

## House Bill No. 1533

An act relating to the South Broward Drainage District, Broward County; amending chapter 98-524, Laws of Florida, as amended; providing for changing designation of supervisors to commissioners; deleting reference to landowner meetings; providing for notice and call of emergency meetings of the board; amending the amount for which advertisement for bids is required for the procurement by the district of contractual services and the purchase of goods, supplies, and materials to comply with general law; clarifying the terms of office for commissioners; revising the events that will result in a revision of the boundaries of the commission zones; redesignating the office of president of the board to chairperson of the board; creating the office of vice chairperson of the board; providing for a designation of who shall preside at meetings of the board; providing for election of officers of the board; clarifying the commission zones that will be up for election for 2008, 2010, and subsequent years; revising inconsistent provisions; providing severability; providing an effective date.

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

Section 1. Subsections (3) and (8) of section 9, section 12, subsection (15) of section 13, sections 18, 20, 23, and 39, subsection (1) of section 40, section 42, subsection (1) of section 47, subsections (1), (3), and (5) of section 50, subsection (1) of section 53, and section 67 of section 2 of chapter 98-524, Laws of Florida, are amended to read:

Section 9. Definitions.—

(3) “Board” means the board of commissioners ~~supervisors~~ of the South Broward Drainage District, or, if such district shall be abolished, the board, body, or commission succeeding to the principal functions thereof or to whom the powers given by this act to the board of commissioners ~~supervisors~~ shall be given by law.

(8) “Project” means any development, improvement, property, utility, facility, works, road, enterprise, service, or convenience, now existing or hereafter undertaken or established, that under the provisions of this act or under chapter 298, Florida Statutes, the district is authorized to construct, acquire, undertake, and furnish for its own use or for the use of any other person, firm, or corporation, owning, leasing, or otherwise using the same, for any purpose or activity, and shall include, without limitation, such repairs, replacements, additions, extensions, and betterments to any project as may be deemed necessary or desirable by the board of commissioners ~~supervisors~~ to place or to maintain such project in proper condition for the same, efficient, and economic operation thereof.

Section 12. Compensation of board.—Each commissioner ~~supervisor~~ shall be entitled to receive for his or her services an amount approved by

resolution of the board not to exceed \$400.00 per month. In addition, each ~~commissioner supervisor~~ shall receive reasonable travel expenses for attending the place of meeting from his or her residence. Unless the board by resolution otherwise provides, such travel expenses shall not be in excess of the amounts provided by law for state and county officials.

Section 13. Powers.—The district shall have, and the board may exercise, any or all of the following powers:

(15) To employ engineers, attorneys, agents, employees, and representatives as the board of ~~supervisors~~ may from time to time determine necessary and to fix their compensation and duties.

Section 18. Fiscal year.—The board of ~~supervisors~~, by resolution, shall establish the fiscal year for the district.

Section 20. Notice and call of ~~board~~ meetings of landowners; ~~quorum~~; ~~adjournments~~; ~~representation at meetings~~; ~~taking action without meeting~~.—

(1) The board shall publish notice of all meetings of the board at least 7 days ~~landowners once a week for 2 consecutive weeks~~ prior to such meeting in a newspaper of general circulation in Broward County. Meetings of the board ~~landowners~~ shall be held in a public place, or any other place made available for the purpose of such meeting, in Broward County, and the place, date, and hour of holding such meeting and the purpose thereof shall be stated in the notice. ~~Those landowners present in person or by proxy shall constitute a quorum at any meeting of the landowners.~~

(2) The board may call special meetings of ~~the landowners~~ at any time to receive reports of the board or for such other purpose as the board may determine. In the event of an emergency as determined by the district director, the chairperson, or the vice chairperson of the board which requires immediate board action, such notice as is reasonable under the circumstances shall be provided. ~~A special meeting of the landowners may also be called at any time upon notice as provided in this section at the written request of the owners of not less than 25 percent in acreage of the land within the district for the purpose of taking any lawful action by the landowners of the district. Such special meeting shall be called by any court of competent jurisdiction in the event that the board fails to do so upon request as provided in this section. Except as otherwise provided in Section 10 with respect to the election of supervisors, action taken at a meeting of the landowners shall be by affirmative vote of the owners of a majority of the acreage represented at such meeting.~~

(3) ~~At any meeting of the landowners, guardians may represent their wards; executors and administrators may represent the estate of deceased persons; trustees may represent lands held by them in trust; and private corporations may be represented by their duly authorized proxy. All landowners, including guardians, executors, administrators, trustees, and corporations, may be represented and vote by proxy.~~

(4) ~~Any action required or that may be taken at a meeting of the landowners may be taken without a meeting or notice of meeting being given upon the written consent of all of the landowners.~~

Section 23. Assessing land for reclamation; apportionment of tax; drainage tax record.—The board shall, without any unnecessary delay, levy a tax of such portion of benefits of the district's plan of reclamation on all lands in the district to which benefits have been assessed, as may be found necessary by the board ~~of supervisors~~ to pay the costs of the completion of the proposed works and improvements, as shown in said plan of reclamation and in carrying out the objects of said district; and, in addition thereto, 10 percent of said total amount for emergencies. The said tax shall be apportioned to, and levied on, each tract of land in said district in proportion to the benefits assessed, and not in excess thereof; and in case bonds are issued, as provided in this act, a tax shall be levied in a sum not less than an amount 90 percent of which shall be equal to the principal of said bonds. The amount of bonds to be issued for paying the cost of the works as set forth in the plan of reclamation shall be ascertained and determined by the board; however, the total amount of all bonds to be issued by the district shall in no case exceed 90 percent of the benefits assessed upon the lands of the district. The amount of the interest, as estimated by said board, which will accrue on such bonds, shall be included and added to the said tax, but the interest to accrue on account of the issuing of said bonds shall not be construed as a part of the costs of construction in determining whether or not the expenses and costs of making said improvements are equal to, or in excess of, the benefits assessed. The secretary of the board ~~of supervisors~~, or the director, as soon as said total tax is levied, shall, at the expense of the district, prepare a list of all taxes levied, in the form of a well bound book, which book shall be endorsed and named "DRAINAGE TAX RECORD OF SOUTH BROWARD DRAINAGE DISTRICT, BROWARD COUNTY, FLORIDA", which endorsement shall be printed or written at the top of each page in said book, and shall be signed and certified by the ~~chairperson~~ president and secretary of the board, attested by affixing the seal of the district, and the same shall thereafter become a permanent record in the office of said secretary or director. In the alternative, so long as the Broward County property appraiser or revenue collector assesses and collects the taxes and assessments authorized by this section, the records of the Broward County property appraiser shall satisfy the requirements of the drainage tax record of the district.

Section 39. Pledge by the state to the bondholders of the district and to the Federal Government.—The state pledges to the holders of any bonds issued under this act that it will not limit or alter the rights of the district to own, acquire, construct, reconstruct, improve, maintain, operate, or furnish the projects or to levy and collect the taxes, assessments, rentals, rates, fees, tolls, fares, and other charges provided for herein and to fulfill the terms of any agreement made with the holders of such bonds or other obligations, that it will not in any way impair the rights or remedies of the holders, and that it will not modify in any way the exemption from taxation provided in the act, until all such bonds together with interest thereon, and all costs and expenses in connection with any action or proceeding by or on behalf of such holders, are fully met and discharged. The state pledges to

and agrees with the Federal Government that in the event the Federal Government or any agency or authority thereof shall construct or contribute any funds, materials, or property for the construction, acquisition, extension, improvement, enlargement, maintenance, operation, or furnishing of any of the projects of the district, or any part thereof, the state will not alter or limit the rights and powers of the district in any manner which would be inconsistent with the continued maintenance and operation of such project, or any part thereof, or the improvement thereof, or which would be inconsistent with the due performance of any agreements between the district and the Federal Government, and the district shall continue to have and may exercise all powers herein granted so long as the board of ~~supervisors~~ may deem the same necessary or desirable for the carrying out of the purposes of this act and the purposes of the Federal Government in the construction, acquisition, extension, improvement, enlargement, maintenance, operation, or furnishing of any of the projects of the district, or any part thereof.

Section 40. Annual installment taxes.—

(1) The board shall annually determine, order and levy the annual installment of the total taxes which are levied under section 23 or under section s. 298.36, Florida Statutes, which shall be due and be collected during each year that county taxes are due and collected and said annual installment and levy shall be evidenced to and certified by the board of ~~supervisors~~ each year to the Broward County Property Appraiser. Said tax shall be entered by the county property appraiser on the county tax rolls and shall be collected by the Broward County revenue collector in the same manner and same time as county taxes and the proceeds thereof paid to the district. The tax shall be a lien until paid on the property against which assessed and enforceable in like manner as county taxes.

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

Section 47. Foreclosure of liens.—

(1) Any lien in favor of the district arising under chapter 298, Florida Statutes, or under this act may be foreclosed by the district by bringing foreclosure proceedings in the name of the district in the circuit court in like manner as is provided in chapter 173, Florida Statutes, and amendments thereto, and the provisions of the chapter shall be applicable to such proceedings with the same force and effect as if the provisions were expressly set forth in this act. Any act required or authorized to be done by or on behalf of a city or town in foreclosure proceedings under chapter 173, Florida

Statutes, may be performed by such officer or agent of the district as the board of supervisors may designate. Such foreclosure proceedings may be brought at any time after the expiration of 1 year from the date any tax, or installment thereof, becomes delinquent.

Section 50. Unit development; powers of board of supervisors to designate units of district and adopt system of progressive drainage by units; plans of reclamation and financing assessments for each unit; amendment of unit plan.—

(1) The board of supervisors of the district is authorized in its discretion to drain and reclaim and place under water control or more completely and intensively to drain and reclaim and place under water control the lands in the district by designated areas or parts of the district to be called "units". The units into which the district may be so divided shall be given appropriate numbers or names by the board, so that the units may be readily identified and distinguished. The board shall have the power to fix and determine the location, area, and boundaries of lands to be included in each and all such units, the order of development thereof, and the method of carrying on the work in each unit. The unit system of drainage provided by this section may be conducted and all of the proceedings by this section and this act authorized in respect to such unit or units may be carried on and conducted at the same time as or after the work of draining and reclaiming of the entire district has been or is being or shall be instituted or carried on under the provisions of this act or under chapter 298, Florida Statutes, or both.

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

(5) When the resolutions creating the unit system shall be confirmed by the board, or by the circuit court, if such proposed action shall be challenged

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

Section 53. Procurement of contractual services and purchase of goods, supplies, and materials.—

(1) All contracts let by the board for professional architectural, engineering, landscape architectural, or ~~land~~ surveying and mapping services for any project authorized by this act shall be in compliance with section s. 287.055, Florida Statutes, as amended. Except as stated herein and as provided by section s. 287.055, Florida Statutes, as amended, no contract shall be let by the board for the construction or maintenance of any improvements authorized under this act, nor shall any goods, supplies, or materials be purchased, when the amount thereof to be paid by the district shall exceed the threshold amount provided in section 287.017(1), Florida Statutes, for category two \$10,000, unless notice of bids shall be advertised once a week for 2 consecutive weeks in a newspaper in general circulation in Broward County, and in each case the bid of the lowest responsible bidder shall be accepted, unless all bids are rejected because the bids are too high. The board may require the bidders to furnish bond with responsible surety to be approved by the board. Nothing in this section shall prevent the board from undertaking and performing the construction, operation, and maintenance of any project, facility, or improvements authorized under this act by the employment of labor, material, and machinery.

Section 67. Bailey Drainage District's contracts and agreements to be approved by South Broward Drainage District.—Beginning on March 12, 1992, no contracts or agreements entered into by the Bailey Drainage District which contain obligations of Bailey Drainage District that are not provided for in the Bailey Drainage District budget for fiscal year 1991-1992 shall be valid unless approved by a majority of the ~~board~~ Board of Supervisors of the South Broward Drainage District.

Section 2. Subsections (1), (2), (3), (4), (6), (7), (8), (10), (11), (12), and (14) of section 10 of chapter 98-524, Laws of Florida, as amended by chapter 2004-459, Laws of Florida, are amended to read:

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

(1) The board of ~~commissioners~~ 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 who shall be known as commissioners thereafter.~~ 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.

(2) ~~Beginning with the November 2004 election,~~ A candidate for the office of ~~commissioner 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 ~~commissioner 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 ~~commissioner 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) Notwithstanding any other provision of this act, the persons who are members of the ~~former~~ board of supervisors of the district in office when this act takes effect shall constitute the members of the board of ~~commissioners~~ until the next election for their seats. Those members of the board whose terms expire in ~~November 2008~~ 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 2008 2004 general election.~~ Those members of the board whose terms expire in ~~November 2010~~ 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 2010 2006 general election.~~

(4) ~~After the effective date of this act,~~ Except as stated herein, all ~~commissioners~~ supervisors shall be elected by the qualified electors of the district on a nonpartisan basis. Except as stated herein, the seven ~~commissioners~~ 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 ~~commissioners~~ supervisors shall be elected from the registered voters of each respective zone.

(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 2008 and in the November general election of every 4th year thereafter, 2004. ~~At the November 2004 general election, one commissioner supervisor shall be elected from the combined registered voters from Zone Zones 1 and 2, one commissioner supervisor shall be elected from the combined registered voters from Zone Zones 3 and 4, and one commissioner supervisor shall be elected from the combined registered voters from Zone Zones 5, 6, and 7. The commissioners supervisors elected in November 2008 2004 shall serve until their terms expire in November 2012 2008.~~

(b) In the general election of November 2010 2006, and in the November general election of every fourth year thereafter, one commissioner supervisor shall be elected from the zone in which the supervisor elected in 2004 from Zones 1 and Zone 2 is not a resident, one commissioner supervisor shall be elected from the zone in which the supervisor elected in 2004 from Zones 3 and Zone 4 is not a resident, and, one commissioner supervisor shall be elected from each of the two zones in which the supervisor elected in 2004 from Zones Zone 5, and one commissioner shall be elected from Zone 7. The commissioners elected in November 2010 shall serve until their terms expire in November 2014, 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.~~

~~(c)(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.

~~(d)(e)~~ The candidate receiving the highest number of votes cast for the office of commissioner 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.

~~(e)(f)~~ Commissioners 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 commissioners 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) Property is added to 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) Property is deleted from the district's geographical area ~~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;

(e) The population of any one or more zones increases or decreases by more than 10 percent since the previous boundary revision; or

(f) Five of the seven commissioners approve a resolution to revise the boundaries.

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

(11) All ~~commissioners~~ 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 ~~commissioner~~ supervisor, the remaining ~~commissioner~~ supervisor or ~~commissioners~~ supervisors, even though less than a quorum, may fill such vacancy for the unexpired term of the ~~commissioner~~ supervisor who vacated his or her office.

(12) At the first meeting of the board following the effective date of this act, 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 even-numbered ~~other~~ year thereafter, the board shall organize by electing from ~~choosing one of their~~ members a chairperson, a vice chairperson, ~~president,~~ a secretary, and a treasurer of the board. The chairperson shall preside at all meetings. In the chairperson's absence, the vice chairperson shall preside over the meeting and have the same powers as the chairperson. In the absence of both the chairperson and vice chairperson, the board members who are present shall select a member of the board by majority vote of those members present who shall preside over the meeting as acting chairperson and have the same powers as the chairperson.

(14) Except as stated in sections 12 and 14, the ~~commissioners~~ 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.

Section 3. A certified copy of this act shall be recorded in the Broward County Public Records by the South Broward Drainage District.

Section 4. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other

provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.

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

Approved by the Governor June 15, 2007.

Filed in Office Secretary of State June 15, 2007.