

## Committee Substitute for House Bill No. 1059

An act relating to the Central Broward Water Control District, Broward County; amending chapter 98-501, Laws of Florida, as amended; providing for flood protection services; revising the geographical boundaries of the district; revising powers of the district with respect to construction; deleting or updating obsolete language; revising the geographical boundaries of district zones for the election of commissioners; revising residency requirements for commissioner qualification; revising requirements for the filling of vacancies on the board of commissioners; revising provisions relating to filing fees and oath of office; providing the procedure for selection of chair and vice chair in the event of a deadlock; revising quorum requirements; requiring certain commissioners to preside over meetings of the board in the absence of the chair and vice chair; deleting provisions relating to a special warrant for collection of drainage taxes; revising powers of the board in carrying out the state comprehensive water management plan; revising rulemaking authority of the board; revising eminent domain provisions; revising language relating to obstruction of certain district facilities; clarifying language relating to the adoption of certain subdivision regulations; providing severability; providing an effective date.

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

Section 1. Sections 2 through 7, 12, 17, 33, 34, 37 through 40, and 42 of section 2 of chapter 98-501, Laws of Florida, as amended by chapter 2002-362, Laws of Florida, are amended, and section 43 is added to that section, to read:

Section 2. District created and boundaries thereof.—The creation of the Central Broward Water Control District with the powers herein vested in it by this act is to further the best interests of the public, health, safety, and welfare inasmuch as proper drainage, flood protection, and water management are is necessary to protect said lands hereinafter described. That for the purpose of providing drainage, flood protection, and water management services conducted pursuant to this section for the lands hereinafter described and for other purposes stated in this act, a drainage and water management district is hereby created and established in Broward County, to be known as the Central Broward Water Control District, an independent special district, the geographical boundaries of which shall include the following land lying, being, and situate in Broward County, Florida, to wit:

Begin at the intersection of the east right-of-way line of State Road #7 and its intersection with the south line of Tier 1; as shown by the Plat of NEWMAN'S SURVEY, as recorded in Plat Book 2, Page 26, of the Public Records of Miami-Dade County, Florida, (All subsequent references to Tract and Tier number refer to this plat); thence westerly, along the south line of Tiers 1, 3, 5, 7, and 9, and their prolongations thereof, to an intersection with the northerly extension of the east line of Tract

7, Section 25, Township 50 South, Range 41 East, as shown on said plat of NEWMAN'S SURVEY; thence southerly, along said northerly extension and said east line, to the southeast corner of said Tract 7; thence westerly, along the south line of said Tract 7 and its westerly prolongation, to the northeast corner of Tract 9 of said Section 25; thence southerly, along the east line of said Tract 9, to the southeast corner of said Tract 9; thence westerly, along the south line of said Tract 9, to the southwest corner of said Tract 9; thence northerly, along the west line of Tracts 9 and 8, and their northerly prolongation to an intersection with the south line of Tier 13; thence westerly, along the south line of Tiers 13, 15, 17, 19, 23, 25, 27, and 29, and their prolongations thereof, to the southwest corner of Tract 8, Tier 29; thence northerly, along the west line of Tier 29, to the southwest corner of Tract 4, Tier 29; thence westerly, along the south line of Tract 4, Tiers 31, 33, 35 and 37 and their prolongations thereof, to the Southwest corner of Tract 4, Tier 37; thence northerly, along the west line of said Tier 37, to the intersection with the centerline of the right-of-way of the North New River Canal; thence northwesterly, along said centerline, to the intersection with the west line of Section 4, Township 50 South, Range 40 East; thence southerly, along the west lines of Sections 4, 9, 16, 21 and 28, of Township 50 South, Range 40 East, to the physical centerline of the South New River Canal; thence meandering easterly, northeasterly, northerly, northwesterly, northeasterly, southeasterly and easterly along said physical centerline, to its intersection with the west line of Section 27, Township 50 South, Range 40 East; thence southerly, along the west line of Sections 27 and 34, Township 50 South, Range 40 East, and continuing southerly, along the west line of Section 3, Township 51 South, Range 40 East to the southwest corner of said Section 3; thence easterly, along the south line of Sections 3, 2, and 1, Township 51 South, Range 40 East and continuing easterly, along the south line of Sections 6, 5 and 4, Township 51 South, Range 41 east, to the northwest corner of Section 10, Township 51 South, Range 41 East; thence, southerly, along the west line of said Section 10, to the west one-quarter (W  $\frac{1}{4}$ ) corner of said Section 10; thence, easterly, along the south line of the north one-half (N  $\frac{1}{2}$ ) of Sections 10, 11 and 12, Township 51 South, Range 41 East, to an intersection with a line 80 feet east of, as measured at right angles to, and parallel with the west right-of-way line of Florida's Turnpike; thence, northerly, along said parallel line, and continuing 80 feet east of said right-of-way, to an intersection with the south line of Section 36, Township 50 South, Range 41 East; thence, easterly, along said south line, to an intersection with the east right-of-way line of State Road #7; thence northerly, along said east right of way, to the Point of Beginning. Starting at the intersection of the East Right-of-way line of State Road #7 and its intersection with the South line of Tier 3; as shown by the Plat of NEWMAN'S SURVEY, as recorded in Plat Book 2, Page 26 of the Public Records of Dade County, Florida (All subsequent references to Tract and Tier number refer to this plat), for the point of beginning; thence Westerly along the South line of Tiers 3, 5, 7 and 9, and their prolongations thereof, to an intersection with the Northerly extension of the East line of Tract 7, Section 25, Township 50 South, Range 41 East, as shown on said plat of NEWMAN'S SURVEY; thence Southerly along the East line of Tract 7 to the Southeast corner

of said Tract 7; thence Westerly along the South line of said Tract 7 to the Northeast corner of tract 9 of said Section 25; thence Southerly along the East line of said Tract 9 to the Southeast corner of said Tract 9; thence Westerly, along the South line of said Tract 9 to the Southwest corner of said Tract 9; thence Northerly along the West line of Tracts 9 and 8 and their Northerly prolongation to an intersection with the South line of Tier 13; thence Westerly along the South line of Tiers 15, 17, 19, 21, 23, 25, 27 and 29, and their prolongations thereof to the Southwest corner of Tract 8, Tier 29; thence Northerly along the West line of Tier 29 to the Southwest corner of Tract 4, Tier 29; thence Westerly along the South line of Tract 4, Tiers 31, 33, 35 and 37 and their prolongations thereof to the Southwest corner of Tract 4, Tier 37; thence run Northerly along the West line of said Tier 37, to the North right-of-way line of the North New River Canal; thence run northwesterly along the north side of the north bank of the said canal to the intersection of said bank with the west line of Section 4, Township 50 South, Range 40 East; thence southerly along the west line of Sections 4, 9, 16, 21 and 28 of Township 50 South, Range 40 East, to the South side of the south bank of the South New River Canal; thence Easterly along the south side of the south bank the South New River canal to its intersection with the west line of Section 27, Township 50 South, Range 40 East; thence southerly along the west line of Sections 27 and 34, Township 50 South, Range 40 East and continuing along the West line of Section 3 Township 51 South, Range 40 East to the Southwest corner of Section 3, Township 51 South, Range 40 East; thence east along the south line of Sections 3, 2 and 1 in Township 51 South, Range 40 East and continuing along the south line of Sections 6, 5 and 4, in Township 51 South, Range 41 East, to the northwest corner of Section 10, Township 51 South, Range 41 East; thence, run south along the west line of said Section 10 to the southwest corner of the north half of said Section 10; thence, run east along the south line of the north half of Sections 10, 11 and 12, in Township 51 South, Range 41 East, to the east bank of the drainage ditch along the west side of the Florida Turnpike; thence, run north along the east bank of said ditch to the south line of Section 36, Township 50 South, Range 41 East; thence, run east along the south line of said Section 36 to the east side of State Road #7; thence, in a northerly direction along the east side of said State Road #7 to the point of beginning.

Section 3. Powers.—The district is hereby granted and shall have full power and authority as follows:

- a. To contract and be contracted with.
- b. To sue and be sued.
- c. To plead and to be impleaded in all courts.
- d. To acquire by purchase, gift, devise, condemnation, eminent domain, or otherwise, property, real or personal, or any estate therein, within or without the district, to be used for any purpose necessary or to meet the needs of any of the purposes of this act.

e. To establish, construct, operate, and maintain a system of main and lateral canals, drains, ditches, levees, dikes, dams, sluices, locks, revetments, reservoirs, holding basins, floodways, pumping stations, syphons, culverts, and storm sewers, and to connect some or any of them as within the judgment of the board of commissioners is deemed advisable to drain and provide water management services conducted pursuant to this section for the lands within the district created.

f. To acquire and maintain appropriate sites for storage and maintenance of the equipment of the district.

g. To acquire and maintain and/or construct a suitable building to house the offices and records of the district.

h. To have all the powers and rights of a body corporate and to adopt and use a seal and to alter the same at the pleasure of a majority of the board of commissioners.

i. To clean out, straighten, widen, open up or change the course and flow, alter, or deepen any canal, ditch, drain, river, water course, or natural stream as within the judgment of the board of commissioners is deemed advisable to drain and provide water management services conducted pursuant to this section for the lands within the said district hereby created.

j. To acquire, purchase, operate, and maintain pumps, plants, and pumping systems for drainage purposes.

k. To construct, operate, and maintain irrigation works and machinery in connection with the purposes herein set forth.

l. To construct, improve, pave, and maintain roadways, rights-of-way, easements, and roads necessary and convenient for the exercise of the powers and duties herein set forth.

m. To regulate and set forth by appropriate order the drainage requirements and other auxiliary conditions to be met for plats to be entitled to record on any land within the district, including authority to require as a condition precedent for any platting that good and sufficient bond be posted to assure proper drainage and water management for the area to be platted.

n. To borrow money for periods over 1 year and issue negotiable paper or other bonds of the district as hereinafter provided.

o. To borrow money from time to time for periods under 1 year and issue negotiable notes or other notes of said district as provided in this act.

p. To build and construct any other works and improvements deemed necessary to preserve and maintain the works in or out of said district.

q. To acquire, construct, operate, maintain, use, sell, convey, transfer, or otherwise provide for pumping stations, including pumping machinery, motive equipment, electric lines, and all appurtenant or auxiliary machines, devices, or equipment for the purpose of drainage and water management services conducted pursuant to this section.

r. To contract for the purchase, construction, operation, maintenance, use, sale, conveyance, and transfer of the said pumping stations, machinery, motive equipment, electric lines, and appurtenant equipment, including the purchase of electric power and energy for the operation of the same.

s. To construct or enlarge, or cause to be constructed or enlarged, any and all bridges or culverts that may be needed in or out of the district, across any drain, ditch, canal, floodway, holding basin, excavation, public highway, railroad right-of-way, tract, grade, fill, or cut.

t. To construct roadways over levees and embankments.

u. To construct any and all of said works and improvements across, through, or over any public highway, railroad right-of-way, track, grade, fill, or cut in or out of the district.

v. To remove any fence, building, or other improvements, in or out of the district for purposes of drainage and water management services conducted pursuant to this section.

w. To hold, control, and acquire by donation or purchase, condemnation, easement, railroad right-of-way, sluice, reservation, holding basin, or franchise in or out of said district for right-of-way, holding basin, for any of the purposes herein provided, or for material to be used in constructing and maintaining said works and improvements for drainage, protecting, and providing water management services conducted pursuant to this section for the lands in said district.

x. To condemn or acquire, by purchase or grant, or by exercise of the right of eminent domain, for use in the district, any land or property within or without said district and acquire or condemn any other property within or without said district and shall follow in connection therewith the procedure set out in chapter 73, Florida Statutes, (Eminent Domain) which shall be construed so as to be applicable to the district created hereby.

y. To assess and impose upon all of the lands in the district an annual tax as provided in this act.

z. To impose and foreclose special assessment liens as provided in this act.

aa. To prohibit, regulate, and restrict by appropriate resolution of the board of commissioners all structures, materials, and things, whether solid, liquid, or gas, whether permanent or temporary in nature, which come upon, come into, connect to, or be a part of any of the main or lateral drains, ditches, canals, levees, dikes, dams, sluices, revetments, reservoirs, holding basins, floodways, pumping stations, and syphons which may have been heretofore created or which may be hereafter created or which may be hereafter constructed.

bb. To administer and provide for the enforcement of all the provisions herein, including the making, adopting, promulgating, amending, and repealing of all rules and regulations necessary or convenient for the carrying

out of the duties, obligations, and powers conferred on the district created hereby and further for the proper administration and enforcement hereof.

cc. To cooperate with or contract with other drainage districts or governmental agencies as may be necessary, convenient, incidental, or proper in connection with any of the powers, duties, or purposes of the district as stated in this charter.

dd. To employ engineers, attorneys, agents, employees, and representatives as the board of commissioners may from time to time determine necessary and to fix their compensation and duties.

ee. To exercise all of the powers necessary, convenient, incidental, or proper in connection with any of the powers, duties, or purposes of the district as stated in this act; however, none of the powers contained herein shall apply to the works of the South Florida Water Management District.

#### Section 4. Board of commissioners.—

a. The governing board of the district shall be designated as the board of commissioners of the Central Broward Water Control District and shall be composed of six members who shall be known as commissioners.

b. All commissioners shall be elected on an at-large nonpartisan basis, by the qualified electors residing within the district zone that the election is for, in accordance with the procedure provided in this act. ~~Commissioners from Zones 1, 2, and 6 shall be elected in the general election of November 2002. Commissioners from zones 3, 4, and 5 shall be elected in the general election of November 2004.~~ The individual receiving the most votes who has qualified to run as commissioner for a specific zone shall be elected commissioner of that zone. ~~No zone commissioner elected prior to January 1, 2002, shall be affected in his or her term of office.~~

c. The board of commissioners of the Central Broward Water Control District shall hereafter be elected on a basis of each of the six commissioners representing one of the six respective geographical zones of the entire district as provided herein. In qualifying for such office, each candidate shall designate the zone he or she is qualifying for.

d. The six zones of the entire district are as follows:

Zone 1: Begin at the intersection of the centerline right-of-way of the North New River Canal with the west line of Section 3, Township 50 South, Range 40 East, Broward County, Florida; thence southeasterly, along said centerline, to the intersection with the east line of Section 12, Township 50 South, Range 40 East; thence southerly, along said east line, to the southeast corner of said Section 12; thence westerly, along the south line of said Section 12, to the southwest corner of said Section 12; thence southerly, along the east line of Sections 14, 23 and 26, Township 50 South, Range 40 East, to the intersection with the physical centerline of the South New River Canal; thence westerly, along said centerline, to the intersection with the west line of the east one-half (E ½) of Section 27, Township 50 South, Range 40 East; thence northerly, along the west

line of the east one-half (E ½) of Sections 27 and 22, Township 50 South, Range 40 East, to the north one-quarter (N ¼) corner of said Section 22; thence westerly, along the south line of Sections 15 and 16, Township 50 South, Range 40 East, to the south one-quarter (S ¼) corner of said Section 16; thence northerly, along the west line of the east one-half (E ½) of said Section 16, to the north one-quarter (N ¼) corner of said Section 16; thence easterly, along the north line of said Section 16, to the northeast corner of said Section 16; thence northerly, along the west line of Sections 10 and 3, Township 50 South, Range 40 East, to the Point of Beginning. Beginning at the intersection of the north side of the north bank of the North New River Canal with the West line of Section 3, Township 50 South, Range 40 East, Broward County, Florida; thence Southeasterly along said north side of the north bank of the North New River Canal, to the intersection with the East line of Section 12, Township 50 South, Range 40 East; thence Southerly, along said East line of Section 12, to the Southeast corner of said Section 12; thence Westerly, along the South line of said Section 12, to the Southwest corner of said Section 12; thence Southerly, along the East line of Sections 14, 23 and 26, Township 50 South, Range 40 East, to the intersection with the south side of the south bank of the South New River Canal; thence westerly, along said south side of the south bank of the South New River Canal, to the intersection with the West line of the East Half (E ½) of Section 27, Township 50 South, Range 40 East; thence Northerly, along the West line of the East Half of Sections 27 and 22, Township 50 South, Range 40 East, to the Northwest corner of said East Half (E ½) of Section 22; thence Westerly, along the South line of Sections 15 and 16, Township 50 South, Range 40 East, to the West line of the East Half (E ½) of said Section 16; thence Northerly, along said West line of the East Half (E ½) of Section 16, to the Northwest corner of said East Half (E ½) of Section 16; thence Easterly, along the North line of said Section 16, to the Northeast corner of said Section 16; thence Northerly, along the West line of Sections 10 and 3, Township 50 South, Range 40 East, to the Point of Beginning.

Zone 2: Begin at the intersection of the centerline right-of-way of the North New River Canal with the east line of Section 12, Township 50 South, Range 40 East, Broward County, Florida; thence southeasterly, along said centerline to the intersection with the east line of Section 16, Township 50 South, Range 41 East; thence southerly, along said east line, to the southeast corner of said Section 16; thence westerly, along the south line of said Section 16, to the southwest corner of said Section 16; thence southerly, along the east line of Section 20, Township 50 South, Range 41 East, to the southeast corner of said Section 20; thence westerly, along the south line of Sections 20 and 19, Township 50 South, Range 41 East, to the southwest corner of said Section 19; thence continue westerly, along the extension of the south line of said Section 19, across the Hiatus between the west line of said Section 19 and the east line of Section 24, Township 50 South, Range 40 East, to a point on the east line of said Section 24; thence southerly, along the east line of Sections 24 and 25, Township 50 South, Range 40 East, to the intersection with the physical centerline of the South New River Canal; thence westerly, along said centerline, to the intersection with the west line of

Section 25, Township 50 South, Range 40 East; thence northerly, along the west line of Sections 25, 24 and 13, Township 50 South, Range 40 East to the southwest corner of Section 12, Township 50 South, Range 40 East; thence easterly, along the south line of said Section 12, to the southeast corner of said Section 12; thence northerly, along the east line of said Section 12, to the Point of Beginning. Beginning at the intersection of the north side of the north bank of the North New River Canal with the east line of Section 12, Township 50 South, Range 40 East, Broward County, Florida; thence run southeasterly along the north side of the north bank of said canal to the intersection of said bank with the east line of Section 16, Township 50 South, Range 41 East; thence run southerly along the east line of said Section 16, Township 50 South, Range 41 East to the southeast corner of said Section 16, Township 50 South, Range 41 East; thence run westerly along the south line of said Section 16, Township 50 South, Range 41 East to the southwest corner of said Section 16, Township 50 South, Range 41 East; thence run southerly along the east line of Section 20, Township 50 South, Range 41 East, to the southeast corner of said Section 20, Township 50 South, Range 41 East; thence run westerly along the south line of Sections 20 and 19, Township 50 South, Range 41 East, to the southwest corner of said Section 19, Township 50 South, Range 41 East; thence continue westerly along the extension of the south line of said Section 19, Township 50 South, Range 41 East across the Hiatus between the west line of said Section 19, Township 50 South, Range 41 East and the east line of Section 24, Township 50 South, Range 40 East to a point on the east line of said Section 24, Township 50 South, Range 40 East; thence continue southerly along the east line of Sections 24 and 25, Township 50 South, Range 40 East, to the intersection with the south side of the south bank of the South New River Canal; thence run westerly along the south side of the south bank of said canal to the intersection with the west line of Section 25, Township 50 South, Range 40 East; thence, run northerly along the west line of Sections 25, 24 and 13, Township 50 South, Range 40 East to the Southwest corner of Section 12, Township 50 South, Range 40 East, thence run easterly along the south line of said Section 12, Township 50 South, Range 40 East to the Southeast corner of said Section 12, Township 50 South, Range 40 East, thence run northerly along the east line of said Section 12, Township 50 South, Range 40 East, to the point of beginning.

Zone 3: Begin at the intersection of the physical centerline of the South New River Canal and the east right-of-way line of State Road No. 7; thence northerly, along the east right of way line to intersection with the south line of Tier 1; as shown by the Plat of NEWMAN'S SURVEY, as recorded in Plat Book 2, Page 26, of the Public Records of Miami-Dade County, Florida, (All subsequent references to Tract and Tier number refer to this plat); thence westerly, along the south line of Tiers 1, 3, 5, 7, and 9, and their prolongations thereof, to an intersection with the northerly extension of the east line of Tract 7, Section 25, Township 50 South, Range 41 East, as shown on said plat of NEWMAN'S SURVEY; thence southerly, along said northerly extension and said east line, to the southeast corner of said Tract 7; thence westerly, along the south line of said Tract 7 and its westerly prolongation, to the northeast corner of

Tract 9 of said Section 25; thence southerly, along the east line of said Tract 9, to the southeast corner of said Tract 9; thence westerly, along the south line of said Tract 9, to the southwest corner of said Tract 9; thence northerly, along the west line of Tracts 9 and 8, and their northerly prolongation to an intersection with the south line of Tier 13; thence westerly, along the south line of Tiers 13, 15, 17, 19, 23, 25, 27, and 29, and their prolongations thereof, to the southwest corner of Tract 8, Tier 29; thence northerly, along the west line of Tier 29, to the southwest corner of Tract 4, Tier 29; thence westerly, along the south line of Tract 4, Tiers 31, 33, 35 and 37 and their prolongations thereof, to the Southwest corner of Tract 4, Tier 37; thence northerly, along the west line of said Tier 37, to the intersection with the centerline of the right-of-way of the North New River Canal; thence northwesterly, along said centerline, to the intersection with the west line of Section 15, Township 50 South, Range 41 East; thence southerly, along the east line of Section 16, Township 50 South, Range 41 East to the southeast corner of said Section 16; thence westerly, along the south line of said Section 16, to southwest corner of said Section 16; thence southerly, along the east line of Section 20, Township 50 South, Range 41 East, to the southeast corner of said Section 20; thence westerly, along the south line of Sections 20 and 19, Township 50 South, Range 41 East to the southwest corner of said Section 19; thence continue westerly, along the extension of the south line of said Section 19, across the Hiatus between the west line of said Section 19 and the east line of Section 24, Township 50 South, Range 40 East to a point on the east line of said Section 24; thence southerly, along the east line of Sections 24 and 25, Township 50 South, Range 40 East, to the intersection with the physical centerline of the South New River Canal; thence easterly, along said centerline, to the Point of Beginning. Beginning at the intersection of the south side of the south bank of the South New River Canal and the east right-of-way line of State Road No. 7; thence, run northerly along the east side of said State Road No. 7 to the north line of Section 25, Township 50 South, Range 41 East; thence run westerly along the north line of Sections 25 and 26, Township 50 South, Range 41 East, to its intersection with the west line of Tract 8, Tier 29, as shown by the Plat of NEWMAN'S SURVEY, as recorded in Plat Book 2, Page 26, of the Public Records of Dade County, Florida, (all subsequent references to Tract and Tier numbers refer to this Plat) also known as the Southwest corner of Tract 8, Tier 29; thence run northerly along the west line of Tier 29 for a distance of 3,356.37 feet more or less to the southwest corner of Tract 4, Tier 29; thence run westerly along the south line of Tract 4 in Tiers 31, 33, 35 and 37 and their prolongations thereof for a distance of 2,399.28 ft. more or less to the southwest corner of Tract 4, Tier 37; thence run northerly along the west line of said Tier 37 for a distance of 3,456 ft. more or less to the north right-of-way line of the North New River Canal; thence run northwesterly along the north side of the north bank of said canal to the intersection of said bank with the west line of Section 15, Township 50 South, Range 41 East; thence, run southerly along the east line of Section 16, Township 50 South, Range 41 East to the southeast corner of said Section 16, Township 50 South, Range 41 East; thence run westerly along the south line of said Section 16, Township 50 South, Range 41 East to

southwest corner of said Section 16, Township 50 South, Range 41 East; thence run southerly along the east line of Section 20, Township 50 South, Range 41 East, to the southeast corner of said Section 20, Township 50 South, Range 41 East; thence run westerly along the south line of Sections 20 and 19, Township 50 South, Range 41 East to the southwest corner of said Section 19, Township 50 South, Range 41 East; thence continue westerly along the extension of the south line of said Section 19, Township 50 South, Range 41 East across the Hiatus between the west line of said Section 19, Township 50 South, Range 41 East and the east line of Section 24, Township 50 South, Range 40 East to a point on the east line of said Section 24, Township 50 South, Range 40 East; thence continue southerly along the east line of Sections 24 and 25, Township 50 South, Range 40 East, to the intersection with the south side of the south bank of the South New River Canal; thence, run easterly along the south side of the south bank of said canal to the point of beginning. Less the following described property: Beginning at the southeast corner of Tract 7, Section 25, Township 50 South, Range 41 East, as shown by Plat of NEWMAN'S SURVEY, as recorded in Plat Book 2, Page 26, Public Records of Dade County, Florida (all subsequent references to Tract and Tier numbers refer to this plat); thence run westerly along the south line of said Tract 7 to the northeast corner of Tract 9 of said Section 25, Township 50 South, Range 41 East; thence southerly along the east line of said Tract 9 to the southeast corner of said Tract 9; thence westerly along the south line of said Tract 9 to the southwest corner of said Tract 9; thence northerly along the west line of Tracts 9 and 8 and their northerly prolongation to an intersection with the south line of Tier 13; thence easterly along the south line of Tiers 13, 11 and 9 and their prolongations thereof to an intersection with the northerly extension of the east line of tract 7; thence southerly along the east line of Tract 7 to the point of beginning.

Zone 4: Begin at the intersection of the east right-of-way line of State Road No. 7 and the physical centerline of the South New River Canal; thence southerly, along said right-of way line, to the intersection with the south line of Section 36, Township 50 South, Range 41 East; thence westerly, along the south line of Sections 36, 35, 34, 33 and 32 in Township 50 South, Range 41 East, to the northeast corner of Section 5, Township 51 South, Range 41 East; thence southerly, along the east line of said Section 5, to the southeast corner of said Section 5; thence westerly, along the south line of Sections 5 and 6, Township 51 South, Range 41 East, to the southwest corner of said Section 6; thence northerly, along the west line of said Section 6, to the northwest corner of said Section 6; thence easterly, along the north line of Sections 6 and 5, Township 51 South, Range 41 East to the southwest corner of Section 32, Township 50 South, Range 41 East; thence northerly, along the west line of Sections 32 and 29, Township 50 South, Range 41 East to the physical centerline of the South New River Canal; thence easterly, along said physical centerline, to the Point of Beginning. Beginning at the intersection of the east right-of-way line of State Road No. 7 and the south side of the south bank of South New River Canal; thence, run southerly along with east side of said State Road No. 7 to the south line of Section 36, Township 50 South, Range 41 East; thence, run westerly along the south

line of Sections 36, 35, 34, 33 and 32 in Township 50 South, Range 41 East to the Northeast corner of Section 5, Township 51 South, Range 41 East; thence, run southerly to the Southeast corner of said Section 5, Township 51 South, Range 41 East; thence, run westerly along the South line of Sections 5 and 6, Township 51 South, Range 41 East to the Southwest corner of said Section 6, Township 51 South, Range 41 East; thence, run northerly along the west line of Section 6, Township 51 South, Range 41 East to the Northwest corner of said Section 6, Township 51 South, Range 41 East; thence, run easterly along the north line of Sections 6 and 5, Township 51 South, Range 41 East to the Southwest corner of Section 32, Township 50 South, Range 41 East; thence, run northerly along the west line of Sections 32 and 29, Township 50 South, Range 41 East to the south side of the south bank of the South New River Canal; thence run easterly along the south side of the south bank of the South New River Canal to the point of beginning.

Zone 5: Begin at the northwest corner of Section 4, Township 51 South, Range 41 East; thence southerly, along the west line of said Section 4, to the southwest corner of said Section 4; thence easterly, along the south line of said Section 4, to the northwest corner of Section 10, Township 51 South, Range 41 East; thence southerly, along the west line of said Section 10, to the west one-quarter (W  $\frac{1}{4}$ ) corner of said Section 10; thence easterly, along the south line of the north one-half (N  $\frac{1}{2}$ ) of Sections 10, 11 and 12, Township 51 South, Range 41 East, to an intersection with a line 80 feet east of, as measured at right angles to, and parallel with the west right-of-way line of Florida's Turnpike; thence northerly, along said parallel line, and continuing 80 feet east of said right-of-way, to an intersection with the north line of Section 1, Township 51 South, Range 41 East; thence westerly, along the north line of Sections 1, 2, 3 and 4, Township 51 South, Range 41 East, to the Point of Beginning. Beginning at the Northwest corner of Section 4, Township 51 South, Range 41 East; thence, run southerly along the west line of said Section 4, Township 51 South, Range 41 east to the Southwest corner of said Section 4, Township 51 South, Range 41 East; thence, run easterly along the south line of said Section 4, Township 51 South, Range 41 East, to the northwest corner of Section 10, Township 51 South, Range 41 East; thence, run southerly along the west line of said Section 10, Township 51 South, Range 41 East to the southwest corner of the north half of said Section 10, Township 51 South, Range 41 East; thence run easterly along the south line of the north half of Sections 10, 11 and 12, in Township 51 South, Range 41 East to the east bank of the drainage ditch along the west side of the Sunshine State Parkway (Florida Turnpike); thence, run northerly along the east bank of said ditch to the north line of Section 1, Township 51 South, Range 41 East; thence, run westerly along the north line of Sections 1, 2, 3 and 4, Township 51 South, Range 41 East to the point of beginning.

Zone 6: Begin at the southwest corner of Section 3, Township 51 South, Range 40 East, Broward County, Florida; thence northerly, along the west line of said Section 3, to the northwest corner of said Section 3; thence northerly, along the west line of Sections 34 and 27, Township 50 South, Range 40 East, to the intersection with the physical centerline of

the South New River Canal; thence meandering westerly, northwesterly, southwesterly, southeasterly, southerly, southwesterly and westerly, along said centerline, to the intersection with the west line of Section 28, Township 50 South, Range 40 East; thence northerly, along the west line of Sections 28, 21, 16, 9 and 4, Township 50 South, Range 40 East, to the intersection with the centerline right-of-way of the North New River Canal; thence southeasterly, along said centerline, to the intersection with the west line of Section 3, Township 50 South, Range 40 East; thence southerly, along the west line of Sections 3 and 10, Township 50 South, Range 40 East, to the northeast corner of Section 16, Township 50 South, Range 40 East; thence westerly, along the north line of said Section 16, to the north one-quarter (N  $\frac{1}{4}$ ) corner of said Section 16; thence southerly, along the west line of the east one-half (E  $\frac{1}{2}$ ) of said Section 16, to the south one-quarter (S  $\frac{1}{4}$ ) corner of said Section 16; thence easterly, along the south line of Sections 16 and 15, Township 50 South, Range 40 East, to the north one-quarter (N  $\frac{1}{4}$ ) corner of Section 22, Township 50 South, Range 40 East; thence southerly, along the west line of the east one-half (E  $\frac{1}{2}$ ) of Sections 22 and 27, Township 50 South, Range 40 East, to the intersection with the physical centerline of the South New River Canal; thence easterly, along said centerline, to the intersection with the east line of Section 30, Township 50 South, Range 41 East; thence southerly, along the east line of Sections 30 and 31, Township 50 South, Range 41 East, to the north line of Section 5, Township 51 South, Range 41 East; thence westerly, along the north line of Sections 5 and 6, Township 51 South, Range 41 East, to the northeast corner of Section 1, Township 51 South, Range 40 East; thence southerly, along the east line of said Section 1, to the southeast corner of said Section 1; thence westerly, along the south line of Sections 1, 2, and 3, Township 51 South, Range 40 East, to the Point of Beginning. Beginning at the Southwest corner of Section 3, Township 51 South, Range 40 East, Broward County, Florida; thence Northerly, along the West line of said Section 3, to the Northwest corner of said Section 3; thence Northerly, along the West line of Sections 34 and 27, Township 50 South, Range 40 East, to the intersection with the south side of the south bank of the South New River Canal; thence Westerly, along said south side of the south bank of the South New River Canal, to the intersection with the West line of Section 28, Township 50 South, Range 40 East; thence Northerly, along the West line of Sections 28, 21, 16, 9 and 4, Township 50 South, Range 40 East, to the intersection with the north side of the north bank of the North New River Canal; thence Southeasterly, along said north side of the north bank of the North New River Canal, to the intersection with the West line of Section 3, Township 50 South, Range 40 East; thence Southerly, along the West line Sections 3 and 10, Township 50 South, Range 40 East, to the Northeast corner of Section 16, Township 50 South, Range 40 East; thence Westerly, along the North line of said Section 16, to the Northwest corner of the East Half (E  $\frac{1}{2}$ ) of said Section 16; thence Southerly, along the West line of said East Half (E  $\frac{1}{2}$ ) of Section 16, to the Southwest corner of said East Half (E  $\frac{1}{2}$ ) of Section 16; thence Easterly, along the South line of Sections 16 and 15, Township 50 South, Range 40 East, to the Northwest corner of the East Half (E  $\frac{1}{2}$ ) of Section 22, Township 50 South, Range 40 East; thence

Southerly, along the West line of the East Half (E ½) of Sections 22 and 27, Township 50 South, Range 40 East, to the intersection with the south side of the south bank of the South New River Canal; thence Easterly, along said south side of the south bank of the South New River Canal, to the intersection with the East line of Section 30, Township 50 South, Range 41 East; thence Southerly, along the East line of Sections 30 and 31, Township 50 South, Range 41 East, to the North line of Section 5, Township 51 South, Range 41 East; thence Westerly, along the North line of Sections 5 and 6, Township 51 South, Range 41 East, to the Northeast corner of Section 1, Township 51 South, Range 40 East; thence Southerly, along the East line of said Section 1, to the Southeast corner of said Section 1; thence Westerly, along the South line of Sections 1, 2, and 3, Township 51 South, Range 40 East, to the Point of Beginning.

e. All commissioners shall serve a term of 4 years. An election shall be held every 2 years to elect successors for that each group of commission seats up for election. The terms of the six commissioners shall be staggered. Elections for zones 1, 2, and 6 shall be held in the 2010 general election and every 4 years thereafter. Elections for zones 3, 4, and 5 shall be held in the 2012 general election and every 4 years thereafter, so as to have the various successors elected at the expiration of the term of the respective groups.

f. A commissioner shall, at the time of qualification for office, be a resident of the respective zone that he or she desires to represent for the 90 30 days immediately preceding the date of qualifying for nomination to office. Qualifying dates shall be the same as the qualifying dates for County Commission for the general election. A commissioner at the time of his or her qualification for office shall be a qualified voter in Broward County.

g. The compensation of each commissioner shall be set by appropriate resolution of the board of commissioners, but shall not exceed \$400 dollars per month. Expenses shall be reimbursed pursuant to Florida Statutes pertaining to per diem and travel expenses of public officers, employees, and authorized persons, and any subsequent amendments thereto.

h. Whenever a commissioner shall be absent from every commission meeting held in 2 consecutive calendar months, such commissioner shall at the discretion of the board of commissioners receive no compensation nor reimbursement of expenses for the next succeeding 2-month period. Such period shall be cumulative.

i. In the event that a vacancy should occur in the office of a commissioner, the remaining commissioners shall forthwith appoint by a majority vote a successor commissioner having the same qualifications, including zone resident requirements, as prescribed herein for the office vacated, for the unexpired term. If the commissioners shall fail to appoint a successor commissioner within 30 days after a vacancy should occur, the Governor shall appoint a successor commissioner for the unexpired term. There is no prohibition on a commissioner succeeding himself or herself in term of office.

j. A vacancy shall be deemed to occur if an elected commissioner moves from his or her zone prior to the expiration of the term to which he or she

was elected. In that event, the commission shall appoint a successor commissioner in accordance with subsection i. ~~Elected~~ Those commissioners holding office as of January 1, 2002, shall serve their full 4-year term. Those commissioners elected in 2002 and 2004 shall assume office and shall be installed at the first regularly scheduled meeting following their election.

Section 5. Elections.—

a. All general district elections and primaries for same, unless otherwise provided in this charter, shall be in accordance with the Florida Election Code and revisions thereto.

b. Only such qualified persons for the respective offices shall be eligible to become candidates for such respective offices. The names of all candidates who qualify for an election shall be printed upon the election ballot. Every candidate for nomination for office shall pay to the Supervisor of Elections of Broward County the a filing fee ~~for in the amount of 3 percent of the annual salary of the office~~ and shall designate the office for which he or she has qualified. Each candidate for nomination for an office shall also take, sign, and subscribe to an oath or affirmation as may be required by law, in writing in substantially the following form:

STATE OF FLORIDA \_\_\_\_\_ )

\_\_\_\_\_ )ss.

COUNTY OF BROWARD \_\_\_\_\_ )

BEFORE ME, an officer authorized to administer oaths, personally appeared ....., to me well known, who, being sworn says that he or she is a candidate for office of commissioner for zone .... for the Central Broward Water Control District; that he or she is a qualified elector of Broward County, Florida; that he or she is qualified under the Constitution, the laws of Florida and the laws of Central Broward Water Control District to which he or she desires to be nominated or elected; that he or she has taken the oath required by ss. 876.05-876.10, Florida Statutes (public employees; oath); that he or she has not violated any of the laws of the state relating to elections or the registration of electors; that he or she has qualified for no other public office in the state, the terms of which office or any part thereof runs concurrent with that of the office he or she seeks; that he or she has resigned from any office from which he or she is required to resign pursuant to s. 99.012, Florida Statutes (restrictions on individuals qualifying for public office); and that he or she has submitted a sworn statement of contributions and expenditures, if any, incurred prior to the time of qualifying and since the last preceding general election; that he or she has been a resident of zone .... of the district for the 30 days immediately preceding the date of qualifying for nomination to office or is otherwise qualified for nomination to office as commissioner of zone .... of the district; and that he or she is an owner in fee simple of land within the district.

.....

Signature of Candidate

SWORN TO and subscribed before me

this .... day of ....., 19....

.....

Notary Public

c. Candidates for office shall be required to file their qualification oath, fee, and designation of office with the Supervisor of Elections of Broward County as prescribed by law, at any time after noon of the first day for qualifying, which shall be the 50th day prior to the first primary, but not later than noon the 46th day prior to the first primary. If a candidate fails to comply with the provisions herein, that candidate's name shall not appear on the ballot. A candidate who has filed the required oath and has paid the qualifying fee and otherwise complied with the provisions herein shall be entitled to have his or her name printed on the official ballot.

d. If only two persons qualify for any one particular zone, then there shall be no primary election, and those candidates shall appear on the general election ballot. If more than two candidates qualify for any one particular zone, then the names of those candidates shall be placed on the ballot at the first primary election. The two candidates receiving the highest number of votes of the electors for each zone in the first primary election shall have their names printed on the ballot for the general district election.

e. The candidate receiving the highest number of votes cast by the electors in the general district election shall be declared elected, as certified by the board of county canvassers of Broward County.

f. The name of an unopposed candidate for the office of commissioner shall not appear on any ballot, and such candidate shall be deemed to have voted for himself or herself at the general district election.

g. Upon receipt of the certificate of the county canvassers board, the district secretary shall transmit such returns to the board of commissioners at the next regularly scheduled meeting.

h. The general district election shall be held on the first Tuesday after the first Monday in November of each even-numbered year. Each person to be allowed to vote in any election must be a qualified elector of the State of Florida, must be a permanent resident of the district and zone which the election of commissioner is for, and must be registered as a voter of Broward County. All elections shall be conducted on the principles adopted for state and county elections.

i. In all elections, the regular registration books of Broward County covering an area of the district shall be used, and only those persons who are shown thereon as qualified electors and residing within the district and zone which the election of commissioner is for shall be entitled to vote in said election.

Section 6. Recall.—

a. Whenever 50 percent of the electors ~~freeholders~~ qualified to vote as prescribed herein from each and every zone of the district created hereby shall sign a petition addressed to the board of commissioners demanding that a recall election be held, the board of commissioners shall take the following action:

(1) Said petition shall be referred to and handed over to the secretary not later than 10 days after the board of commissioners has been presented with the petition.

(2) Order the secretary to, and the secretary shall, check the persons' names and eligibility signing the petition. The secretary shall have 10 days in which to return same to the board of commissioners along with his or her certification as to whether or not the petition contains the proper percentage of registered freeholders as prescribed herein.

(3) If the petition is valid as to the percentage of petitioners, then the board of commissioners shall issue its resolution proclaiming a recall election of those commissioners whom the petition shall name. The resolution shall contain all information required by this charter as set forth herein.

b. The recall petition shall state the name or names of the elected commissioners desired to be recalled. No reason or reasons for such recall shall be required to be stated in the petition.

c. In addition to proclaiming the recall election of the commissioner, the resolution shall state the date for the holding of the election, which shall be not more than 60 days after the date of the resolution. Further, the resolution shall set the date of qualifying of candidates for the election, which date shall be not more than 20 days from the passage of the resolution.

d. The elected commissioner sought to be recalled shall remain in office and carry on his or her regular duties until his or her successor, if any there be, is elected and takes office. In the event the commissioner sought to be recalled desires to stand for election in the recall election, he or she shall qualify in the same manner as any other candidate.

e. The recall election shall be held as any other general election of commissioners. The offices sought to be vacated shall be treated as though the term of the offices filling that post were expiring.

f. In the event that more than two persons qualify for each office sought to be vacated, then a primary election shall be held and the time of holding such primary election shall be not more than 35 days after the date of the recall resolution.

g. The person elected to the office vacated or sought to be vacated shall take the oath of office and assume the duties of the office not later than 7 days after the final election.

Section 7. Organization of board of commissioners.—At the first regularly scheduled meeting following the first Tuesday after the first Monday

in November each year, the board of commissioners shall assemble and organize by choosing one of their members chair of the board, and choosing another one of their members vice chair. In the event of a deadlock in selecting a new chair or vice chair, the existing chair and vice chair shall remain in office until a new chair or vice chair is selected. ~~Those commissioners elected to the position of chair or vice chair in January 1998, shall continue in those offices until the expiration of their terms. Those commissioners elected to the position of chair or vice chair in January 1999, shall hold those offices until the first regularly scheduled meeting following the first Tuesday after the first Monday in November 1999.~~ The chair shall preside at all meetings. In the chair's absence, the vice chair shall preside and have the same powers and be subject to the same limitations as the chair. Four members of the board ~~including the chair, or the vice chair in the chair's absence,~~ shall constitute a quorum for all purposes. In the absence of both the chair and vice chair, if a quorum is otherwise present, the commissioner with the most seniority shall be chair of such meeting and shall preside over the meeting and have the same powers as the chair. The board shall establish its own rules of procedure. In all matters, the board shall act by resolution and the affirmative votes of a majority, but not less than three of the members of the board that are present at district meetings shall be required to make any determination or effect any action.

#### Section 12. Taxation.—

a. The board of commissioners of the district is authorized to levy taxes on land only and not upon any improvements thereon within the district up to and including 5 mills per dollar of assessed valuation. In the absence of any contrary action of the board of commissioners acting as a budget commission as herein provided, the tax rate of each calendar year shall be at the maximum provided herein.

b. Such taxes as provided herein and as may be determined to be necessary by the board of commissioners, acting as budget commission for the district for the operation of the affairs of the district, shall be certified to the Property Appraiser of Broward County, by the board of commissioners of Central Broward Water Control District, and shall be placed upon the tax rolls of Broward County, by the property appraiser, and shall be collected by the Revenue Tax Collector of Broward County, as now provided by law, and such taxes so levied shall become a lien under the law against the property within the boundaries of the Central Broward Water Control District and enforceable under the laws of the State of Florida pertaining to the Central Broward Water Control District.

~~e. The manner and basis of taxation for the year 1970 shall be the same as existed for the Central Broward Water Control District prior to the enactment hereof.~~

#### Section 17. Tax roll.—

a. The county Property Appraiser of Broward County shall certify to the board of commissioners of the Central Broward Water Control District the total assessed value of real property located within the boundaries of the

district, on or before the first day of July of each year, said certification to be prepared from the tax roll of Broward County.

b. It shall be the duty of the Property Appraiser of Broward County to enter upon the tax roll of the county the taxes or assessments levied by the district, upon certification of the same by the chair or secretary of the board, which certification shall be delivered on or before September 1 of each year. The tax or assessment shall be entered upon the tax roll in a proper column under the head of "Central Broward Water Control District" opposite the name of the person or persons or corporation owning such land in the manner provided by law for making up the tax roll for state and county taxes, or in case the ownership of such land is not shown upon such tax roll, then opposite the word "unknown."

c. The tax or assessment levied by this charter shall constitute a lien upon the lands so assessed as of the first day of January of each year in which the entries are made in the tax rolls pursuant to subsection b., which lien shall be superior in dignity to all other liens upon said lands, except the lien for state and county taxes and other taxes of equal dignity, as to which taxes the said lien shall be coordinate.

d. ~~The property appraiser shall attach to the tax roll, a special warrant to the tax collector of the county for the collection of such drainage taxes, and the special warrant shall be signed by the property appraiser and shall be the authority of the tax collector of the collection of such taxes. The warrant shall be in substantially the following form:~~

~~SPECIAL WARRANT FOR COLLECTION OF DRAINAGE TAXES: STATE OF FLORIDA, TO ....., TAX COLLECTOR OF THE COUNTY OF BROWARD. YOU ARE HEREBY COMMANDED TO COLLECT OUT OF THE REAL ESTATE AGAINST WHICH DRAINAGE TAXES ARE ASSESSED AND SET FORTH IN THIS ROLL, AND FROM THE PERSONS OR CORPORATIONS NAMED THEREIN, AGAINST WHOSE LANDS DRAINAGE TAXES ARE ASSESSED, THE DRAINAGE TAX SET DOWN IN SAID ROLL OPPOSITE EACH NAME, CORPORATION, OR PARCEL OF LAND THEREIN DESCRIBED, AND IN EACH CASE SUCH DRAINAGE TAX IS NOT PAID ON OR BEFORE THE FIRST DAY OF APRIL NEXT, YOU ARE TO COLLECT THE SAME BY LEVY AND SALE OF THE LANDS SO ASSESSED; AND ALL SUMS COLLECTED FOR DRAINAGE TAXES YOU ARE TO PAY TO THE TREASURER OF CENTRAL BROWARD WATER CONTROL DISTRICT. GIVEN UNDER MY HAND AND SEAL, THIS .... DAY OF ....., 19....~~

~~.....  
PROPERTY APPRAISER, BROWARD COUNTY~~

~~Such warrant shall remain in full force until all the Central Broward Water Control District taxes shown in said roll to be assessed shall be collected.~~

~~d.e. The Revenue Tax Collector of Broward County shall make returns and remittances of money collected by him or her for Central Broward Water~~

Control District in the manner and time provided by law. Central Broward Water Control District may, from time to time, make audits or checks of the tax assessment roll at the property appraiser's office, and the revenue tax collector shall furnish all that is required by law.

e.f. No provision hereof shall in any way affect the power and authority of the Central Broward Water Control District to levy or collect any special assessment.

~~g.~~ ~~The manner and basis of establishing the tax roll shall be the same as existed for the Central Broward Water Control District prior to 1970.~~

Section 33. Powers of commissioners to carry out plan.—The board of commissioners of the district created hereby shall have full power and authority to put out requests for proposals or bids for contracts and to build, construct, excavate, and complete any and all works and improvements which may be needed to carry out, maintain, and protect “the state comprehensive water management plan.” To accomplish that end the board of commissioners may employ persons and teams and purchase machinery, employ persons to operate same, and directly have charge of and construct the works and improvements in such manner or by use of other or more efficient means than provided for in the plans adopted. The board of commissioners may, at its discretion, award ~~let~~ the contract for such works and improvements, either as a whole or in sections, and when such contracts are awarded ~~let~~ they shall be advertised and awarded ~~let~~ to the lowest qualified, responsible and best bidder, as determined by the board, which bidder who shall give a good and approved bond, with ample security, conditioned that he or she will promptly carry out the contract for such work and improvements under such terms and conditions as the board of commissioners deems necessary; which contract shall be in writing and to which shall be attached, and made a part thereof, complete plans and specifications of the work to be done and improvements to be made under such contract, which plans and specifications shall be prepared by the district's engineer and shall be incorporated in, and attached to, the contract; and such contract shall be prepared by the attorney for the district and approved by the board of commissioners and signed by its chair or vice chair and the contractor and executed in duplicate. The district manager shall be the superintendent of all the works and improvements, and shall, at least once each year and when required, make a full report to the board of all work done and improvements made, and make suggestions and recommendations to the board as he or she may deem proper.

Section 34. Rules and regulations.—The board of commissioners is hereby authorized to adopt, promulgate, and enforce all rules and regulations necessary and appropriate for the administration and enforcement of this charter. No such action shall be taken by the board of commissioners until after the holding by this board of commissioners of a public hearing on the proposed rules and regulations. The provisions of chapter 120, Florida Statutes (Administrative Procedure Act), shall apply to all such rules and regulations. As soon as practicable and as necessary, from time to time, the board of commissioners shall effect appropriate rules and regulations as deemed necessary, including, but not limited to, the following:

a. Conditions precedent to be met for land to be platted ~~in~~ on the public records of the appropriate governmental authority to assure provisions for proper drainage and water management, the dedication of proper easements or rights-of-way to the district, and the procedures to be followed in connection therewith including ~~cooperation with the county engineer, and~~ the posting of such bonds in such amounts on such conditions as are deemed necessary in such plats to ensure the proper and timely completion of such drainage and water management provisions. No plat for the subdivision of any land within the district shall be entitled to be recorded ~~record~~ without the approval of the board of commissioners.

b. Code of regulations, standards, general specifications and procedures, and design criteria for the obtainment of a permit and for hearings in connection therewith before the board of commissioners for approval of plans for all drainage improvements within the district, including structural improvements coming into, over, onto, or through any of the waterways of the district.

c. Code of regulations, standards, procedures, and design criteria specifications as to content of discharge and effluents coming into the waterways of the district.

Section 37. Eminent domain.—The district created hereby may acquire, by gift, purchase, exchange, donation, dedication, or condemnation, any lands within or without the said district for canal rights-of-way or easements, or for other general purposes of the said district, and, if acquired by condemnation, the procedure shall be as prescribed in chapter 73, Florida Statutes, Eminent Domain.

Section 38. Obstructions, damage, and destruction prohibited; damages; penalties.—No person may willfully or otherwise obstruct any canal, drain, ditch, or watercourse or damage or destroy any drainage works constructed in the drainage district.

a. Any person who shall willfully obstruct any canal, drain, ditch, or other watercourse, or shall damage or destroy any drainage works constructed by the drainage district, shall be liable to any person injured thereby for the full amount of the injury occasioned to any land or crops or other property by such misconduct and shall be liable to the drainage district constructing the work for double the cost of removing such obstruction or repairing such damage. The costs shall include all labor, materials, equipment, and supplies necessary to effect such removal or repair, and all costs and expenses, including reasonable attorney's fees, necessary to make any person injured or the drainage district whole.

b. Any person who willfully or otherwise obstructs any canal, drain, ditch, or watercourse, or impedes or obstructs the flow of water thereof, or damages or destroys any drainage works constructed by any drainage district is guilty of a misdemeanor of the first degree, punishable as provided by general law.

c. If the board of commissioners finds and determines that any dike, culvert, bridge, crossing, or any other device in any canal, drain, ditch, or

watercourse which is used for servicing any property or providing access thereto constitutes an obstruction or impediment to the free flow of water or drainage or access to maintenance of any district facility, whether the same has been so placed in or near any canal, drain, ditch, or watercourse under permit by the district or otherwise, the record owner of the property provided access or service shall be notified in writing of such obstruction with a demand therein that such owner cause the condition to be remedied. The notice shall be given by registered mail, addressed to the owner or owners of the property described, as their names and addresses are shown upon the records of the county property appraiser, and shall be deemed complete and sufficient when so addressed and deposited in the United States mail with proper postage prepaid. In the event that such notice is returned by postal authorities, the district shall cause a copy of the notice to be served by any officers, commissioners, or agents of the district, an affidavit of such service by such officer, commissioner, or agent filed in the minutes of the district shall be proof of service thereof, upon the occupant of the property or upon any agent of the owner thereof. In the event that personal service upon the occupant of the property or upon any agent of the owner thereof cannot be performed after a reasonable search, the notice shall be accomplished by physical posting on the property. The notice shall be in substantially the following form:

Name of Owner:.....

Address of Owner:.....

Our records indicate you are the owner(s) of the following property located in the Central Broward Water Control District, Broward County, Florida:

(describe property)

An inspection of this property and the abutting canal, drain, ditch, or watercourse discloses, and the Board of Commissioners of the Central Broward Water Control District has found and determined, that an obstruction in said canal, drain, ditch, or watercourse exists, thereby impeding the free flow of water or and drainage or access to maintenance of a district facility and constituting a hazard and danger to the inhabitants within the Central Broward Water Control District so as to constitute a violation of the charter and regulations of the Central Broward Water Control District in that:

(describe the condition which places the property in violation.)

You are hereby notified that unless the condition above described is remedied so as to make it nonviolative of the charter and regulations of the Central Broward Water Control District within 20 days from the date hereof, the Central Broward Water Control District will proceed to remedy this condition and the cost of the work, including advertising costs and all other expenses, will be imposed as lien on the property if not otherwise paid within 30 days after receipt of billing.

## Central Broward Water Control District

BY.....

d. Within 20 days after the mailing of the notice to him or her, the owner of the property may make written request to the board of commissioners for a hearing before that body to show that the condition alleged in the notice does not exist or that such condition does not constitute an obstruction or impediment to the drainage and free flow of water in any canal, ditch, drain, or watercourse of the district. At the hearing, the district and the property owner may introduce such evidence as is deemed necessary.

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

f. After causing the condition to be remedied, the secretary of the district shall certify to the board the expenses incurred in remedying the condition. Upon the receipt of such certificate, the board of commissioners shall review the same and determine the amount to be assessed against such property by resolution. Upon adoption of the resolution, the assessment shall constitute a lien on the respective lots or parcels of land or other real property upon which they are levied, superior to all other liens, except those for district and county taxes.

g. The board of commissioners shall cause to be recorded in the office of the clerk of the circuit court, in and for Broward County, a copy of the resolution within 10 days after the adoption thereof. The assessment shall be payable at the time and in the manner stipulated in the resolution and the assessment shall remain a lien coequal with the lien of other taxes, superior in dignity to all other liens, titles, and claims, until paid and shall bear interest at a rate not to exceed 18 percent per annum from the date of the resolution.

h. Upon the failure of any property owner to pay the assessment or any installment thereof or any part thereof as provided for in the resolution, the board of commissioners shall cause to be brought the necessary legal proceedings to enforce payment thereof with all the accrued interest and penalties, together with all legal costs incurred, including reasonable attorneys' fees, to be assessed as a part of the cost; and in the event of default in the payment of any installment of an assessment, or any accrued interest on said assessment, the whole assessment with the interest and penalties thereon shall immediately become due and payable and subject to foreclosure. In the foreclosure of any assessment, service of process against unknown or nonresident defendants may be had by publication, as provided by law. Foreclosure proceedings shall be prosecuted to the sale and conveyance

of the property involved in said proceedings as provided by law in suits to foreclose mortgages; or, in the alternative, said proceedings may be instituted and prosecuted under chapter 173, Florida Statutes, Foreclosure of Municipal Tax and Special Assessment Liens.

i. The remedies provided in subsections c. through h. are in addition to and not in lieu of other remedies provided for in this charter or otherwise.

Section 39. Extensions of boundaries.—The boundary line of the district as defined in this act may be extended to include additional adjacent land at any time in the discretion of the board of commissioners upon such conditions as the board of commissioners of the district may prescribe upon petition of the ~~landowners~~ freeholders owning 51 percent or more of the land in the area sought to be included in this district by such boundary extension. The petition of such ~~landowners~~ freeholders shall be directed to the board of commissioners of this district, and shall be in writing and duly signed and acknowledged by each of the ~~landowners~~ freeholders seeking to include such area in the extended boundaries of this district. The area included in this district shall be defined and the inclusion thereof shall be affirmed by an appropriate resolution of the board of commissioners of this district at a regular or special meeting called for that purpose, which resolution shall be preserved in the minutes of such meeting, and shall be recorded in the public records of Broward County, Florida. The board of commissioners of this district shall thereafter have jurisdiction and hold and be entitled to exercise all of the right, power, and authority for the drainage, water management services conducted pursuant to this section, and improvement of the land or area so included in this district as is granted such board of commissioners by this charter with respect to the lands within the boundaries of this district as hereinabove set forth, it being the intention of the Legislature to confer upon the board of commissioners for the drainage and water control district hereby created the same rights, powers and authorities, duties, responsibilities, and obligations over the lands so included in this district as is by this charter conferred upon them with reference to the lands within the boundaries of this district as hereby created and established.

Section 40. Subdivision regulation.—

a. It is the intent and purpose of this charter to promote and provide for the public health, safety, comfort, convenience, and welfare necessary and required to promote the harmonious, orderly, and progressive development of land within the district. It is the further intent of this charter to secure the establishment of standards of subdivision designs, which will encourage the development of sound and economically stable communities, and the creation of healthful living environments.

b. A subdivision for the purpose of this charter is hereby defined as: The division of a parcel of land, whether improved or unimproved, into three or more lots, or other divisions of land for the purpose, whether immediate or future, of transfer of ownership, or, if the establishment of any new street is involved, any division of such parcel; provided that the division of land into parcels of more than 5 acres not involving any changes in street lines or public easements shall not be deemed to be a subdivision within the

meaning of this charter. The term includes a resubdivision and, when appropriate to context, shall relate to the process of subdivision or to land subdivided. The singular usage includes the plural and the plural the singular.

c. Any division of a parcel of land as a subdivision shall be subject to such plat and subdivision regulations heretofore adopted or hereafter adopted, amended, or modified by the district under authority of law. Such regulations may provide for streets in the subdivision, to be of such width, grade, and location as to facilitate drainage; provide that adequate easements and rights-of-way be provided for drainage purposes and that the layout of the subdivision conform to the comprehensive plan for drainage for the area; and provide ~~that for the~~ Central Broward Water Control District's drainage requirements ~~to be met~~. The district shall not approve any subdivision plats unless the land included within the subdivision is suitable or shall be made suitable to the various purposes for which it is intended to be used, and in particular, unless all land intended for building sites can be used safely for building purposes, without the danger from flood of other inundation, or from any such menace to health, safety, or public welfare. It shall be unlawful for anyone being an owner, or agent of an owner, of any land to transfer, sell, agree to sell, or negotiate to sell such land by reference to, or exhibition of, or by any other use of a plat or subdivision of such land, without having submitted a plat of such subdivision to the district and obtaining its approval as required by this charter. If such unlawful use be made of a plat before it is properly approved by the district, the owner, or the agent of the owner, of such land shall be guilty of a misdemeanor, punishable as provided by general law. The description by metes and bounds in the instrument of transfer or other documents used in the process of transferring shall not exempt the transaction from such penalties. It shall be unlawful to transfer lots or units of lots by metes and bounds description in order to circumvent the provisions of this charter. The district, through its legal representatives, may enjoin such transfers or sales or agreements by injunction or other appropriate action.

Section 42. Procurement of contractual services and purchase of goods, supplies, and materials.—The Board of Commissioners of the Central Broward Water Control District in Broward County may procure contractual services and purchase goods, supplies, and materials as provided in this section.

a. All contracts let by the board of commissioners for professional architectural, engineering, landscape architectural, or land surveying services for any project authorized by this charter must comply with s. 287.055, Florida Statutes, Consultants Competitive Negotiation Act.

b. Except as stated herein and as provided in subsections c., d., and e. and in s. 287.055, Florida Statutes, the board of commissioners may not enter into a contract for the construction or maintenance of any improvements authorized under this charter, and goods, supplies, or materials may not be purchased if the amount to be paid by the district under the contract or for the goods, supplies, or materials exceeds \$10,000, unless notice of bids is advertised ~~advertized~~ in a newspaper of general circulation in Broward County. The bid of the lowest responsible, acceptable bidder must be accepted, unless all bids are rejected. The board of commissioners may require

the bidders to furnish a bond or letter of credit with responsible surety to be approved by the board of commissioners. This section does not prevent the board of commissioners from undertaking and performing the construction, operation, and maintenance of any project, facility, or improvement authorized under this charter, by the employment of labor, material, and machinery.

c. Notwithstanding subsection b., if the board of commissioners finds, by resolution, that the use of competitive bidding is not practicable, contractual services and purchases of goods, supplies, or materials may be procured by competitive sealed proposals. The request for proposals must include a statement of the services sought or the goods, supplies, or materials requested and all contractual terms and conditions applicable to the procurement of the contractual services or of the goods, supplies, or materials requested. The contract must be awarded to the responsive offeror whose proposal is determined to be the most advantageous to the district, taking into consideration price and other evaluation criteria set forth in the request for proposals.

d. If the board of commissioners finds, by resolution, that an immediate danger to the public health, safety, or welfare or substantial loss to the district or property owners in the district requires emergency action, the board of commissioners may procure contractual services necessitated by the immediate danger or substantial loss without competition. However, such emergency procurement shall be made with such competition as is practicable under the circumstances.

e. If competitive bids or proposals for contractual services or for purchases of goods, supplies, or materials are not received, the board of commissioners may negotiate and determine the best terms and conditions.

Section 43. Severability.—In the event any section or provision of this act is determined to be invalid or unenforceable, such determination shall not affect the validity or enforceability of each other section and provision of this act, and to this end the provisions of this act are declared severable.

Section 2. This act shall take effect upon becoming a law.

Approved by the Governor June 1, 2009.

Filed in Office Secretary of State June 1, 2009.