

## House Bill No. 1607

An act relating to the South Broward Drainage District, Broward County; amending chapter 98-524, Laws of Florida; providing for the number of supervisors of the district; providing single-member zones; providing the method of election of supervisors; providing the qualifications of supervisors; providing the term of office for supervisors; providing that the officers of the district shall be members of the board of supervisors; providing for the limitation of supervisors' benefits; deleting obsolete provisions; providing severability; providing an effective date.

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

Section 1. Sections 10 and 14 of section 2 of chapter 98-524, Laws of Florida, are amended to read:

Section 10. Board of supervisors; election; organization; terms of office; benefits; quorum; report and minutes.—

(1) The board of supervisors of the district shall be the governing body of the district and shall exercise the powers granted to the district under this act and under chapter 298, Florida Statutes. The board shall consist of six members, until the first meeting of the board following certification of the November 2006 election, and seven members thereafter. ~~and,~~ Except as otherwise provided herein, each member shall hold office for a term of 4 years and until his or her successor shall be chosen and shall qualify. ~~A majority of the members of the board shall be residents of Broward County. All of the members of the board shall be residents of the State of Florida and shall own land lying within the boundaries of the district.~~

(2) Beginning with the November 2004 election, a candidate for the office of supervisor shall, at the time of his or her qualification for office, be a qualified elector of the South Broward Drainage District and shall qualify with the county supervisor of elections in accordance with the Florida Election Code and this act. To be a qualified candidate of the South Broward Drainage District, he or she shall, at the time of his or her qualification, have continuously resided within the boundaries of the district and within the respective zone that he or she may represent for the 60 days immediately preceding his or her qualifying for office and until he or she is inducted into office. Each supervisor shall reside within the district and within the geographical zone he or she represents during his or her entire term in office, but any supervisor who has the boundaries of his or her zone changed and because of said change no longer resides within the zone he or she represents shall remain in office until the normal expiration of his or her term.

(3)(2) Notwithstanding any other provision of this act, the persons who are members of the board of supervisors of the district in office when this act takes effect shall constitute the members of the board until the next election for their seats. Those members of the board whose terms expire in

June 2004 shall remain members of the board and their terms shall be extended from June 2004 until their successors are inducted into office at the first regularly scheduled meeting of the board following certification of the November 2004 general election. Those members of the board whose terms expire in June 2006 shall remain members of the board and their terms shall be extended from June 2006 until their successors are inducted into office at the first regularly scheduled meeting of the board following certification of the November 2006 general election.

(4) After the effective date of this act, except as stated herein, all supervisors shall be elected by the qualified electors of the district on a nonpartisan basis. Except as stated herein, the seven supervisors shall be elected from seven single-member zones which shall be identified as Zone 1, Zone 2, Zone 3, Zone 4, Zone 5, Zone 6, and Zone 7. The supervisors shall be elected from the registered voters of each respective zone.

(5) That part of the district located within the district's seven zones is as follows:

(a) Zone 1:

All of Sections 31, 32 and 33 of Township 50 South, Range 40 East,  
Together with;

All of Sections 4, 5, 6, and 7 of Township 51 South, Range 40 East,  
Together with;

All of Sections 34, 35 and 36 of Township 50 South, Range 39 East,  
Together with;

All of Sections 1, 2, 3, 10, 11 and 12 of Township 51 South, Range 39 East,  
Together with;

All of Sections 28, 29 and 30 of Township 50 South, Range 40 East lying south of the South Florida Water Management District Canal C-11 right-of-way,

Together with;

All of Sections 25, 26 and 27 of Township 50 South, Range 39 East lying south of the South Florida Water Management District Canal C-11 right-of-way,

Together with;

The North one-half (N ½) of Section 18, of Township 51 South, Range 40 East,

Together with;

The North one-half (N ½) of Sections 13, 14 and 15 of Township 51 South, Range 39 East.

(b) Zone 2:

All of Sections 19, 30, 31 and 32 of Township 51 South, Range 40 East,

Together with;

The South one-half (S ½) of Sections 18 and 29 of Township 51 South, Range 40 East,

Together with;

All of the South one-half (S ½) of Section 28 of Township 51 South, Range 40 East lying west of the centerline of the Interstate Highway I-75 right-of-way,

Together with;

All of Sections 22, 23, 24, 25, 26, 27, 34, 35 and 36 of Township 51 South, Range 39 East,

Together with;

The South one-half (S ½) of Sections 13, 14 and 15 of Township 51 South, Range 39 East,

Together with;

All of Section 33 of Township 51 South, Range 40 East lying west of the centerline of the Interstate Highway I-75 right-of-way.

(c) Zone 3:

All of the South one-half (S ½) of Section 15 of Township 51 South, Range 40 East lying west of the centerline of the Interstate Highway I-75 right-of-way,

Together with;

All of the North one-half (N ½) of Section 22 of Township 51 South, Range 40 East lying west of the centerline of the Interstate Highway I-75 right-of-way,

Together with;

All of Sections 8, 9, 10, 11, 16 and 17 of Township 51 South, Range 40 East,

Together with;

The North one-half (N ½) of Sections 14, 15, 20 and 21 of Township 51 South, Range 40 East.

(d) Zone 4:

All of Sections 23, 26, 27, 34, 35 and 36 of Township 51 South, Range 40 East,

Together with;

All of Section 30 of Township 51 South, Range 41 East,

Together with;

The South one-half (S ½) of Section 19 of Township 51 South, Range 41 East,

Together with;

The South one-half (S ½) of Sections 14, 20, 21, 22 and 25 of Township 51 South, Range 40 East,

Together with;

All of the South one-half (S ½) of Sections 15 and 28 of Township 51 South, Range 40 East lying east of the centerline of the Interstate Highway I-75 right-of-way,

Together with;

The North one-half (N ½) of Sections 28 and 29 of Township 51 South, Range 40 East,

Together with;

All of the North one-half (N ½) of Section 22 of Township 51 South, Range 40 East lying east of the centerline of the Interstate Highway I-75 right-of-way,

Together with;

All of Section 33 of Township 51 South, Range 40 East lying east of the centerline of the Interstate Highway I-75 right-of-way.

(e) Zone 5:

All of Sections 12, 13 and 24 of Township 51 South, Range 40 East,

Together with;

All of Section 7 of Township 51 South, Range 41 East,

Together with;

The North one-half (N ½) of Section 18 of Township 51 South, Range 41 East,

Together with;

The North one-half (N ½) of Section 25 of Township 51 South, Range 40 East.

(f) Zone 6:

All of Sections 8, 17, 20 and 29 of Township 51 South, Range 41 East,

Together with;

The South one-half (S ½) of Section 18 of Township 51 South, Range 41 East,

Together with;

The North one-half (N ½) of Sections 9 and 19 of Township 51 South, Range 41 East.

(g) Zone 7:

All of Sections 15, 16, 21 and 28 of Township 51 South, Range 41 East,

Together with;

The South one-half (S ½) of Sections 9 and 10 of Township 51 South, Range 41 East,

Together with;

The Southwest one-quarter (SW ¼) of Section 11 of Township 51 South, Range 41 East,

Together with;

The Northwest one-quarter (NW ¼) of Section 14 of Township 51 South, Range 41 East,

Together with;

The North one-half (N ½) of Section 22 of Township 51 South, Range 41 East.

(6) Commencing with the first regularly scheduled meeting of the board following certification of the November 2006 general election, except as stated in this act, the board shall be composed of seven members as follows:

(a) Three supervisors shall be elected in the general election of November 2004. At the November 2004 general election, one supervisor shall be elected from the combined registered voters from Zones 1 and 2, one supervisor shall be elected from the combined registered voters from Zones 3 and 4, and one supervisor shall be elected from the combined registered voters from Zones 5, 6, and 7. The supervisors elected in November 2004 shall serve until their terms expire in November 2008.

(b) In the general election of November 2006, and in the November general election of every fourth year thereafter, one supervisor shall be elected from the zone in which the supervisor elected in 2004 from Zones 1 and 2 is not a resident, one supervisor shall be elected from the zone in which the supervisor elected in 2004 from Zones 3 and 4 is not a resident, and one supervisor shall be elected from each of the two zones in which the supervisor elected in 2004 from Zones 5, 6, and 7 is not a resident.

(c) In the general election of November 2008, the zones in which the supervisors elected in 2004 reside and whose terms of office expire in November 2008 shall be designated as the zones whose representatives shall be elected in 2008 and in the November general election of every fourth year thereafter.

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

(e) The candidate receiving the highest number of votes cast for the office of supervisor for each respective zone at each respective election shall be declared elected to such office. If the vote results in a tie, the outcome shall be determined by lot.

(f) Supervisors elected or reelected shall be inducted into office at the first regularly scheduled meeting of the board following certification of the election.

(7) Except as provided in this section, election of supervisors shall be as provided in the Florida Election Code and revisions thereto.

(8) The boundaries of Zones 1, 2, 3, 4, 5, 6, and 7 shall be reviewed and revised by the board upon the occurrence of any of the following events:

(a) The district's geographical area changes by 10 percent or more;

(b) The district's population changes by 10 percent or more since the previous determination of the single-member zone boundaries;

(c) Any annexation, deannexation, or merger causes the population of the district to increase or decrease by 5 percent or more; or

(d) The passage of at least 10 years since the previous review of the single-member zone boundaries. If the population of the single-member zones meets the requirements of subsection (9), the boundaries of the single-member zones may remain as is.

(9) With the assistance of the district director, engineer, and attorney, revisions to the boundaries of the seven zones shall result in the population of each zone being no less than 13.58 percent of the total population of the district and no greater than 15 percent of the total population of the district according to the latest census or official population determination.

(3) In the month of June of 2000, there shall be held a meeting of the landowners of South Broward Drainage District at the office of the district in Broward County, for the purpose of holding an election to fill the seats of the three supervisors whose terms expire in June of 2000; and, in the month of June of each fourth year thereafter, there shall be held such a meeting to fill the same three seats. In the month of June of 2002, there shall be held a meeting of the landowners of South Broward Drainage District at the office of the district in Broward County for the purpose of holding an

~~election to fill the seats of the three supervisors whose terms expire in June of 2002; and, in the month of June of each fourth year thereafter, there shall be held such a meeting to fill the same three seats. Notice of said landowners' meeting shall be published as provided by section 20. The president of the board of supervisors shall conduct the meeting. At such meeting, each landowner shall be entitled to cast one vote for each person to be elected. A landowner may vote in person or by proxy in writing. Each landowner shall be entitled to cast one vote for each acre of land owned by him and located within the district boundaries. Fractions of an acre shall be treated as one acre, entitling the landowner to one vote with respect thereto. The three persons at the respective elections who receive the highest number of votes for the office of supervisor shall be declared elected.~~

~~(10)(4)~~ Each supervisor, before entering upon his or her official duties, shall take and subscribe to an oath of office as prescribed in s. 298.13, Florida Statutes.

~~(11)(5)~~ All supervisors shall hold office for the terms for which they are elected or appointed and until their successors shall be chosen and qualify. In case of a vacancy in the office of any supervisor, the remaining supervisor or supervisors, even though less than a quorum, may fill such vacancy for the unexpired term of the supervisor who vacated his or her office.

~~(12)(6)~~ At the first meeting of the board following certification of the general election of November 2004 and at the first regularly scheduled meeting of the board following certification of the general election in the month of November of every other year thereafter ~~As soon as practicable after each election,~~ the board shall organize by electing from ~~choosing one~~ of their members a number president, a secretary, and a treasurer of the board and by electing a secretary, who need not be a member of the board.

~~(13)(7)~~ A majority of the members of the board shall constitute a quorum.

~~(14)~~ Except as stated in sections 12 and 14, the supervisors of the district shall not receive any benefits, including, but not limited to, state or district retirement, health insurance, medical insurance, dental insurance, or life insurance.

~~(15)(8)~~ The board shall keep a permanent record book entitled "Record of Proceedings of South Broward Drainage District," in which shall be recorded minutes of all meetings, resolutions, proceedings, certificates, bonds given by all employees, and any and all corporate acts, which book shall at reasonable times be opened to the inspection of any elector, landowner, taxpayer, resident, or bondholder of the district, and such other persons as the board may determine to have a proper interest in the proceedings of the board. Such record book shall be kept at any office or other regular place of business maintained by the board in Broward County.

~~(9)~~ ~~Whenever any election shall be authorized or required by this act to be held by the landowners at any particular or stated time or day, and if for any reason such election is not held at such time or on such day, then in such event the power or duty to hold such election shall not cease or lapse, but~~

~~such election shall be held thereafter when practicable, and in accordance with the procedures provided by this act.~~

Section 14. Treasurer; depositories; fiscal agent.—

(1) ~~The board shall, as provided by subsection 10(12), elect designate a member of the board person who is a resident of the state, or a bank or trust company organized under the laws of the state, as treasurer of the district, who shall have charge of the funds of the district. Such funds shall be disbursed only upon the order of or pursuant to the resolution of the board by warrant or check signed by the treasurer, or by such other person as may be authorized by the board. The treasurer may not hold any other office provided for in this act, ~~except that the same person may not be president and treasurer.~~ The board may give the treasurer such other or additional powers and duties as the board may deem appropriate, and fix his or her compensation; and may require the treasurer to give a bond in such amount, on such terms, and with such sureties as may be deemed satisfactory to the board to secure the performance by the treasurer of his or her powers and duties. The board shall audit or have audited the books of the treasurer at least once a year.~~

(2) The board is authorized to select as depositories in which the funds of the board and of the district shall be deposited any banking corporation organized under the laws of the state or under the national banking act, doing business in the state, upon such terms and conditions as to the payment of interest by such depository upon the funds so deposited as the board may deem just and reasonable.

(3) The board may employ a fiscal agent, who shall be either a resident of the state or a corporation organized under the laws of this or any other state and authorized by such laws to act as such fiscal agent for municipal corporations in the state and who shall assist in the keeping of the tax books, the collection of taxes, and the remitting of funds to pay maturing bonds and coupons, and perform such other or additional services and duties as fiscal agent and receive such compensation as the board may determine.

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

Section 3. In the event any section or provision of this act is determined to be invalid or unenforceable, such determination shall not affect the validity of or enforceability of each other section and provision of this act, and to this end the provisions of this act are declared severable.

Section 4. This act shall take effect upon becoming a law.

Approved by the Governor June 10, 2004.

Filed in Office Secretary of State June 10, 2004.