the word "may" in lieu of the word "shall" before the words "be validated."

Sec. 18-10. Same—Levy of taxes to pay principal and interest.

For the punctual payment of the principal of and the interest on all bonds of a district issued under the provisions of Sections [18-5](../level3/PTIIICOOR_CH18IMSPRPDI_ARTISPTADI.docx#PTIIICOOR_CH18IMSPRPDI_ARTISPTADI_S18-5BOOWISLI) and [18-6](../level3/PTIIICOOR_CH18IMSPRPDI_ARTISPTADI.docx#PTIIICOOR_CH18IMSPRPDI_ARTISPTADI_S18-6SASS) of this article, the full faith, credit and taxing power of such district shall be deemed to be pledged. For the payment of such principal and interest the Board is hereby authorized and required to levy annually a special tax upon all property within the district subject to County taxation over and above all other taxes authorized or limited by law sufficient to pay such principal and interest as the same respectively become due and payable, and the proceeds of all such taxes shall be deposited as received to the credit of a sinking fund and used for no other purpose than the payment of such principal and interest; provided, however, that the net revenue derived from the operation of any project for which bonds shall have been issued and the proceeds of any special assessments levied under the provisions of [Section 18-14](../level3/PTIIICOOR_CH18IMSPRPDI_ARTISPTADI.docx#PTIIICOOR_CH18IMSPRPDI_ARTISPTADI_S18-14SPAS) on account of any project financed by such bonds shall be deposited to the credit of the sinking fund for such bonds, and the amount of the annual tax levy herein required shall be reduced in any year by the amount of such revenues and the proceeds of such special assessments actually received in the preceding year and then remaining on deposit to the credit of the sinking fund for the payment of such principal and interest.

In each year before the levy of County taxes the Board shall determine the amount required in the following fiscal year, in addition to any funds then available for such purposes.

(a) To pay the expenses of maintaining, repairing and operating the project for which each district was created under the provisions of this article or of furnishing the special services for which each such district was created; provided, however, that in the case of a water system which shall be owned and operated by a municipality under a contract with the Board for supplying and distributing water within the district, such contract may provide for the payment of all or any part of such expenses by such municipality and for the payment of fire hydrant charges by the district or by the County.

(b) To pay the interest on all outstanding bonds of each such district which were issued under the provisions of said Sections [18-5](../level3/PTIIICOOR_CH18IMSPRPDI_ARTISPTADI.docx#PTIIICOOR_CH18IMSPRPDI_ARTISPTADI_S18-5BOOWISLI) and [18-6](../level3/PTIIICOOR_CH18IMSPRPDI_ARTISPTADI.docx#PTIIICOOR_CH18IMSPRPDI_ARTISPTADI_S18-6SASS) and which becomes payable in such fiscal year.

(c) To pay the principal of all such bonds of each such district which mature in such fiscal year.

(d) To meet such reserve and sinking fund requirements as may be provided in the ordinance authorizing the issuance of such bonds; and the amounts so determined shall be levied upon all property in each such district subject to County taxation, excluding that portion of the valuation of such property which is subject to homestead exemption. Such taxes shall be extended and collected at the same time and in the same manner as County taxes are levied and collected, and shall have the same priority rights, bear interest, be subject to penalties and be treated the same as County taxes. The proceeds of such taxes shall be applied only to the purpose or purposes for which they were levied.

(Ord. No. 60-7, § 11, 2-9-60; Ord. No. 64-26, § 1, 7-7-64)

Sec. 18-11. Water rates.

In the case of any district created and established under the provisions of this article for acquiring, constructing, reconstructing or installing a water system, the Board shall fix and revise from time to time rates and charges for water furnished by the water system. Such rates and charges shall be so fixed and revised as to provide funds sufficient at all times:

(a) To pay the cost of maintaining, repairing and operating the water system and to create reserves for such purposes and for renewals and replacements.

(b) To pay the cost of any water supplied to the district at wholesale.

(c) To pay such portion of the amount required in each year for paying the principal of and the interest on bonds issued on account of such water system and to provide for such reserves therefor as the Board may deem equitable. Such rates and charges shall not be subject to supervision or regulation by any commission, Board, bureau or agency of the state.

The Board may adopt such rules and regulations as it may deem necessary to enforce the collection of any such water rates, including (but without limitation) provisions for shutting off the supply of water, and for making deposits in advance to secure the payment of such water rates.

In case the water system shall be operated by a municipality under a contract with the Board for supplying and distributing water within the district, the foregoing provisions of this section shall be subject to the provisions of such contract. Any such contract with a municipality may provide that title to the water system shall vest in the municipality.

(Ord. No. 60-7, § 12, 2-9-60; Ord. No. 64-26, § 1, 7-7-64)

Sec. 18-12. Sewer service charges—Establishing, collecting, disposition.

In the case of any district created and established under the provisions of this article for acquiring, constructing, reconstructing or installing a sewerage system, the Board shall fix rates, fees and other charges (herein called sewer service charges) for the use of and for the services and facilities furnished or to be furnished by, such system, to be paid by the owner, tenant or occupant of each lot or parcel of land which may be connected with such system. The Board may revise such sewer service charges from time to time. Such sewer service charges shall be so fixed and revised as to provide funds sufficient at all times:

(a) To pay the cost of maintaining, repairing and operating such system, including the amount required under any contract for the acceptance of sewage for treatment and disposal, and to create reserves for such purposes, and to provide for renewals and replacements.

(b) To pay such portion of the amount required in each year for paying the principal of and the interest on bonds issued on account of such system and to provide for such reserves therefor as the Board may deem equitable. The Board shall charge and collect the sewer service charges so fixed or revised, and such sewer service charges shall not be subject to supervision or regulation by any commission, Board, bureau or agency of the state.

Any such sewer service charges shall be just and equitable, and may be based or computed either upon the quantity of water used or upon the number and size of sewer connections or upon the number and kind of plumbing fixtures in use in the premises connected with such system or upon the number or average number of persons residing or working or otherwise connected with such premises or upon the type or character of such premises or upon any other factor affecting the use of the sewerage system or upon any combination of the foregoing factors.

(Ord. No. 60-7, § 13, 2-9-60; Ord. No. 64-26, § 1, 7-7-64)

Sec. 18-13. Same—Manufacturing or industrial plants; connections to sanitary sewer system; shutting off water for nonpayment.

In cases where the character of the sewage from any manufacturing or industrial plant, building or premises is such that it imposes an unreasonable burden upon the sewerage system, an additional charge may be made therefor, or the Board may, if it deems it advisable, compel such manufacturing or industrial plant, building or premises to treat such sewage in such manner as shall be specified by the Board before discharging such sewage into such system.

The owner, tenant or occupant of each lot or parcel of land within the district served or to be served by a sanitary sewer and upon which lot or parcel a building shall have been constructed for residential, commercial or industrial use, shall, if so required by the rules and regulations of the Board, connect such building with such sanitary sewer, and shall cease to use any other method for the disposal of sewage, sewage waste or other polluting matter. All such connections shall be made in accordance with rules and regulations which shall be adopted from time to time by the Board, which rules and regulations may provide for a charge for making any such connection in such reasonable amount as the Board may fix and establish.

The Board may adopt such rules and regulations as it may deem necessary to enforce the collection of any such sewer service charges, including (but without limitation) provisions for shutting off the supply of water, for making deposits in advance to secure the payment of such sewer service charges, and for disconnecting premises from the sanitary sewers.

(Ord. No. 60-7, § 13, 2-9-60; Ord. No. 64-26, § 1, 7-7-64)

Sec. 18-14. Special assessments.

(1) *Definitions.* As used in this section, the following words and terms shall have the following meanings, unless some other meaning is plainly intended:

(a) *Local improvement* is an improvement made under the provisions of this section.

(b) Local improvements are divided into eight (8) classes as follows:

(1) Water system improvements, which shall include the relaying where necessary of streets and sidewalks necessarily torn up or damaged, and, if the Board so orders, the laying of water laterals as a separate improvement or as a part of the main improvement;

(2) Sanitary sewer improvements, which shall include, the relaying where necessary of streets and sidewalks necessarily torn up or damaged, and, if the Board so orders, the laying of sewer laterals as a separate improvement or as a part of the main improvement;

(3) Storm sewer improvements, which shall include, the relaying where necessary of streets and sidewalks necessarily torn up or damaged;

(4) Street improvements;

(5) Sidewalk improvements;

(6) Beach erosion control improvements;

(7) Street lighting improvements;

(8) Public transit improvements or services.

(c) *Lateral* is a pipe connecting a water main or a sanitary sewer with the line of adjacent property or the curb line, as the Board may prescribe, being either a water lateral or a sewer lateral, but does not include a building connection, that is, a pipe line extending from a lateral at the property line or curb line to the house or plumbing fixtures on the property to be served.

(2) *Plans, Specifications, Estimates and Tentative Apportionment of Cost.* If the issuance of bonds for paying the cost of the project shall be approved at the election thereon as hereinabove provided or if the Board shall make an appropriation of moneys from the Miami-Dade County capital improvements fund hereinafter created for paying such cost or if moneys shall be made available from any other source for such purpose, the County Manager shall prepare and file with the clerk of the Board plans and specifications for the project and an estimate of the cost thereof, which estimate shall show the estimated amount of the cost, if any, to be apportioned to the special taxing district, the estimated amount of the cost to be assessed against property benefited thereby, and the estimated amount to be assessed against each front foot, square foot, or other physical unit of benefited property.

(3) *Contract for Work.* As soon as practicable after the filing of such plans and specifications and estimate of cost, the Clerk of the Board shall publish at least once in a newspaper of general circulation published in the County and, if the estimated cost exceeds five thousand dollars ($5,000.00), in a newspaper of general circulation in the State of Florida, a notice calling for sealed bids to be received by the Board on a date not earlier than fifteen (15) days from the first publication for the construction of the work. The notice shall refer in general terms to the extent and nature of the project by reference to the plans and specifications on file. Bids may be requested for the work as a whole or for any part thereof separately. The notice shall require bidders to file with their bids either a certified check upon an incorporated bank or trust company for five (5) percent of the amount of their respective bids or a bid bond in like amount with corporate surety satisfactory to the County Attorney to ensure the execution of a contract to carry out the work in accordance with such plans and specifications and to ensure the filing, at the making of such contract, of a bond in the amount of the contract price with corporate sureties satisfactory to the County Manager conditioned for the performance of the work in accordance with such contract. The Board shall have the right to reject any of all bids, and if all bids are rejected the Board may readvertise.

The provisions of paragraphs (2) and (3) of this section shall not be applicable in the case of a water or sewerage system improvement to be constructed by a municipality under a contract with the Board pursuant to the last paragraph of [Section 18-21](../level3/PTIIICOOR_CH18IMSPRPDI_ARTISPTADI.docx#PTIIICOOR_CH18IMSPRPDI_ARTISPTADI_S18-21ADMEFILOIM) of this article, and in such case the contract for the work shall be let by said municipality subject to the approval of the Board. Similarly, the provisions of paragraph (3) of this section shall not be applicable in the case of public transit improvements or services.

(4) *Preliminary Assessment Roll.* The County Manager shall cause to be prepared a preliminary assessment roll and file the same with the Clerk of the Board, which roll shall contain the following:

(a) A description of the lots and parcels of land to be specially assessed, including the property of the County. There may also be given, at the discretion of the County Manager, the name of the owner of record of each lot or parcel. Where the cost of the local improvement or any part thereof is to be apportioned to individual lots or parcels on the basis of frontage or square footage, the frontage or square footage of each lot or parcel, as applicable, shall be included. In all improvements except sidewalk and street lighting improvements, the frontage of a corner lot or parcel shall be deemed to be the length of the shorter of the two (2) sides plus the amount by which the longer side exceeds one hundred (100) feet. In sidewalk improvements, the frontage of a corner lot shall be the entire length over which that lot abuts the sidewalk improvement. In street lighting improvements, the frontage of a corner lot shall be deemed to be the length of the shorter of the two (2) sides, plus one-half the length of the longer side.

(b) The total cost of the improvement.

(c) An apportionment of the total cost of the improvement to the special taxing district and to the lots and parcels therein, as follows:

(1) *In water main improvements.* To the special taxing district shall be apportioned such part, if any, of the cost of the water system improvements as may have been determined by the resolution or ordinance ordering the improvement under the provisions of [Section 18-21](../level3/PTIIICOOR_CH18IMSPRPDI_ARTISPTADI.docx#PTIIICOOR_CH18IMSPRPDI_ARTISPTADI_S18-21ADMEFILOIM) of this article.

To all lots and parcels within the special taxing district shall be apportioned the costs of the project on the basis of frontage, square footage, water usage, or a combination of any of these methods, as approved by the Board.

(2) *In sanitary sewer improvements.* To the special taxing district shall be apportioned such part, if any, of the cost of the sanitary sewer improvements as may have been determined by ordinance creating the district.

To all lots and parcels within the special taxing district shall be apportioned the costs of the project apportioned among such lots and parcels on the basis of frontage, or square footage, or usage, or some basis combining two (2) or more of the aforesaid bases as shall be determined by the Board in the ordinance creating the district.

(3) *In storm sewer improvements.* To the special taxing district shall be apportioned such part, if any, of the cost of storm sewer improvements as may have been determined by the ordinance creating the district. To all lots and parcels within the special taxing district shall be apportioned the remaining cost of the improvements on the basis of square footage.

(4) *In street improvements.* To the special taxing district shall be apportioned such part of the cost, if any, of street improvements as may have been determined by the ordinance creating the district. To all lots and parcels within the special taxing district which abut upon the improvement shall be apportioned the remaining cost of the improvements on the basis of frontage.

(5) *In sidewalk improvements.* To the special taxing district shall be apportioned such part, if any, of the cost of sidewalk improvements as may have been determined by the ordinance creating the district. To all lots and parcels within the special taxing district which abut upon the improvement shall be apportioned the remaining cost of the improvements on the basis of frontage.

(6) *In beach erosion control improvements.* To the special taxing district shall be apportioned such part, if any, of the cost of beach erosion control improvements as may have been determined by the ordinance creating the district. To all lots and parcels within the special taxing district shall be apportioned the remaining cost of the improvements on the basis of square frontage, or such other basis as may have been determined by the Board in the ordinances creating the district.

(7) *In street lighting improvements.* To all lots and parcels within the special taxing district shall be apportioned the total cost of the lighting improvements less that portion, if any, of such cost that has been determined by the Board in the ordinance creating the district to be the responsibility of the County.

(8) *In public transit improvements or services.* To the special taxing district shall be apportioned such part, if any, of the cost of public transit improvement or services as may have been determined by the ordinance creating the district. To all lots and parcels within the special taxing district shall be apportioned the remaining cost of the improvements or services on the basis of front footage, square footage, or such other basis as may have been determined by the Board in the ordinances creating the district.

(9) *Assessment of individual lots.* In preparing the preliminary assessment roll, the County Manager shall take into consideration increased or diminished benefits which individual lots or parcels may receive, and hardship which may result from unusual shapes, depths, or other characteristics. The preliminary roll shall be advisory only and shall be subject to the action of the Board as hereinafter provided.

(10) *Appropriation of other funds.* The amount to be apportioned under the provisions of clauses (1) to (7), inclusive, of this subdivision shall be reduced by the amount, if any, appropriated by the Board from any available funds other than the special fund created by [Section 18-21](../level3/PTIIICOOR_CH18IMSPRPDI_ARTISPTADI.docx#PTIIICOOR_CH18IMSPRPDI_ARTISPTADI_S18-21ADMEFILOIM) of this article, or received from any other source for such purpose.

(5) *Notice of Hearing upon Assessment Roll.* Upon the filing with the Clerk of the Board of the preliminary assessment roll required by this section, the Clerk shall publish once in each of two (2) successive weeks in a daily newspaper of general circulation published in the County, a notice stating that a regular or special meeting of the Board to be held on a certain day and hour all interested persons may appear and file written objections to the confirmation of such roll. Such notice shall state the class of the improvement and the location thereof by terminal points and route. Copies of such notice shall also be posted in not less than five (5) public places within the district and mailed to all owners of real property which is to be specially assessed. The first of such publications and such posting and mailing shall occur not less than fifteen (15) days prior to the date fixed for such hearing.

(6) *Hearing and Confirmation of Assessment Roll.* At the time and place stated in such notice the Board shall meet and receive the objections in writing of all interested persons as stated in such notice. The Board may adjourn the hearing from time to time. After the completion thereof the 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 canceling, increasing or reducing the same, according to the special benefits which the 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 Board may place on such roll an apportionment to such property. The 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 Finance Director of the County. The assessments so made shall be final and exclusive as to each lot or parcel assessed unless proper steps be taken within ten (10) 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 Finance Director 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 the entire district is abated, or the amount by which such assessment is so reduced, may by resolution of the Board be made chargeable against the district at large, or, in the discretion of the 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.

(7) *Payment of Assessments.* Any assessment may be paid at the Office of the Finance Director within thirty (30) days after the date of the recording of the assessment roll, without interest. Special assessments within bond financed special taxing districts may be eligible for an early payment discount for certain related bond costs if paid within the thirty-day period provided in the notice of improvement lien. The discount shall take into consideration any portion of the assessment which is attributable to the parcel's proportionate share of any bond financing costs, provided the errors and insolvency procedure available for use in the collection of ad valorem taxes pursuant to Section 197.492, Florida Statutes, is followed. In establishing the discount rate, consideration may be given to bond related costs, including, if, applicable: Debt service reserve funding, capitalized interest, bond insurance premiums and bond discount plus issuance costs. The applicable discount rate shall be identified in the resolution adopting the assessment roll for the district. Eligibility for a discount hereunder is conditioned upon payment in full within the thirty-day period provided in the notice of improvement lien. Thereafter all assessments shall be payable at the County's option either in equal annual installments of the principal amount of said assessments, plus interest, or in equal annual installments including the principal amount of said assessments and interest. Said interest shall be at not less than seven and one-half (7½) percent per annum from the expiration of said thirty (30) days in each of the succeeding fifteen (15) calendar years at the time or times in each year at which general County taxes are payable or at such other times as the Commission directs; however, in no case shall the interest be less than one (1) percent over the County's borrowing rate for the project; and further provided, however, that the Board may by resolution fix a shorter period of payment for any assessment; and provided, further, that any assessment may be paid at any time before due, together with interest accrued thereto to the date of payment but no discount shall be allowed regardless of the time of such payment.

(8) *Lien and Enforcement.* All special assessments made under the provisions of this article including accrued interest imposed pursuant to [Section 18-14](../level3/PTIIICOOR_CH18IMSPRPDI_ARTISPTADI.docx#PTIIICOOR_CH18IMSPRPDI_ARTISPTADI_S18-14SPAS)(7) hereof shall constitute a lien upon the property so assessed from the date of the confirmation of the assessments 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 assessment or installments thereof fall due, and any assessment or installment including said accrued interest not paid when due shall be collectible in the same manner and at the same time as such general taxes are or may be collectible with the same attorney's fee, interest, penalties and Tax Collector's commissions, and under the same provisions as to tax certificates, tax deeds, forfeiture and the right of the district to purchase the property assessed as are or may be provided by law in case of County taxes; provided, however, that the notice advertising properties for sale for nonpayment of special assessments may describe such properties as all lots and parcels within the district the special assessments on which have not been paid and it shall not be necessary that the notice describe or list each such lot or parcel; and provided, further that all installments of principal of special assessments on any property remaining unpaid with accrued interest thereon shall, by virtue of advertising such property for sale, immediately become due and payable. Collection of such assessments, with such interest and with a reasonable attorney's fee and costs, but without penalties, may also be made by the district by proceedings in a court of equity to foreclose the lien of assessments as a lien for mortgages is or may be foreclosed under the laws of the State. 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 be due and payable. Nevertheless if, prior to any sale of the property under decree of foreclosures in such proceedings, payment be made of the installment or installments which are shown to be due under the provisions of any resolution passed pursuant to paragraph (7) of this section, with interest as required by said paragraph (7) and by this paragraph (8) and all costs including attorney's fee, such payment shall have the effect of restoring the remaining installments to their original maturities as provided by such resolution passed pursuant to said paragraph (7), and the proceedings shall be dismissed. It shall be the duty of the Board to enforce the prompt collection of assessments by one (1) or the other of the means herein provided. Not later than thirty (30) days after the annual sale of property for delinquent taxes of the County, it shall be the duty of the Board to direct the County Attorney or an attorney or attorneys whom the Board shall then designate to institute actions within three (3) months after such direction to enforce the collection of all special assessments made under this section and remaining due and unpaid at the time of such direction (unless such property has theretofore been sold at tax sale). Such action shall be prosecuted in the manner and under the conditions in and under which mortgages are foreclosed under the laws of the State. It shall be lawful to join in one action the collection of assessments against any or all property assessed by virtue of the same assessment roll unless the court shall deem such joinder prejudicial to the interest of any defendant. The court shall allow a reasonable attorney's fee for the attorney or attorneys of the Board, and the same shall be collectible as a part of or in addition to the costs of the action. At any sale pursuant to a decree in any such action the district may be a purchaser to the same extent as an individual person or corporation, except that the part of the purchase price represented by the assessments sued upon and the interest thereon need not be paid in cash. Property so acquired by the district, including the certificate of sale thereof, may be sold or otherwise disposed of, for cash or upon terms; provided, however, that no sale or other disposition thereof shall be made unless notice calling for bids therefor to be received at a stated time and place shall have been published in a daily newspaper of general circulation published in the County once in each of four (4) successive weeks prior to such disposition.

(9) *Pledge of Special Assessments.* All special assessments made under this section on account of the construction of any local improvement, except special assessments under paragraph (17) of this section, shall be pledged to the payment of the principal of and the interest on any bonds issued to pay the whole or any part of the cost of such improvement and may when collected be placed in a separate fund, properly designated, which fund shall be used for no other purpose.

(10) Reserved.

(11) *Credit for Prior Improvements.* The Board may make allowances and grant credit to property owners for improvements previously made to the extent, and only to the extent, that such existing improvements shall be of value and utility as a part of the improvement for which such assessment is made, and may prescribe a plan for fixing and determining such allowance and credits.

(12) *Description of Property.* In fixing and enforcing the assessments herein provided for, whenever any land shall have been surveyed or subdivided and platted into small tracts designated as lots or blocks or otherwise, and the owner of any land embraced in the said survey or subdivision shall have recognized such survey or subdivision by reference thereto in making or accepting any conveyance of land therein, or by selling any land therein by reference thereto, then, and in that event, the land embraced in such division may be described by reference to such survey or subdivision whether any plat thereof shall have been recorded or not.

(13) *Division of Assessments.* If the owner or owners of any lot or parcel of land assessed under the provisions of this section and all those having any interest therein by way of mortgage or other lien or leasehold rights or otherwise shall in writing request that such assessment be divided so that a part of the same shall be the assessment on and constitute a lien on one (1) portion of such lot or parcel and the remainder shall be the assessment on and constitute a lien or liens against the remainder of such parcel or separate parts thereof, the Board, in its discretion, shall have power to divide such assessment in accordance with such request, and thereafter the separate parts of such assessment shall be the assessments and constitute separate liens upon the parts of the lot or panel, respectively, into which the same shall have been so divided; such division shall be equitable and shall not impair the collectibility of any part of the assessments so divided. When such a division is authorized, the remaining principle and interest shall be divided on the same fractional ratio as the assessable footage is divided. In case of a portion of any lot or parcel assessed under the provisions of this section shall be sold, the Board may require that all special assessments on such lot or parcel, except any special assessments payable under the provisions of subsection (17) of this section, shall be paid in full at or before the consummation of such sale.

(14) *Liberal Construction.* The purpose of this section being to provide an economic method by which local improvements may be made, it is hereby declared that no irregularity or illegality in connection with any of the proceedings herein authorized shall in any way affect the validity of the orders for the improvements or the special assessments, unless such irregularity or illegality shall substantially affect the rights of the district or the owners of property assessed for such improvements.

(15) *Omissions, errors and mistakes.* In case of any omissions, errors and mistakes in making the assessments, or in case of deficiencies or otherwise, unless the Board or a court shall have determined that the assessments already made fully equal the amount of special benefits, a supplemental assessment may be made for such deficiencies, errors, omissions or mistakes; and such supplemental assessments shall be made in the same manner and after the same notice as hereinabove provided for the original assessments, and shall be a lien to the same extent and be payable in the same manner, draw the same rate of interest, and be subject to the same penalties, and be in force and collectible in the same manner as such original assessment; provided, however, that in case any deficiency, error, omission or mistake shall concern the special assessment on an individual lot or parcel as distinguished from all such special assessments, the Board may without further notice correct such deficiency, error, omission or mistake.

(16) *Assessments on Public Property.* Except as may be otherwise provided in any general law, Miami-Dade County and any school district, municipality or other political subdivision wholly or partly within a district shall possess the same power and be subject to the same duties and liability in respect of assessment under this section affecting their real estate that private owners of real estate possess or are subject to hereunder, and such real estate of the County, school districts and political subdivisions shall be subject to liens for said assessments in all cases where the same property would be subject had it at the time the lien attached been owned by a private owner.

(17) *Special Assessments for Maintenance.* In case the Board shall provide in the ordinance creating and establishing a special taxing district, for the levy of special assessments instead of taxes to pay all or a part of the cost of maintaining, repairing and operating the project for which the district is created, such special assessments shall be levied in each year on all lots and parcels within the district and apportioned among such lots and parcels on the basis of frontage or square footage or other suitable method as shall have been determined by the Board in the ordinance creating and establishing the district, and it shall not be necessary to hold another public hearing on the levy of such special assessments. The lien of such special assessments and their collection shall be governed by the foregoing provisions of this section insofar as such provisions shall be applicable.

On all taxes for special assessments for maintenance which appear on the County tax rolls and which are collected by the County Tax Collector, discounts shall be at the rate of four (4) percent in the month of November, three (3) percent in the month of December, two (2) percent in the following month of January, and one (1) percent in the following month of February, the taxes being payable in March without discount. It shall also be the duty of the Tax Collector, and he is hereby vested with the power, to collect by sale of the tax liens on said lands all taxes assessed thereon and which are not paid prior to April 1st of the year following the year in which the taxes are assessed. All unpaid taxes upon real estate shall become delinquent on April 1st of the year following the year in which said taxes were assessed and shall bear interest from such date at the rate of eighteen (18) percent per annum but not less three (3) percent of the delinquent taxes and costs.

(Ord. No. 60-7, § 14, 2-9-60; Ord. No. 64-26, § 1, 7-7-64; Ord. No. 67-7, § 1, 2-7-67; Ord. No. 70-47, § 5, 6-9-70; Ord. No. 71-74, §§ 1, 2, 9-22-71; Ord. No. 72-29, § 1, 5-30-72; Ord. No. 81-124, § 2, 11-17-81; Ord. No. 83-11, § 1, 3-1-83; Ord. No. 84-24, §§ 1—3, 3-20-84; Ord. No. 90-132, § 1, 11-27-90; Ord. No. 91-69, § 1, 7-9-91)

Sec. 18-15. Trust funds.

All moneys received under the provisions of this article shall be deemed to be trust funds, to be held and applied solely as provided in this article. Any officer to whom, or any bank, trust company or other fiscal agent or trustee to which such moneys shall be paid shall act as trustee of such moneys and shall hold and apply the same for the purposes of this article.

(Ord. No. 60-7, § 15, 2-9-60; Ord. No. 64-26, § 1, 7-7-64)

Sec. 18-16. Additional powers of Board.

The Board is hereby authorized and empowered, in the exercise of its powers under the provisions of this article:

(a) To acquire, purchase, lease as lessee, construct, reconstruct, improve, extend, operate and maintain any project or part thereof, and to acquire by gift, purchase or the exercise of the right of eminent domain lands or rights in land or water rights in connection therewith, and to acquire such personal property, as it may deem necessary in connection with any such project, and to hold and dispose of all real and personal property under its control; any such proceedings to acquire property by the exercise of the power of eminent domain shall be conducted, and the compensation to be paid shall be ascertained and paid, in the manner provided by Chapter 73, Florida Statutes, as amended and supplemented, which relate to condemnation or the exercise of the power of eminent domain by the Board of County Commissioners;

(b) To acquire, construct, reconstruct or install any project and levy special assessments as provided in this article;

(c) To enter on any lands, water or premises located within the County to make surveys, borings, soundings or examinations for the purpose of this article;

(d) To enter upon, use, occupy and dig up any street, alley, road, highway or other public places necessary to be entered upon, used or occupied in connection with the acquisition, construction, improvement, maintenance or operation of any project or part thereof;

(e) To exercise jurisdiction, control and supervision over any project and to make and enforce such rules and regulations for the maintenance and operation of any such project as may, in the judgment of the Board, be necessary or desirable for the efficient operation of such project and for accomplishing the purposes of this article;

(f) To restrain, enjoin or otherwise prevent any person or corporation, public or private, from discharging into any navigable or nonnavigable waters within or which flow within the limits of a district, any sewage, industrial wastes or other refuse which would contribute to the pollution of such waters; and to restrain, enjoin, or otherwise prevent the violation of any provision of this article or of any resolution, ordinance, rule or regulation adopted pursuant to the powers granted by this article;

(g) To fix and revise from time to time rates, fees and charges for the services and facilities furnished by any project financed under the provisions of this article and to charge and collect the same subject, however, to the provisions of any contract theretofore entered into by the Board with respect to the same;

(h) To provide by resolution, without the necessity of an election, for the issuance of refunding bonds of a district for the purpose of refunding any bonds then outstanding which shall have been issued under the provisions of this article, including the payment of any redemption premium thereon and any interest to accrue to the date of the redemption of such bonds; the issuance of such bonds, the maturities and other details thereof, the rights of the holders thereof, and the rights, duties and obligations of the Board in respect to the same, shall be governed by the provisions of this article insofar as the same may be applicable;

(i) To provide for the annexation of contiguous territory to any special taxing district created and established under the provisions of this article and for the consolidation of any two (2) or more such special taxing districts created and established for projects of the same classification, subject to giving notice and holding a hearing in accordance with the provisions of [Section 18-3](../level3/PTIIICOOR_CH18IMSPRPDI_ARTISPTADI.docx#PTIIICOOR_CH18IMSPRPDI_ARTISPTADI_S18-3PRCRESDI) of this article insofar as such provisions shall be applicable; provided, however, that none of the powers granted by this clause (i) shall be exercised in case any such district shall at the time have outstanding any bonds issued under the provisions of Sections [18-5](../level3/PTIIICOOR_CH18IMSPRPDI_ARTISPTADI.docx#PTIIICOOR_CH18IMSPRPDI_ARTISPTADI_S18-5BOOWISLI) and [18-6](../level3/PTIIICOOR_CH18IMSPRPDI_ARTISPTADI.docx#PTIIICOOR_CH18IMSPRPDI_ARTISPTADI_S18-6SASS) of this article;

(j) To make and enter into all contracts and agreements, as the Board may determine, which are necessary or incidental to the performance of its duties and to the execution of its powers under this article, and to employ such consulting and other engineers, superintendents, managers, construction and financial experts, accountants and attorneys, and such employees and agents as it may determine necessary in its judgment, and to fix their compensation; provided, however, that all such expenses shall be payable solely from funds made available under the provisions of this article;

(k) To receive and accept from any federal agency grants for or in aid of the construction of any project or part thereof, and to receive and accept aid or contributions from any source of either money, property, labor or other things of value, to be held, used and applied only for the purposes for which such grants or contributions may be made; and

(l) To do all acts and things necessary or convenient to carry out the powers expressly granted in this article.

(Ord. No. 60-7, § 16, 2-9-60; Ord. No. 64-26, § 1, 7-7-64)

Annotation—CAO 77-50.

Sec. 18-17. Remedies.

Any holder of bonds issued under the provisions of this article or of any of the coupons appertaining thereto, except to the extent the rights herein given may be restricted by the ordinance authorizing the issuance of such bonds, may, either at law or in equity, by suit, mandamus or other proceeding, protect and enforce any and all rights under the laws of the State of Florida or granted herein or under such ordinance, and may enforce and compel the performance of all duties required by this article or by such ordinance to be performed by the Board.

(Ord. No. 60-7, § 17, 2-9-60; Ord. No. 64-26, § 1, 7-7-64)

Sec. 18-18. Exemptions from taxation.

As the special services authorized by this article are essential for the health of the inhabitants of such areas, and as the exercise of the powers conferred by this article to effect such purposes constitute the performance of essential governmental functions, and as improvements financed under the provisions of this article constitute public property and are used for governmental purposes, no taxes or assessments shall be levied upon any such improvement or any part thereof, whether located within or without the territorial boundaries of any district created under the provisions of this article, and all bonds issued under the provisions of this article, and their transfer and the income therefrom (including any profit made on the sale thereof) shall at all times be free from taxation within the State.

(Ord. No. 60-7, § 17, 2-9-60; Ord. No. 64-26, § 1, 7-7-64)

Sec. 18-19. Annual audits.

The Board shall cause an audit of its books and accounts pertaining to each district created and established under the provisions of this article to be made at least once in each year by the County Auditor or by an independent certified public accountant and the costs thereof shall be treated as a part of the cost of operation.

(Ord. No. 60-7, § 19, 2-9-60; Ord. No. 64-26, § 1, 7-7-64)

Sec. 18-20. Additional method; construction of provisions.

This article shall be deemed to provide an additional and alternative method for the doing of the things authorized hereby and shall be regarded as supplemental and additional to powers conferred by other laws, and shall not be regarded as in derogation of any powers now existing. This article being necessary for the welfare of the inhabitants of the County shall be liberally construed to effect the purposes thereof.

(Ord. No. 60-7, § 20, 2-9-60; Ord. No. 64-26, § 1, 7-7-64)

Annotation—CAO 77-24.

Sec. 18-20.1.  Reserved.

Note—See the editor's note to § 18-20.2

Sec. 18-20.2. Notice to purchasers of new residential property.

(a) *Definition.* The term "new residential property" as used in this section shall mean any and all undeveloped land zoned for residential use and any and all residential dwelling units not previously sold for the purpose of individual owner occupancy.

(b) *Notice to purchasers.* It shall be the obligation of a seller of new residential property to provide the purchaser thereof with notice either of the existence of a special district created pursuant to this chapter or of the pendency of a petition to create such a district. The notice required by this section shall be set forth in the contract for sale and purchase of the new residential property and shall be in substantially the following form:

THE PROPERTY WHICH IS THE SUBJECT OF THIS TRANSACTION IS LOCATED WITHIN \_\_\_\_\_\_\_\_\_\_\_\_ SPECIAL TAXING DISTRICT CREATED BY Miami-Dade COUNTY (OR PROPOSED TO THE BOARD OF COUNTY COMMISSIONERS) FOR THE PURPOSE OF PROVIDING LOCAL IMPROVEMENTS AND SERVICES IN THE NATURE OF \_\_\_\_\_\_\_\_\_\_\_\_. THE COSTS FOR PROVIDING SUCH IMPROVEMENTS AND SERVICES SHALL BE PAID BY SPECIAL ASSESSMENTS LEVIED AGAINST PROPERTIES WITHIN THE DISTRICT. SAID SPECIAL ASSESSMENTS MAY BE COLLECTED AT THE SAME TIME AND IN THE SAME MANNER AS AD VALOREM TAXES.

(Ord. No. 89-56, § 1, 6-20-89)

**Editor's note—**

Section 1 of Ord. No. 89-56, adopted June 20, 1989, added [§ 18-20](../level3/PTIIICOOR_CH18IMSPRPDI_ARTISPTADI.docx#PTIIICOOR_CH18IMSPRPDI_ARTISPTADI_S18-20ADMECOPR)(b). In order to maintain stylistic consistency with the remainder of the Code, the provisions have been redesignated [§ 18-20.2](../level3/PTIIICOOR_CH18IMSPRPDI_ARTISPTADI.docx#PTIIICOOR_CH18IMSPRPDI_ARTISPTADI_S18-20.2NOPUNEREPR), with [§ 18-20.1](../level3/PTIIICOOR_CH18IMSPRPDI_ARTISPTADI.docx#PTIIICOOR_CH18IMSPRPDI_ARTISPTADI_S18-20.1RE) reserved for numerical sequence.

Sec. 18-21. Additional method for financing local improvements.

The Board is hereby authorized and empowered to construct or acquire local improvements, as defined in [Section 18-14](../level3/PTIIICOOR_CH18IMSPRPDI_ARTISPTADI.docx#PTIIICOOR_CH18IMSPRPDI_ARTISPTADI_S18-14SPAS) of this article and to levy and collect special assessments upon property specially benefited by such local improvements, in accordance with the provisions of [Section 18-14](../level3/PTIIICOOR_CH18IMSPRPDI_ARTISPTADI.docx#PTIIICOOR_CH18IMSPRPDI_ARTISPTADI_S18-14SPAS), as heretofore or hereafter amended, insofar as the same may be applicable, without the necessity of creating and establishing under the provisions of this article a special taxing district embracing the territory specially benefited by each such local improvement. Such construction or acquisition shall be authorized by ordinance adopted by the Board which shall set forth the location of the local improvement and a description thereof by its material, nature, character and size, a general description of the territory within which special assessments are to be levied, the estimated cost of the improvement, and also the part of such cost that is to be specially assessed, and shall fix the place, date and hour for a public hearing on the confirmation of such ordinance. Copies of such ordinance shall be published, posted and mailed in the manner provided by subdivision (d) of [Section 18-3](../level3/PTIIICOOR_CH18IMSPRPDI_ARTISPTADI.docx#PTIIICOOR_CH18IMSPRPDI_ARTISPTADI_S18-3PRCRESDI) of this article. At the time and place stated in such ordinance, or to which an adjournment may be taken by the Board, the Board shall receive and hear objections of interested persons to the construction or acquisition of the local improvement, or to the levy of special assessments therefor, or to any defect in the proceedings or which question any of the powers of the Board under this section, and the Board may then or thereafter confirm such ordinance with such modifications, if any, as it may deem advisable and which do not enlarge the local improvement or the territory to be specially assessed, or increase the part of the cost thereof which is to be specially assessed.

The cost of any local improvement constructed or acquired under the provisions of this section may be paid from the special fund which is hereby created and designated "Miami-Dade County Capital Improvement Fund," to the credit of which there may be deposited such amounts as may be appropriated by the Board from time to time. If such cost shall be paid from said fund, the proceeds of all special assessments levied on account of the construction or acquisition of such local improvement shall be deposited to the credit of said fund.

The Board is further authorized and empowered to issue revenue bonds of the County to pay all or a part of the cost of any project, and to levy and collect special assessments upon property specially benefited by such project in accordance with the provisions of said [Section 18-14](../level3/PTIIICOOR_CH18IMSPRPDI_ARTISPTADI.docx#PTIIICOOR_CH18IMSPRPDI_ARTISPTADI_S18-14SPAS), as heretofore or hereafter amended, insofar as the same may be applicable, without the necessity of creating and establishing under the provisions of this article a special taxing district embracing the territory specially benefited by such project, and to pledge to the payment of such bonds, in addition to the pledge of revenues, the proceeds of such special assessments.

In the case of any water system improvement or sewerage system improvement the Board may enter into a contract with a municipality or a private water or sewer company whereby (a) the municipality or private water or sewer company will construct the improvement and pay the entire cost thereof, will fix and collect rates and charges for water furnished by the water system, or sewage services furnished by the sewerage system and will pay the cost of maintaining, repairing and operating the same as provided by contract with the County, (b) title to the water system or sewerage system, as the case may be, shall vest in said municipality or private water or sewer company, and (c) the Board shall pay over to the municipality all or a part of the proceeds of all such special assessments as collected.

(Ord. No. 64-26, § 1, 7-7-64; Ord. No. 83-114, § 1, 12-6-83)

Sec. 18-22. Revenue bonds.

In addition to the powers set forth in the foregoing provisions of this article the Board is hereby authorized and empowered:

(a) To issue revenue bonds of any district heretofore or hereafter created under the provisions of this article in accordance with the provisions of Section 153.63, Florida Statutes, as amended by Chapter 69-1739, Laws of Florida 1969, and as may be amended from time to time, without pledging the full faith, credit and taxing power of the district,

(b) To fix rates, fees and charges for the services and facilities furnished or to be furnished by the project in accordance with the provisions of [Section 18-11](../level3/PTIIICOOR_CH18IMSPRPDI_ARTISPTADI.docx#PTIIICOOR_CH18IMSPRPDI_ARTISPTADI_S18-11WARA) and [Section 18-12](../level3/PTIIICOOR_CH18IMSPRPDI_ARTISPTADI.docx#PTIIICOOR_CH18IMSPRPDI_ARTISPTADI_S18-12SESECHSTCODI) of this article insofar as such provisions may be applicable,

(c) To levy and collect special assessments under the provisions of [Section 18-14](../level3/PTIIICOOR_CH18IMSPRPDI_ARTISPTADI.docx#PTIIICOOR_CH18IMSPRPDI_ARTISPTADI_S18-14SPAS) of this article for paying such part of the cost of the project as may have been determined by the Board in the ordinance authorizing the bonds, or

(d) To pledge to the payment of such bonds the rates, fees and charges so fixed which may be available for such purpose and the proceeds of such special assessments.

(Ord. No. 64-26, § 1, 7-7-64; Ord. No. 70-47, § 6, 6-9-70)

Sec. 18-22.1. Petition of all property owners.

In addition to the powers set forth in the foregoing provisions of this article, the Board, subject to the provisions of this section and upon the petition of all the property owners and without an election may create and establish special taxing districts embracing unincorporated areas in the County for the purpose of constructing, reconstructing or installing local improvements and to provide funds for paying the cost thereof, may issue special obligation certificates of such districts payable solely from special assessments and other funds made available under the provisions of this section.

The proceedings for creating and establishing a special taxing district and financing such improvements under the provisions of this section shall be as follows:

(a) There shall be filed with the Clerk of the Board a petition in triplicate requesting the creation and establishment of a special taxing district, signed by the owners of all the real property embraced within the proposed district, and setting forth (1) the boundaries or other description sufficient to identify the property embraced in the proposed district, together with a survey sketch showing the location of the proposed district, and (2) a brief description of the local improvement requested to be constructed, reconstructed or installed. For the purposes of any such petition of owners of property, the rights of mortgagees and lienors shall not be considered and the signature of any person holding a fee interest in the property shall be sufficient, and either the signature of the husband or the wife shall be sufficient in cases where the property is owned by both husband and wife. There shall be attached to the petition and made a part thereof a brief description of the property within the proposed district of each owner sufficient to identify the property involved. In case any such owner shall be a corporation there shall also be filed with the petition a duly certified copy of the proceedings of the board of directors or stockholders of such corporation and such other documents, if any, as may be required by the County Attorney to show that those signing the petition are duly authorized to sign the petition and to subject the property of such corporation to the levy of special assessments as provided in this section.

(b) Upon receipt of any such petition the Clerk of the Board shall transmit one (1) copy to the County Manager and one (1) copy to the County Attorney, each of whom shall examine the petition and file a written report thereon with the Clerk at the earliest practicable date.

(c) If the County Attorney shall find that the petition has been properly signed and complies with the requirements of this section, the County Manager shall cause to be made under his supervision and direction such investigations, surveys, plans and specifications as may be necessary to enable him to compile and file with the Board a written report and recommendations setting forth the following data and information:

(1) An estimate of the cost of the local improvement;

(2) An estimate of the annual expense, if any to be borne by the district or the County of maintaining, repairing and operating the local improvement, and his recommendations concerning service charges and the levy of special assessments for paying all or a part of such expense;

(3) Whether the proposed improvement and the proposed special taxing district conform to or conflict with the master plan of development for the County;

(4) His recommendations concerning the need and desirability for the requested improvement, the ability of the affected property to pay special assessments and his opinion as to whether or not each lot or parcel in such district which is to be specially assessed will be specially benefited by such improvement in excess of the amount of such special assessments to be levied thereon;

(5) If his recommendations under clause (4) are favorable to the creation of the requested special taxing district, his recommendations as to the levying of special assessments against the benefited property, and an estimate of the amount to be assessed against each front foot or other unit of benefited property;

The County Manager shall file such written report and recommendations with the Clerk of the Board at the earliest practicable date. Upon receipt of such report, the Clerk shall immediately transmit a copy thereof to the Mayor of the County.

(d) If it shall appear to the Board from such report of the County Manager that the improvement or improvements petitioned for would be of special benefit to all property within the proposed district and that the total amount of the special assessments to be levied would not be in excess of such special benefit, the Board shall adopt an ordinance fixing the place, date and hour for a public hearing, which ordinance shall set forth a copy of the petition, excluding signatures, and brief summaries of the report and recommendations of the County Manager. Such public hearings shall be conducted and notice thereof given in accordance with the provisions of paragraphs (d) and (e) of [Section 18-3](../level3/PTIIICOOR_CH18IMSPRPDI_ARTISPTADI.docx#PTIIICOOR_CH18IMSPRPDI_ARTISPTADI_S18-3PRCRESDI) of this article insofar as such provisions may be applicable. If the Board shall determine to grant the petition, it shall adopt an ordinance providing for the creation and establishment of the district. Such ordinance shall also set forth the following:

(1) The name or designation by which the district shall be known, such as "\_\_\_\_\_\_\_\_\_\_\_\_ Special Taxing District in Miami-Dade County, Florida" or "Special Taxing District No. \_\_\_\_\_\_\_\_\_\_\_\_ in Miami-Dade County, Florida," or such other appropriate name as the Board may determine;

(2) The boundaries of the district, or other description sufficient to identify the property to be embraced in the proposed district;

(3) A brief description of the local improvement which is to be constructed, reconstructed or installed in the district;

(4) A declaration as to benefits and that the entire cost of the local improvements shall be specially assessed; and

(5) A statement as to the method of financing, including estimates of:

(a) The amount of special obligation certificates of the district to be issued as hereinafter provided to pay the cost of the improvements;

(b) The amount, if any, required annually to be borne by the district to pay the cost of maintaining, repairing and operating the improvement, and what percentage, if any, of such amount shall be specially assessed; and

(c) The amount, if any, to be derived annually from the service charges or special assessments on benefited property or both.

Such ordinance shall order the construction, reconstruction or installation of the local improvement under the provisions of this section upon moneys being made available therefor and shall set forth the location of the improvement and a description thereof by its material, nature, character and size.

Notwithstanding any of the foregoing provisions of this article a district may be created and established under the provisions of this section for the combined purpose of constructing, reconstructing or installing both a water system and a sewerage system. In case a water system or a sewerage system or both shall be constructed or operated by a municipality under a contract with the Board for supplying and distributing water within the district, or collecting and treating sewerage from the district, or both, the foregoing provisions of this section shall be subject to the provisions of such contract. Any such contract with a municipality may provide that title to the water system or sewerage systems shall vest in the municipality, and in such case, the contract or contracts for the work shall be let by such municipality subject to the approval of the Board, and subject to funds being made available to pay the cost of the improvement.

(e) Upon the letting of a contract for the construction, reconstruction or installation of the improvement, the Board shall by ordinance provide for the issuance of special obligation certificates of the district in an amount sufficient to provide funds for paying the entire cost (as above defined) of the improvement. The certificates shall be dated, shall bear interest at such rate or rates not exceeding the maximum rate permitted by law, shall mature in annual installments, the first installment to be made payable not more than three (3) years and the last installment not more than fifteen (15) years from the date of the certificates, as may be determined by the Board, and may be made redeemable before maturity, at the option of the Board, at such price or prices and under such terms and conditions as may be fixed by the Board prior to the issuance of the certificates. The Board shall determine the form and the manner of execution of the certificates, including any interest coupons to be attached thereto, and shall fix the denomination or denominations of the certificates and the place or places of payment of principal and interest, which may be at any bank or trust company within or without the state. In case any officer whose signature or a facsimile of whose signature shall appear on any certificates or coupons shall cease to be such officer before the delivery of the certificates, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until such delivery, and any certificate may bear the facsimile signature of, or may be signed by, such person or persons as at the actual time of execution of such certificate shall be the proper officer or officers to sign such certificate although at the date of such certificate such person or persons may not have been such officer or officers. The certificates may be issued in coupon or in registered form, or both, as the Board may determine, and provision may be made for the registration of any coupon certificates as to principal alone and also as to both principal and interest, for the reconversion into coupon certificates of any certificates registered as to both principal and interest, and for the interchange of registered and coupon certificates. The Board may sell such certificates in such manner, either at public or private sale, and for such price, as it may determine to be for the best interests of the district but no such sale shall be made at a price less than ninety-nine (99) percentum of the principal amount of the certificates.

The issuance of such certificates shall not be subject to any limitations or conditions contained in any other law, and certificates may be issued under the provisions of this section without obtaining the consent of any commission, Board, bureau or agency of the State or of any municipality, and without any other proceedings or the happening of any other conditions or things than those proceedings, conditions or things which are specifically required by this section.

The proceeds of the certificates shall be deposited in the special account to the credit of the special taxing district, and shall be solely for the payment of the cost of the local improvement or improvements for which such certificates shall have been authorized and shall be disbursed in the manner provided by the ordinance authorizing the issuance of such certificates. If the proceeds of the certificates of any issue shall exceed the amount required for the purpose for which such certificates shall have been issued, the surplus shall be set aside and used only for paying the principal of and the interest on such certificates. In the event that the actual cost of the improvement or improvements exceeds the estimated cost, the Board may issue additional certificates to cover the deficiency, subject to the same restrictions as contained herein for the original issue of certificates. The issuance of such certificates and the proceedings had and taken in connection with the same may be validated under the provisions of Chapter 75, Florida Statutes.

(f) Upon completion of the work the County Manager shall cause to be prepared a preliminary assessment roll and file the same with the Clerk of the Board, which roll shall contain the following:

(a) A description of the lots and parcels of land to be specially assessed and the name of the owner of record of each lot or parcel. Where the cost of the local improvement or any part thereof is to be apportioned to individual lots or parcels on the basis of frontage or square footage, the frontage or square footage of each lot or parcel, as applicable, shall be included.

(b) The total cost of the improvement.

(c) An apportionment of the total cost of the improvement to the lots and parcels therein.

Upon the filing with the Clerk of the Board of the preliminary assessment roll required by this section, the Clerk shall mail to all owners of real property which is to be specially assessed a notice stating that at a regular or special meeting of the Board to be held on a certain day and hour all interested persons may appear and file written objections to the confirmation of such roll.

The hearing on and the confirmation of the preliminary assessment roll, the payment of the special assessment and the lien and enforcement thereof shall be governed by the provisions of paragraphs (6), (7), and (8) of [Section 18-14](../level3/PTIIICOOR_CH18IMSPRPDI_ARTISPTADI.docx#PTIIICOOR_CH18IMSPRPDI_ARTISPTADI_S18-14SPAS) of this article in so far as the same may be applicable.

(g) All special assessments made under this section on account of the construction of any local improvement shall be pledged to the payment of the principal of and the interest on the certificates issued to pay the cost of such improvement and shall when collected be placed in a separate fund, properly designated, which fund shall be used for no other purpose. In the case of any water system improvement or sanitary sewer improvement the Board may fix such charges for connections made to the improvement either within or outside the district as it may determine to be just and equitable and proceeds of which shall also be pledged to the payment of such principal and interest. The special assessments on the lots and parcels within the district shall be reduced to the extent that any such proceeds shall not be required for payment of such principal and interest.

(h) Any provision of this article which is inconsistent with the provisions of this section is hereby declared to be inapplicable to the provisions of this section.

(Ord. No. 65-9, § 1, 2-16-65; Ord. No. 68-81, § 16, 12-17-68; Ord. No. 70-47, § 3, 6-9-70)

**Editor's note—**

Ord. No. 65-9, § 1, amended this Code to add a section designated § 18-22A. The editors have redesignated said [§ 18-22.1](../level3/PTIIICOOR_CH18IMSPRPDI_ARTISPTADI.docx#PTIIICOOR_CH18IMSPRPDI_ARTISPTADI_S18-22.1PEALPROW) to conform to the numbering system in use elsewhere in this Code.

Sec. 18-23. Partial invalidity.

The provisions of this article are severable, and if any of its provisions shall be held illegal by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions.

(Ord. No. 64-26, § 1, 7-7-64)

FOOTNOTE(S):

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**Editor's note—** Ord. No. 60-7, adopted Feb. 9, 1960 repealed Ord. Nos. 58-46 and 59-8 which were previously codified as Ch. 18, and enacted entirely new provisions relating to special taxing districts, which provisions are codified herein as Art. I of this chapter. Ord. No. 64-26, § 1, enacted July 7, 1964, amended and revised §§ 18-1—18-20, and added §§ 18-21—18-23. Sec. 2 of Ord. No. 64-26, validating and confirming all proceedings previously taken in connection with the creation and establishment of special taxing districts, has not been codified. [(Back)](#BK_A393D41B49CE4F58FA5D608CC1443B49)

Annotations—CAO's 78-17, 82-15. [(Back)](#BK_A393D41B49CE4F58FA5D608CC1443B49)

**Charter reference—** Authority of county to levy and collect taxes and special assessments, § 1.01(A)(10); to establish, merge and abolish special purpose districts, § 1.01(A)(11). [(Back)](#BK_A393D41B49CE4F58FA5D608CC1443B49)

**Cross reference—** Duty of Department of Public Works to develop plans and make recommendations for establishing special purpose districts, § 2-100(b). [(Back)](#BK_A393D41B49CE4F58FA5D608CC1443B49)

### ARTICLE II. MIAMI-DADE FIRE AND RESCUE SERVICE DISTRICT [[2]](#BK_4F103B68EFD61B102CE80E557AB670A0)

[Sec. 18-24. Creation and Continuance of District.](#BK_EAF6978190868279D3AD977C55F9911B)

[Sec. 18-25. Boundaries.](#BK_526627B67DB795E463CAFA60823ADAC9)

[Sec. 18-26. Service Provided.](#BK_127ED63CE69A47D8BDF054AB0B81B6FE)

[Sec. 18-27. Revocation of Transfer of Property in Trust.](#BK_1FD11AD15D73D8322298E50E42C772E3)

[Sec. 18-28. Governing Body.](#BK_CAE1BB368C5F5E6AD4B8C117F82E0687)

[Sec. 18-29. District Budget and Ad Valorem Tax.](#BK_C2CD9265F41AE029E66C58C8D2218A4F)

[Sec. 18-29.1. Municipal Option to Join District.](#BK_76458B2DC8FD193FDE9899228EF3FB38)

[Sec. 18-30. Reserved.](#BK_9530D8DEBEE574FA8F06197B7AD26B5E)

[Sec. 18-31. Municipalities Contracting with District for Additional Services.](#BK_5711BB2DB361FA776E94ECA9DA773F75)

[Sec. 18-32. Existing Indebtedness.](#BK_6CB44B8E789C42C6C2BB7DC98EEDEBA5)

[Sec. 18-33. Other Chapter Provisions not Applicable.](#BK_B61FE99FCAF3EF8172DCF8A2F167C670)

[Sec. 18-34. General Provisions of the District.](#BK_4EC955ED1195ACF90775BA5817F2280D)

[Secs. 18-35—18-40. Reserved.](#BK_BC7FC91DDEEECEE2A68A68C916E1EA35)

Sec. 18-24. Creation and Continuance of District.

The special district known and designated as the Metro Dade Fire and Rescue Service District (hereinafter referred to as "the District") created and established in Dade County, Florida by Ordinance No. 80-86 shall continue in existence, as modified by the remainder of this article. The District shall be known henceforth as the Miami-Dade Fire and Rescue Service District.

(Ord. No. 03-69, § 2, 4-8-03)

Sec. 18-25. Boundaries.

The initial boundaries of the District shall be the geographic boundaries of Miami-Dade County, excluding any municipality which opted out of the Metro-Dade Fire and Rescue Service District created by Ordinance No. 80-86 prior to the date this article was adopted.

(Ord. No. 03-69, § 2, 4-8-03; Ord. No. 06-82, § 1, 6-6-06; Ord. No. 07-107, § 1, 7-24-07)

Sec. 18-26. Service Provided.

The service provided by the District shall include a uniform level of fire and rescue service throughout the District and to those governmental entities which may from time to time contract with the District. The District shall begin the provision of such service within its boundaries on the date this article becomes effective, and shall from that date forth be ready, willing and able to provide a uniform level of fire and rescue service on a countywide basis to all properties and residents within the County.

(Ord. No. 03-69, § 2, 4-8-03)

Sec. 18-27. Revocation of Transfer of Property in Trust.

The trust created by Ordinance No. 96-28 is dissolved. The County, as the successor in interest, shall have sole possession of all real property, equipment, facilities and resources previously transferred to the District in trust.

(Ord. No. 03-69, § 2, 4-8-03)

Sec. 18-28. Governing Body.

The Board of County Commissioners shall be the governing body of the District.

(Ord. No. 03-69, § 2, 4-8-03)

Sec. 18-29. District Budget and Ad Valorem Tax.

The annual budget for the District shall be adopted by the Board of County Commissioners in such manner as may be provided by law. The County shall levy an annual ad valorem tax not to exceed three (3) mills upon all taxable property within the District. The tax shall be assessed, levied and collected, in the manner provided by law.

(Ord. No. 03-69, § 2, 4-8-03)

Sec. 18-29.1. Municipal Option to Join District.

Any municipality may join the District through the enactment of an ordinance passed by a majority of its governing body and a resolution passed by a majority of the Board of County Commissioners. If any municipality chooses to join the District, the boundaries of the District shall be automatically adjusted accordingly; provided, however, that property within any municipality exercising such option shall continue to be subject to any outstanding indebtedness or obligations of the municipality until such indebtedness or obligations are no longer outstanding with respect to such property.

(Ord. No. 06-82, § 1, 6-6-06)

Sec. 18-30. Reserved.

**Editor's note—**

Section 2 of Ord. No. 07-107, adopted July 24, 2007, deleted [§ 18-30](../level3/PTIIICOOR_CH18IMSPRPDI_ARTIIMIDEFIRESEDI.docx#PTIIICOOR_CH18IMSPRPDI_ARTIIMIDEFIRESEDI_S18-30RE), which pertained to municipal option to provide alternative service, and derived from Ord. No. 03-69, adopted April 8, 2003; and Ord. No. 06-82, adopted June 6, 2006.

Sec. 18-31. Municipalities Contracting with District for Additional Services.

Any municipality may contract with the District for the delivery of additional fire and rescue services. Any services provided by the District in accordance with any such contract shall be in addition to the fire and rescue services provided under [Section 18-26](../level3/PTIIICOOR_CH18IMSPRPDI_ARTIIMIDEFIRESEDI.docx#PTIIICOOR_CH18IMSPRPDI_ARTIIMIDEFIRESEDI_S18-26SEPR).

(Ord. No. 03-69, § 2, 4-8-03)

Sec. 18-32. Existing Indebtedness.

Notwithstanding any other provision of this article, any indebtedness incurred by the District or by the County on the District's behalf prior to the enactment of this article shall continue to be an obligation of the property within the District at the time the indebtedness was incurred; provided, however, that such obligation shall cease when the indebtedness is no longer outstanding or adequate provisions are made for its repayment.

(Ord. No. 03-69, § 2, 4-8-03)

Sec. 18-33. Other Chapter Provisions not Applicable.

Notwithstanding any other provision of [Chapter 18](../level2/PTIIICOOR_CH18IMSPRPDI.docx#PTIIICOOR_CH18IMSPRPDI), the District shall be governed solely by this Article II and [Chapter 2](../level2/PTIIICOOR_CH2AD.docx#PTIIICOOR_CH2AD), Article XXI of the Code.

(Ord. No. 03-69, § 2, 4-8-03)

Sec. 18-34. General Provisions of the District.

It is the intent of the Board of County Commissioners to set forth in this chapter the functions and responsibilities of the Miami-Dade Fire and Rescue Service District created by Ordinance No. 80-86. The District described herein shall continue to be subject to modification or abolishment in whole or in part by duly enacted ordinance of the Commission.

(Ord. No. 03-69, § 2, 4-8-03)

Secs. 18-35—18-40. Reserved.

FOOTNOTE(S):

--- (**2**) ---

**Editor's note—** Ord. No. 03-69, § 2, adopted April 8, 2003, repealed article II, sections 18-24—18-39, in its entirety and replaced it with a new article II, sections 18-24—18-34. Former article II pertained to similar material and derived from Ord. No. 96-28, § 2, adopted Feb. 6, 1996; Ord. No. 98-115, § 2, adopted July 21, 1998; Ord. No. 02-45, § 1, April 9, 2002; Ord. No. 02-54, § 1, adopted April 23, 2002; Ord. No. 02-125, § 1, adopted July 9, 2002. [(Back)](#BK_6C26E1F2FF0C3C0C2C8DA38C0AE8C049)

### ARTICLE III. SAFE NEIGHBORHOOD IMPROVEMENT DISTRICTS [[3]](#BK_8B70D4C0763E4A41C67D7D481FA25F0A)

[Sec. 18-41. Safe Neighborhood Improvement Districts; definition; methods of creation.](#BK_29662A11CC5BDB2A6C06E928D291DDFA)

Sec. 18-41. Safe Neighborhood Improvement Districts; definition; methods of creation.

(a) Safe Neighborhood Improvement District means a district located in an area in which more than fifty (50) percent of the land is used for residential purposes, or in an area in which more than fifty (50) percent of the land is used for commercial, office, business or industrial purposes and where there is a plan to reduce crime through the implementation of crime prevention through environmental design, environmental security or defensible space techniques.

(b) Such a district may be created by one (1) or more of the following methods:

(1) *Local Government Neighborhood Improvement District.* The Board may create a Local Government Neighborhood Improvement District by the enactment of a separate ordinance for each district as provided by Florida Statutes.

(2) *Property Owner's Association Neighborhood Improvement District.*

a. The Board may create a Property Owners' Association Neighborhood Improvement District by enacting a separate ordinance for each district as provided by Florida Statutes;

b. An incorporated property owners' association representing seventy-five (75) percent of all owners of property within a proposed district meeting all statutory requirements may petition the Miami-Dade County Board for the creation of a Property Owners' Neighborhood Improvement District as provided by Florida Statutes for the area encompassed by the property owner by members of the association.

(3) *Special Neighborhood Improvement District.* The Board may declare the need for and create a Special Neighborhood Residential or Business Improvement District by the enactment of a separate ordinance for each district as provided under Florida Statutes.

(Ord. No. 88-39, § 2, 5-3-88)

FOOTNOTE(S):

--- (**3**) ---

**Editor's note—** Ord. No. 88-39, § 2, adopted May 3, 1988, created a new Code section, relative to Safe Neighborhood Improvement Districts, which has been included herein at the discretion of the editor as Art. III, § 18-41 [(Back)](#BK_470C3E0342B29E34CE05BAF87ED84EF6)