

CHAPTER 2011-264

House Bill No. 1351

An act relating to the South Broward Drainage District, Broward County; amending chapter 98-524, Laws of Florida, as amended; revising and providing definitions; conforming terminology; deleting and updating obsolete provisions; revising inconsistent provisions; revising the method of deciding elections of commissioners in the event of a tie vote; clarifying language relating to the imposition of district assessments and taxes; clarifying the type of property subject to district rules, criteria, and regulations; authorizing the board to take appropriate action as may be required of the district by another governmental agency; requiring the district to take designated water control elevations into consideration for all projects within the district; authorizing the treasurer, rather than the secretary, of the board to be involved in the preparation of the district's budget; clarifying procedures relating to special assessments; authorizing the treasurer to prepare the district tax record; requiring the district to prepare plans, specifications, and estimates for improvements; authorizing the district director to implement certain activities and receive documents relating to special assessments; conforming cross-references; prohibiting obstruction, damage, or destruction of district facilities and noncompliance with the district's 5-year recertification program rules, criteria, or regulations; clarifying applicability; providing severability; providing an effective date.

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

Section 1. Subsections (1) and (10) of section 9, subsection (6) of section 10, and sections 13, 19, 21, 22, 23, 41, and 42 of section 2 of chapter 98-524, Laws of Florida, as amended by chapters 2004-459 and 2007-308, Laws of Florida, are amended, and subsection (14) is added to section 9 of that section, to read:

Section 9. Definitions.—

(1) “Assessable improvements” includes, without limitation, any and all drainage, ~~and land, and water management~~ reclamation works and facilities, sewer systems, storm sewers and drains, water systems, streets, roads, or other projects of the district, or that portion or portions thereof, local in nature and of special benefit to the premises or lands served thereby, and any and all modifications, improvements, and enlargements thereof.

(10) “Drainage and water management ~~reclamation~~ facilities” means any canals, ditches, water management areas, or other drainage facilities, reservoirs, dams, levees, sluiceways, dredging, holding basins, floodways, pumping stations, or any other works, structures, or facilities for the conservation, control, development, utilization, management, and disposal of water, and any purposes appurtenant, necessary, or incidental thereto,

and includes all real and personal property and any interest therein, rights, easements, and franchises of any nature relating to any such drainage and water management ~~reclamation~~ facilities or necessary or convenient for the acquisition, construction, reconstruction, operation, or maintenance thereof. The terms “drainage” and “water management” shall be used interchangeably and shall mean the conservation, control, utilization, management, collection, disposal, conveyance, flowage, storage, detention, retention, absorption, run-off, pumping, and discharge of water or stormwater and any purposes appurtenant, necessary, or incidental thereto. This definition shall in no way be deemed to expand or reduce the district’s powers.

(14) “Five-year recertification program” means the district’s program that requires the district’s 5-year surface water management operation and maintenance permit for drainage facilities to be renewed at the end of every 5 years by the permittee or landowner and that requires that the permitted surface water management and drainage system is operational and complies with the district’s rules, regulations, and criteria.

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

(6) Except as stated in this act, the board shall be composed of seven members as follows:

(a) In the general election of November 2008 and in the November general election of every 4th year thereafter, one commissioner shall be elected from Zone 1, one commissioner shall be elected from Zone 3, and one commissioner shall be elected from Zone 6. The commissioners elected in November 2008 shall serve until their terms expire in November 2012.

(b) In the general election of November 2010, and in the November general election of every 4th ~~fourth~~ year thereafter, one commissioner shall be elected from Zone 2, one commissioner shall be elected from Zone 4, one commissioner shall be elected from 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.

(c) 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) The candidate receiving the highest number of votes cast for the office of commissioner 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 the drawing of a card from a standard unopened sealed deck of 52 cards provided by the district director. The candidate drawing the highest card shall be declared elected to such office ~~lot~~.

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

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

(1) To contract and be contracted with; to sue and be sued in the name of the district; to adopt and use a seal; 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.

(2) 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 is deemed advisable to drain and provide water management services for ~~reclaim~~ the lands within the district.

(3) To acquire and maintain appropriate sites for storage and maintenance of the equipment of the district; and to acquire and maintain and construct a suitable building to house the office and records of the district.

(4) 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 is deemed advisable to drain and provide water management services for ~~reclaim~~ the lands within the district; to acquire, purchase, operate, and maintain pumps, plants, and pumping systems for drainage purposes; and to construct, operate, and maintain irrigation works and machinery in connection with the purposes herein set forth.

(5) To regulate and set forth by appropriate resolution the drainage and water management requirements and conditions to be met for the land within the district and 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.

(6) To borrow money and issue bonds, certificates, warrants, notes, or other evidences of indebtedness of the district as hereinafter provided.

(7) To build and construct any other works and improvements deemed necessary to preserve and maintain the works in or out of the district; to acquire, construct, operate, maintain, use, sell, convey, transfer, or otherwise provide for machines and equipment for drainage and water management ~~reclamation~~ purposes; and to contract for the purchase, construction, operation, maintenance, use, sale, conveyance, and transfer of the said machinery and equipment.

(8) 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, easement, reservation, tract, grade, fill, or cut; to construct roadways over levees and embankments; to construct any and all of said works and improvements across, through, or over any drain, ditch, canal, floodway, holding basin, excavation, public highway, railroad right-of-way, easement, reservation, track, grade, fill, or cut in or out of the district; and to remove any fence, building, or other improvements, in or out of the district for purposes of drainage and water management reclamation.

(9) To hold, control, and acquire by donation, purchase, or condemnation, any easement, reservation, or dedication in or out of the district, for any of the purposes herein provided. 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 the district and acquire or condemn any other property within or without the district. To exercise the right of eminent domain as provided by chapters 73 and 74, Florida Statutes.

(10) To assess and impose ~~upon all of the lands in the district~~ an annual ~~assessment or drainage tax, an administrative tax, and a maintenance tax as hereinafter provided~~ on all assessable property within the district for the purposes as herein provided.

(11) To impose and foreclose special assessment liens as hereinafter provided.

(12) To prohibit, regulate, and restrict by appropriate resolution 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 may hereafter be created or hereafter constructed, and if deemed necessary, to take appropriate action as may be required of the district by another governmental agency having jurisdiction over the district. Notwithstanding the above, the district's designated water control elevations shall be maintained in accordance with the terms of the district's South Florida Water Management District permits and any agreements that may be entered into between the district, South Florida Water Management District, and any other governmental entity. When reviewing all submitted permit applications, including, but not limited to, all district projects, the district shall take into consideration the water control elevations in the design, construction, and maintenance of all drainage and water management facilities such that the design, construction, and maintenance within the district will not adversely impact the designated water control elevations.

(13) To administer and provide for the enforcement of all of the provisions herein, including the making, adopting, promulgating, amending, and repealing of all rules, criteria, and regulations necessary or convenient for

the carrying out of the duties, obligations, and powers conferred on the district created herein.

(14) To cooperate with or contract with other drainage districts or other 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 act.

(15) 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.

(16) To exercise all of the powers necessary, convenient, incidental, or proper in connection with any of the powers, duties, or purposes of said district as stated in this act.

(17) To construct, improve, and maintain roadways and roads necessary and convenient to provide access to and efficient development of areas made suitable and available for cultivation, settlement, urban subdivision, home-sites, and other beneficial developments as a result of the drainage and water management operations of the district.

(18) To make use of any dedication to public use, ~~or~~ platted and dedicated easements, or reservations within or without the boundaries of the district.

(19) To exercise any and all other powers conferred upon drainage and water control districts by chapter 298, Florida Statutes, including, but not limited to, the power to acquire and construct drainage and water management improvements, to issue bonds to pay the cost thereof, and to levy and collect assessments and drainage taxes upon lands benefited by the improvements.

Section 19. Annual budget.—Prior to the end of each fiscal year ~~after this act is effective~~, the ~~treasurer of the board or the secretary or~~ director of the district shall prepare a proposed budget to be submitted to the board for approval. The proposed budget shall include an estimate of all necessary expenditures of the district for the next ensuing fiscal year and an estimate of income to the district from the taxes and assessments provided in this act. The board shall consider the proposed budget item by item and may either approve the budget as proposed by the ~~treasurer or secretary or~~ director or modify the same in part or in whole. The board shall indicate their approval of the budget by resolution, which resolution shall provide for a hearing on the budget as approved. Notice of the hearing on the budget shall be published in a newspaper of general circulation in Broward County once a week for 2 consecutive weeks, provided that the second publication shall not be less than 7 days after the first publication. The notice shall be directed to all landowners in the district and shall state the purpose of the meeting. The notice shall further contain a designation of the date, time, and place of the public hearing, which shall be not less than 7 days after the second publication. At the time and place designated in the notice, the board

shall hear all objections to the budget as proposed, and make such changes as the board deems necessary. At the conclusion of the budget hearing the board shall, by resolution, adopt the budget as finally approved by the board.

Section 21. Water control plan of reclamation; proceedings thereon.—The district's water control plan for the drainage and water management reclamation of lands which is in effect prior to the effective date of this act shall remain in full force and effect after the effective date of this act.

Section 22. Adoption, revision, and revocation of water control plan of reclamation.—In addition to and not in limitation of its power to provide for and adopt a water control plan of reclamation provided in section 21 and under chapter 298, Florida Statutes, and amendments thereto, the board may at any time and from time to time adopt, revoke, or modify, in whole or in part, any water control plan of reclamation or any plan providing for the drainage and water management of lands within the district; and may provide for such new and additional drainage and water management facilities, canals, ditches, levees, and other works as the board may determine. In connection with the revision of any water control plan of reclamation or the providing of any new or additional drainage and water management facilities, canals, ditches, levees, or other works, or in the event that the total taxes and assessments theretofore levied or the funds derived from the sale of bonds are insufficient to pay the cost of any drainage or water management works, benefits may be reassessed, additional assessments made, and taxes levied in accordance with the procedures provided in this act or in chapter 298, Florida Statutes. The board may at any time approve and make effective technical changes or modifications in any water control plan of reclamation or drainage not affecting assessed benefits, levy of taxes, or the security of bondholders.

Section 23. Assessing land for drainage and water management 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 water control plan of reclamation on all lands in the district to which benefits have been assessed, as may be found necessary by the board to pay the costs of the completion of the proposed works and water management and drainage improvements, as shown in said water control plan of reclamation and in carrying out the objectives 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 or parcel 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 water control 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 or treasurer of the board, or the director, as soon as said total tax is levied, shall, at the expense of the district, prepare a list of all ~~taxes~~ taxies 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 and secretary or treasurer 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, treasurer, 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 41. ~~Operation and Administrative, maintenance, and operations tax.~~—To carry on the business of the district and to pay the administrative, maintenance, and operational costs thereof and in addition to any other tax or assessment authorized to be levied, the district is authorized to levy a tax on all the lands within the district as determined by the board for said purpose. This tax shall be a lien until paid on the property against which assessed and enforceable in like manner as county taxes. The amount of the tax shall be determined by the board based upon a report of the secretary or treasurer of the board or the director and assessed by the board upon such lands, which may be all of the lands within the district. This tax shall be evidenced to and certified by the board 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.

~~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 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 2. Sections 43 through 74 of section 2 of chapter 98-524, Laws of Florida, as amended by chapter 2007-308, Laws of Florida, are renumbered as sections 42 through 73, respectively, present section 45, subsection (1) of present section 46, subsection (1) of present section 49, present sections 50, 52, 55, and 58, subsection (2) of present section 59, and present sections 64,

65, 68, 70, and 72 are amended, and subsection (4) is added to present section 62 of that section, to read:

Section ~~44~~ 45. Special assessments.—The board may provide for the construction or reconstruction of assessable improvements as defined in section 9, and for the levying of special assessments upon benefited property for the payment thereof, under provisions of this section. Such special assessments may be levied and assessed in either of the alternate methods provided in subsections (2) and (3), and except for such procedure, all the other provisions of this section and this act shall apply to levy of such special assessments under either subsection (2) or subsection (3).

(1) The initial proceeding under subsection (2) or subsection (3) shall be the passage by the board of a resolution ordering the construction or reconstruction of such assessable improvements, indicating the location by terminal points and routes and either giving a description of the improvements by its material, nature, character, and size or giving two or more descriptions with the directions that the material, nature, character, and size shall be subsequently determined in conformity with one of such descriptions. Drainage improvements need not be continuous and may be in more than one locality. The resolution ordering any such improvement may give any short and convenient designation to each improvement ordered thereby, and the property against which assessments are to be made for the cost of such improvement may give any short and convenient designation to each improvement ordered thereby, and the property against which assessments are to be made for the cost of such improvement may be designated as an assessment district, followed by a letter or number or name to distinguish it from other assessment districts, after which it shall be sufficient to refer to such improvement and property by such designation in all proceedings and assessments, except in the notices required by this section. As soon as possible after the passage of such resolution, ~~the engineer for~~ the district shall prepare, in duplicate, plans and specifications for each improvement ordered thereby and an estimate of the cost thereof. Such cost shall include, in addition to the items of cost as defined in this act, the cost of relaying streets and sidewalks necessarily torn up or damaged and the following items of incidental expenses:

(a) Printing and publishing notices and proceedings.

(b) Costs of abstracts of title.

(c) Any other expense necessary or proper in conducting the proceedings and work provided for in this section, including the estimated amount of discount, if any, financial expenses upon the sale of assessment bonds or any other obligations issued hereunder for which such special assessment bonds or any other obligations issued hereunder for which such special assessments are to be pledged, and interest prior to and until not more than 2 years after the completion of said assessable improvements. If the resolution shall provide alternative descriptions of material, nature, character, and size, such

estimate shall include an estimate of the cost of the improvement of each such description.

The district ~~engineer~~ shall next prepare, in duplicate, a tentative apportionment of the estimated total cost of the improvement as between the district and each lot or parcel of land subject to special assessment under the resolution, such apportionment to be made in accordance with the provisions of the resolution and in relation to apportionment of cost provided herein for the preliminary assessment roll. Such tentative apportionment of total estimated cost shall not be held to limit or restrict the duties of the director ~~engineer~~ in the preparation of such preliminary assessment roll under subsection (2). One of the duplicates of such plans, specifications, and estimates and such tentative apportionment shall be filed with the secretary of the board and the other duplicate shall be retained by the director ~~engineer~~ in his or her files, all thereof to remain open to public inspection.

(2)(a) If the special assessments are to be levied under this subsection, the secretary of the board, or the director, upon the filing with the secretary of such plans, specifications, estimates, and tentative apportionment of cost, shall publish once in a newspaper published in the county where the benefited land is located and of general circulation in the county, a notice stating that at a meeting of the board on a certain day and hour, not earlier than 15 days from such publication, the board will hear objections of all interested persons to the confirmation of such resolution, which notice shall state in brief and general terms a description of the proposed assessable improvements with the location thereof, and shall also state that plans, specifications, estimates, and tentative apportionment of cost thereof are on file with the secretary of the board or the director. A copy of the notice shall be mailed to the landowners of the land to be benefited by construction of the assessable improvements ~~improvement~~. The landowners shall be determined by reference to the last available tax roll of Broward County. The secretary of the board or the director shall keep a record in which shall be inscribed, at the request of any person, firm, or corporation having or claiming to have any interest in any lot or parcel of land, the name and post office address of such person, firm, or corporation, together with a brief description or designation of such lot or parcel, and it shall be the duty of the secretary of the board or the director to mail a copy of such notice to such person, firm, or corporation at such address at least 10 days before the time for the hearing as stated in such notice, but the failure of the secretary of the board or the director to keep such record or so to inscribe any name or address or to mail any such notice shall not constitute a valid objection to holding the hearing as provided in this section or to any other action taken under the authority of this section.

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

(c) All objections to any such resolution on the ground that it contains items which cannot be properly assessed against property, or that it is, for any default or defect in the passage or character of the resolution or the plans or specifications or estimate, void or voidable in whole or in part, or that it exceeds the power of the board, shall be made in writing, in person or by attorney, and filed with the secretary of the board or the director at or before the time or adjourned time of such hearing. Any objections against the making of any assessable improvements not so made shall be considered as waived, and, if any objections shall be made and overruled or shall not be sustained, the confirmation of the resolution shall be the final adjudication of the issue presented unless proper steps shall be taken in a court of competent jurisdiction to secure relief within 20 days.

(d) Whenever any resolution providing for the construction or reconstruction of assessable improvements and for the levying of special assessments upon benefited property for the payment thereof has been confirmed, and the special assessments are levied under this subsection, or at any time thereafter, the board may issue assessment bonds payable out of such assessments when collected. Such bonds shall mature not later than 2 years after the maturity of the last annual installment in which the special assessments may be paid, as provided in subsection (4), and shall bear interest as provided by section 31. Such assessment bonds shall be executed, shall have such provisions for redemption prior to maturity, and shall be sold in the manner and be subject to all of the applicable provisions contained in this act applicable to other bonds, except as the same are inconsistent with the provisions of this section. The amount of such assessment bonds for any assessable improvement, prior to the confirmation of the preliminary assessment roll provided for in this subsection shall not exceed the estimated amount of the cost of such assessable improvements which are to be specially assessed against the lands and real estate referred to in this section.

(e) After the passage of the resolution authorizing the construction or reconstruction of assessable improvements has been confirmed where special assessments are levied under this subsection or after the final confirmation of the assessment roll where such assessments are levied under subsection (3), the board may publish at least once in a newspaper published and of general circulation in the county where the benefited land is located, a notice calling for sealed bids to be received by the board on a date not earlier than 15 days after the first publication for the construction of the work, unless in the initial resolution the board has declared its intention to have the work done by district forces without contract. The notice shall refer in general terms to the extent and nature of the improvements and may identify the same by the short designation indicated in the initial resolution and by reference to the plans and specifications on file. If the initial resolution has given two or more alternative descriptions of the assessable improvements as to its material, nature, character, and size, and, if the board has not theretofore determined upon a definite description, the notice shall call for bids upon each of such descriptions. Bids may be requested for the work as a whole or for any part thereof separately and bids may be asked for any one or more of such

assessable improvements authorized by the same or different resolutions, but any bid covering work upon more than one improvement shall be in such form as to permit a separation of cost as to each improvement. The notice shall require bidders to file with their bids either a certified check drawn upon an incorporated bank or trust company in such amount or percentage of their respective bids, as the board deems advisable, or a bid bond in like amount with corporate surety satisfactory to the board to ensure the execution of a contract to carry out the work in accordance with such plans and specifications and ensure the filing, at the making of such contract, of a bond in the amount of the contract price with corporate surety satisfactory to the board conditioned for the performance of the work in accordance with such contract. The board shall have the right to reject any or all bids, and, if all bids are rejected, the board may readvertise or may determine to do the work by the district forces without contract.

(f) Promptly after the completion of the work, in the case of special assessments levied under this subsection, the director, or his or her designee ~~engineer for the district~~, who is hereby designated as the official of the district to make the preliminary assessment of benefits from assessable improvements, shall prepare a preliminary assessment roll and file the same with the secretary of the board which roll shall contain the following:

1. A description of abutting lots and parcels of land or lands which will benefit from such assessable improvements and the amount of such benefits to each such lot or parcel of land. There shall also be given the name of the owner of record of each lot or parcel, where practicable, and, in all cases, there shall be given a statement of the method of assessment used ~~by the engineer~~ for determining the benefits.

2. The total cost of the improvements and the amount of incidental expense.

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

(h) At the time and place stated in such notice the board shall meet and receive the objections in writing of all interested persons as stated in such notice. The board may adjourn the hearing from time to time. After the completion thereof the board shall either annul or sustain or modify in whole or in part the prima facie assessment as indicated on such roll, either by confirming the prima facie assessment against any or all lots or parcels

described therein or by canceling, increasing, or reducing the same, according to the special benefits which the board decides each lot or parcel has received or will receive on account of such improvement. If any property which may be chargeable under this section has been omitted from the preliminary roll or if the prima facie assessment has not been made against it, the board may place on such roll an apportionment to such property. The board shall not confirm any assessment in excess of the special benefits to the property assessed, and the assessments so confirmed shall be in proportion to the special benefits. Forthwith after such confirmation such assessment roll shall be delivered to the secretary of the board or the director. The assessment so made shall be final and conclusive as to each lot or parcel assessed unless proper steps be taken within 30 days in a court of competent jurisdiction to secure relief. If the assessment against any property shall be sustained or reduced or abated by the court, the secretary of the board or the director shall note that fact on the assessment roll opposite the description of the property affected thereby. The amount of the special assessment against any lot or parcel which may be abated by the court, unless the assessment upon all benefited property be abated, or the amount by which such assessment is so reduced, may, by resolution of the board, be made chargeable against the district at large; or, at the discretion of the board, a new assessment roll may be prepared and confirmed in the manner herein provided for the preparation and confirmation of the original assessment roll.

(i) Pending the final confirmation of such special assessments in the manner provided in this subsection, the district shall have a lien on all such lands and real estate after the passage of the initial resolution, subject, however, to the final confirmation thereof in the manner provided in this subsection.

(3)(a) The district ~~engineer~~, under the procedure provided for in this subsection shall next, after passage of the initial resolution and filing of the plans and estimates of cost ~~by the district engineer~~, prepare an assessment roll for the district in duplicate, which assessment roll shall contain an apportionment of the estimated total cost of the improvement as between the district and each lot or parcel of land subject to the special assessment under the initial resolution, such apportionment to be made in accordance with the provisions of the initial resolution. One of the duplicates of said assessment roll shall be filed with the secretary of the board and the other duplicate shall be retained by the director ~~district engineer~~ in his or her files, all thereof to remain open to public inspection.

(b) Upon the completion and filing of said assessment roll, the secretary ~~of the board~~ or the director shall cause a copy thereof to be published once in a newspaper published in the county where the benefited land is located and of general circulation in the county, together with a notice directed to all property owners interested in the special assessments stating that at a meeting of the board on a certain day and hour, not earlier than 15 days after such publication, the board sitting as an equalizing board, will hear objections of all interested persons to the final confirmation of such assessment roll, and will finally confirm such assessment roll or take such

action relative thereto as it deems necessary and advisable. A copy of the notice shall be mailed to the landowners of the land to be benefited by construction of the assessable improvements ~~improvement~~. The landowners shall be determined by reference to the last available tax roll of Broward County. The secretary of the board or the director shall keep a record in which shall be inscribed, at the request of any person, firm, or corporation having or claiming to have any interest in any lot or parcel of land, the name and post office address of such ~~each~~ person, firm, or corporation, together with a brief description or designation of such lot or parcel, and it shall be the duty of the secretary of the board or the director to mail a copy of such notice to such person, firm, or corporation at such address at least 10 days before the time for the hearing as stated in such notice, but the failure of the secretary of the board or the director to keep such record or so to inscribe any name or address or to mail any such notice shall not constitute a valid objection to holding the hearing as provided in this section or to any other action taken under the authority of this section.

(c) At the time and place named in the notice provided for in paragraph (b), the board shall meet as an equalizing board to hear and consider any and all complaints as to the special assessments, and shall adjust and equalize the special assessments on a basis of justice and right, and, when so equalized and approved, such special assessment shall stand confirmed and remain legal, valid, and binding liens upon the properties upon which such special assessments are made, until paid in accordance with the provisions of this act. However, upon the completion of the improvements, if the actual cost of the assessable improvements is less than the amount of such special assessments levied, the district shall rebate to the owners of any properties which shall have been specially assessed for the assessable improvements the difference in the special assessments as originally made, levied, and confirmed, and the proportionate part of the actual cost of said assessable improvements as finally determined upon the completion of said assessable improvements. In the event that the actual cost of said assessable improvements shall be more than the amount of the special assessments confirmed, levied, and as finally determined upon the completion of said assessable improvements, the proportionate part of such excess cost of such assessable improvements may be levied against all of the lands and properties against which such special assessments were originally levied, or, in the alternative, the board may, in its discretion, pay such excess cost from any legally available funds.

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

overruled or shall not be sustained, the confirmation of the assessment roll shall be the final adjudication of the issue presented unless proper steps are taken in a court of competent jurisdiction to secure relief within 20 days.

(e) All the provisions of subsection (2) not inconsistent with this subsection shall apply to the levy of special assessments under this subsection.

(4)(a) Any assessment may be paid at the office of the secretary of the board or the director within 60 days after the confirmation thereof, without interest. Thereafter all assessments shall be payable in equal installments, with interest as provided by section 31 from the expiration of the 60 days in each of the succeeding number of years which the board shall determine by resolution, not exceeding 20. However, the board may provide that any assessment may be paid at any time before due, together with interest accrued thereon to the date of payment, if such prior payment shall be permitted by the proceedings authorizing any assessment bonds or other obligations for the payment of which such special assessments have been pledged.

(b) All such special assessments levied pursuant to this act may, in the discretion of the board, be collected by the revenue collector of the county at the same time as the general county taxes are collected by the revenue collector of the county, and the board shall in such event certify to the county revenue collector and county property appraiser in each year a list of all such special assessments and a description of, and names of the owners of, the properties against which such special assessments have been levied and the amounts due thereon in such year, and interest thereon for any deficiencies for prior years. The amount to be so certified by the board to the county revenue collector and county property appraiser to be collected in such year may include, in the discretion of the board, the principal installment of such special assessments which will become due at any time in the next succeeding fiscal year, and all or any part of the interest which will become due on such special assessments during such next fiscal year, together with any deficiencies for prior years.

(c) The board may, in lieu of providing for the collection of the special assessments by the revenue collector of the county, provide for the collection of said special assessments by the district under such terms and conditions as the board shall determine. In such event, the bills or statements for the amounts due in any fiscal year shall be mailed to the owners of all properties affected by such special assessments at such time or times as the board shall determine and such bills or statements may include all or any part of the principal and interest which will mature and become due on the annual installments of such special assessments during the fiscal year in which installments of such assessments are payable.

(d) All charges of the county revenue collector, the county property appraiser, ~~or of the district~~, and the fees, costs, and expenses of any paying agents, trustees, or other fiduciaries for assessment bonds issued under this

act, are deemed to be costs of the operation and maintenance of any drainage improvements in connection with which such special assessments were levied and the board shall be authorized and directed to provide for the payment each year of such costs of collection, fees, and other expenses from the administrative, maintenance, and operations tax as provided in this act as shall be mutually agreed upon between the board and the county revenue collector and county property appraiser as additional compensation for their ~~his or her~~ services for each such assessment district in which the special assessments are collected by ~~him or her~~.

(e) All assessments shall constitute a lien upon the property so assessed, from the date of final confirmation thereof, of the same nature and to the same extent as the lien for general county taxes falling due in the same year or years in which such assessments or installments thereof fall due, and any assessment or installment not paid when due shall be collectible with such interest and with a reasonable attorney's fee and costs, but without penalties, by the district by proceedings in a court of equity to foreclose the line of assessments as a lien for mortgages is or may be foreclosed under the laws of the state; provided that any such proceedings to foreclose shall embrace all installments of principal remaining unpaid with accrued interest thereon, which installments shall, by virtue of the institution of such proceedings, immediately become due and payable. Nevertheless, if, prior to any sale of the property under decree of foreclosure in such proceedings, payment be made of the installment or installments which are shown to be due under the provisions of subsection ~~subsections~~ (2) or subsection (3), and by this subsection, and all costs, including interest and attorney's fees, such payment shall have the effect of restoring the remaining installments to their original maturities as provided by the resolution passed pursuant to this subsection and the proceedings shall be dismissed. It shall be the duty of the board to enforce the prompt collection of assessment by the means herein provided, and such duty may be enforced at the suit of any holder of bonds issued under this act in a court of competent jurisdiction by mandamus or other appropriate proceedings or action. Not later than 30 days after the annual installments are due and payable, it shall be the duty of the board to direct the attorney for the district to institute actions within 2 months after such direction to enforce collection of all special assessments for assessable improvements made under this section and remaining due and unpaid at the time of such direction. Such action shall be prosecuted in the manner and under the conditions in and under which mortgages are foreclosed under the laws of the state. It shall be lawful to join in one action the collection of assessments against any or all property assessed by virtue of the same assessment roll unless the court shall deem such joinder prejudicial to the interest of any defendant. The court shall allow a reasonable attorney's fee for the attorney for the district, and the same shall be collectible as a part of or in addition to the costs of the action. At the sale pursuant to decree in any such action, the district may be a purchaser to the same extent as an individual person or corporation, except that the part of the purchase price represented by the assessments sued upon and the interest thereon need not

be paid in cash. Property so acquired by the district may be sold or otherwise disposed of.

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

Section 45 ~~46~~. Issuance of certificates of indebtedness based on assessments for assessable improvements; assessment bonds.—

(1) The board may, after any assessments for assessable improvements are made, determined, and confirmed as provided in section 44 ~~45~~, issue certificates of indebtedness for the amount so assessed against the abutting property or property otherwise benefited, as the case may be, and separate certificates shall be issued against each part or parcel of land or property assessed, which certificates shall state the general nature of the improvement for which the said assessment is made. Said certificates shall be payable in annual installments in accordance with the installments of the special assessment for which they are issued. The board may determine the interest to be borne by such certificates as provided by section 31, and may sell such certificates at either private or public sale and determine the form, manner of execution, and other details of such certificates. Such certificates shall recite that they are payable only from the special assessments levied and collected from the part or parcel of land or property against which they are issued. The proceeds of such certificates may be pledged for the payment of principal of and interest on any revenue bonds or general obligation bonds issued to finance in whole or in part such assessable improvement, or, if not so pledged, may be used to pay the cost or part of the cost of such assessable improvements.

Section 48 ~~49~~. Changing boundary lines; annexation and exclusion of lands.—

(1) Whenever the owners of a majority of the acreage of the land within a prescribed area adjacent to the boundaries of the district petitions the board to include a specific area of lands within the boundaries of the district or when the board by resolution proposes that an area of land adjacent to the boundaries of the district be included within the boundaries of the district, the board shall publish a notice once a week for 2 consecutive weeks in a newspaper of general circulation published in Broward County describing the boundaries of the area which is proposed to be taken into the boundaries of the district. The notice shall be directed to the landowners within the area proposed to be taken into the boundaries of the district and shall direct said landowners to show cause in writing before the board at a time and place to be stated in such notice why such area of land should not be brought into the boundaries of the district and why the proceedings and powers authorized by

this act should not be exercised by the board. At the time and place stated in said notice, the board shall hear all objections of any landowner within the area proposed to be taken into the boundaries of the district and if no objections are made or if said objections, if made, are overruled by the board, the board shall enter in its minutes its findings and adopt a final resolution of annexation confirming the new boundaries of the district as they may be extended. Thereafter, the board may proceed with the development, drainage, and water management ~~reclamation~~ of the new area of land brought into the district. If the board shall overrule any landowners' objections as provided herein or if such landowner shall deem himself or herself aggrieved by the aforesaid action of the board, such landowner may within 20 days after the board adopts its final resolution of annexation invoke the jurisdiction of the circuit court for Broward County. When said resolution annexing the new area to the boundaries of the district shall have been adopted by the board, or by a court of competent jurisdiction if such proposed action shall have been challenged by a landowner by the judicial proceedings hereinabove authorized, the board may adopt a water control plan ~~of reclamation~~ for the newly annexed area and thereafter proceed in a like manner as prescribed in this act. Upon the adoption of the final resolution of annexation, all provisions of this act shall apply to the newly annexed area of land. Lands lying within the boundaries of the district may be deannexed in the same manner as the procedure for annexation.

Section ~~49~~ 50. Unit development; powers of board to designate units of district and adopt system of progressive drainage by units; water control plans ~~of reclamation~~ and financing assessments for each unit; amendment of unit plan.—

(1) The board is authorized in its discretion to drain and provide water management ~~reclaim~~ and place under water control or more completely and intensively to drain and provide water management ~~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 and water management 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 providing water management for ~~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.

(2) If the board determines that it ~~is~~ it is advisable to conduct the work of draining and providing water management for ~~reclaiming~~ the lands in the district by units, as authorized by this section, the board shall, by resolution, declare its purpose to conduct such work accordingly, and shall fix the number, location, and boundaries of and description of lands within such unit

or units and give them appropriate numbers or names. The entire district may also be designated as a unit for the proper allocation of such part of the water control and drainage plan of reclamation and drainage as benefits the entire district.

(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 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 water management 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.

(4) The board may, as a result of any objections or of other matters brought forth at such hearing, modify or amend said resolution in whole or in part, confirm said resolution after overruling all objections, or reject said resolution and, if such resolution is confirmed, modified, or amended, may proceed thereafter in accordance with said resolution as confirmed, modified, or amended. The sustaining of such objections and the rescinding of such resolutions shall not exhaust the power of the board under this section, but the board may at any time adopt other resolutions under this section and thereupon proceed on due notice in like manner as provided in this section. If the board shall overrule or refuse to sustain any such objections in whole or in part made by any landowner in the district, or if any such landowner shall deem himself or herself aggrieved by any action of the board in respect to any objections so filed, such landowner may, within 10 days after the ruling of the board, invoke the jurisdiction of the circuit court for the 17th circuit; and such suits shall be conducted like other chancery suits, except that said suits shall have preference over all other pending actions except criminal actions and writs of habeas corpus.

(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 water control 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 water control 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, water management reclamation, and improvement of each, any, and all such units, and the enumeration of or reference to specific powers or duties of the commissioners 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 water management 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.

(6) The board may at any time amend its resolution by changing the location and description of lands in any unit or units, provided that if the location of or description of lands located in any unit or units is so changed, notice of the change shall be published as required in this section for notice of the formation or organization of such unit or units, and all proceedings shall be had and done in that regard as are provided in this section for the original creation of such unit or units.

(7) If, after the determination of benefits with respect to any unit or units or the issuance of bonds or other obligations which are payable from taxes or assessments for benefits levied upon lands within such unit or units, the board finds the water control plan of ~~reclamation~~ of any such unit or units insufficient or inadequate for efficient development, the water control plan of ~~reclamation~~ may be amended or changed as provided in chapter 298, Florida Statutes, or as provided in this act, and the unit or units may be amended or changed as provided in this section by changing the location and description of lands in such unit or units or by detaching lands therefrom or by adding lands thereto, but only upon the approval or consent of not less than the holders of a majority in principal amount of such bonds or other obligations, or such other percentage as may be required by the terms of such bonds or other obligations, or without such consent or approval, if the proceedings authorizing such bonds provide that such action may be taken without the consent or approval of the holders thereof. In the event of such amendment or change, all assessments, levies, taxes, bonds, or other obligations made, levied, assessed, incurred, or issued for or in respect to any such unit or units

shall be allocated and apportioned to the amended unit or units in proportion to the benefits assessed with respect to the amended water control plan of ~~reclamation~~. In the event of the change of the boundaries of any unit as provided in this section and the allocation and apportionment to the amended unit or units or assessments, levies, taxes, bonds, and other obligations in proportion to the benefits assessed for the amended water control plan of ~~reclamation~~, the holders of bonds or other obligations hereafter issued for the original unit shall be entitled to all rights and remedies against any lands added to the amended unit or units as fully and to the same extent as if such added lands had formed and constituted a part of the original unit or units at the time of the original issuance of such bonds or other obligations, and regardless of whether the holders of such bonds or other obligations are the original holders thereof or the holders from time to time hereafter, and the rights and remedies of such holders against the lands in the amended unit or units, including any lands added thereto, under such allocation and apportionment, shall constitute vested and irrevocable rights and remedies to the holders from time to time of such bonds or other obligations as fully and to the same extent as if such bonds or other obligations had been originally issued to finance the improvements in such amended unit or units under such amended water control plan of ~~reclamation~~. Conversely, in the event of the change of the boundaries of any unit wherein lands are detached therefrom, as provided for in this section, said lands so detached shall be relieved and released from any further liability for the assessment, levy, or payment of any taxes for the purpose of paying the principal or interest on any bonds originally issued for the original unit from which said lands were detached.

Section ~~51~~ 52. Mandatory use of certain district facilities and services. The district may require all lands, buildings, and premises, and all persons, firms, and corporations, within the district to use the drainage and water management ~~reclamation~~ facilities of the district. Subject to such exceptions as may be provided by the resolutions, rules, or bylaws of the board, and subject to the terms and provisions of any resolution authorizing any bonds and agreements with bondholders, no drainage or water management and reclamation facilities shall be constructed or operated within the district unless the board gives consent thereto and approves the plans and specifications therefor. The violation of the foregoing requirements is declared to be a criminal offense and misdemeanor within the meaning of s. 775.08, Florida Statutes, and shall be punishable as provided by general law.

Section ~~54~~ 55. Maintenance and operation of projects and drainage and water management facilities ~~across rights-of-ways~~.—The district shall have the power to construct, maintain, and operate its projects and drainage and water management facilities in, along, on, or under any dedications to the public, platted or dedicated rights-of-way, platted or dedicated reservations, streets, easements, water management areas, alleys, highways, or other public places or ways, and across any drain, ditch, canal, floodway, holding

basin, excavation, railroad right-of-way, easement, reservation, water management area, track, grade, fill, or cut, within or without the district.

Section ~~57~~ 58. Fees, rentals, tolls, fares, and charges; procedure for adoption and modification; minimum revenue requirements.—The district shall have the power to prescribe, fix, establish, and collect rates, fees, rentals, tolls, fares, or other charges, hereinafter sometimes referred to as “revenues,” and to revise the same from time to time, for the facilities and services furnished or to be furnished by the district, including, but not limited to, drainage and water management facilities.

Section ~~58~~ 59. Subdivision regulation.—

(2) Any division of a parcel of land as a subdivision as defined in this act shall be subject to such plat and subdivision regulations hereafter adopted, amended, or modified by the district under the authority of law. Such regulations may provide for streets in the subdivision to be of such width, grade, and location as to facilitate drainage and water management; provide that adequate easements and rights-of-way be provided for drainage and water management and that the lay-out of the subdivision conform to the comprehensive water control plan for drainage and water management for the area; and provide for the drainage and water management requirements to be met. The district shall not approve any subdivision plat 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 or other inundation, or from any such menace to health, safety, or public welfare. ~~After the effective date of this act,~~ 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 act. The unlawful use of a plat by the owner, or the agent of the owner, of such land before it is properly approved by the district is declared to be a criminal offense and misdemeanor within the meaning of s. 775.08, Florida Statutes, and shall be punishable as provided by general law. The description by metes and bounds in the instrument of transfer or other document used in the process of transferring shall not exempt the transaction from such penalties.

Section ~~61~~ 62. Obstructions, damage, and destruction prohibited; damages; enforcement; and penalties.—

(4) A person may not willfully, or otherwise, obstruct any canal, drain, ditch, watercourse, or water management area or destroy any drainage works constructed in or maintained by the district or obstruct or damage any easement, right-of-way, or other property dedicated to the district or the public or fail to comply with the district’s 5-year recertification program rules, criteria, or regulations.

Section ~~63~~ 64. Bailey Drainage District abolished and assets transferred to South Broward Drainage District.—That effective October 1, 1992, the Bailey Drainage District hereto created by the Florida Legislature pursuant to chapter 67-950, Laws of Florida, and amendments thereto, was abolished. Except as provided by sections ~~67 and 68 and 69~~, the easements, rights-of-way, dikes, ditches, facilities, equipment, files, papers, plans, and all other assets, real or personal, of whatever description and wheresoever situate of said Bailey Drainage District, on October 1, 1992, were surrendered to the Board of Supervisors of the South Broward Drainage District and such easements, rights-of-way, dikes, ditches, facilities, equipment, files, papers, plans, and all other assets of the Bailey Drainage District shall, by operations and provisions of this section of this law, become and remain easements, rights-of-way, dikes, ditches, facilities, equipment, files, papers, plans, and all other assets of the South Broward Drainage District.

Section ~~64~~ 65. Bailey Drainage District powers, indebtedness, and liabilities transferred to South Broward Drainage District.—Commencing on October 1, 1992, all powers, duties, responsibilities, obligations, and functions of Bailey Drainage District except as stated in sections ~~67 and 68 and 69~~, shall be performed by South Broward Drainage District and South Broward Drainage District shall assume all indebtedness of Bailey Drainage District. Commencing on October 1, 1992, except as stated in sections ~~67 and 68 and 69~~, South Broward Drainage District shall assume all liabilities of Bailey Drainage District both known and unknown as of October 1, 1992.

Section ~~67~~ 68. Bailey Drainage District road right-of-way and responsibility for roadways transferred to Board of Commissioners of Broward County.—Notwithstanding the provisions of sections ~~63, 64, 65, and 66, and 67~~, the South Broward Drainage District shall have no requirements or responsibility for maintaining or improving any roadways located within the lands described in section ~~62, 63~~ and on October 1, 1992, all road rights-of-way described in section ~~68 69~~ along with the roadways constructed therein were surrendered to the Board of Commissioners of Broward County and by operation and provisions of this section became and shall remain rights-of-way and property of Broward County, subject to all drainage easements previously dedicated to Bailey Drainage District which as of October 1, 1992, are drainage easements of South Broward Drainage District.

Section ~~69~~ 70. Broward County responsible for operation and maintenance of roadways within lands described in section ~~68 69~~.—Pursuant to the provisions of chapters 335 and 336, Florida Statutes, Broward County shall, from October 1, 1992, be the governmental entity responsible for operation and maintenance of all roads within the lands described in section ~~62 63~~ and located within the right-of-way described in section ~~68 69~~, said roads to be part of the Broward County road system.

Section ~~71~~ 72. South Broward Drainage District to have all of its power and authority and jurisdiction over lands described in section ~~62 63~~.—Commencing on October 1, 1992, the South Broward Drainage District shall have all of the powers and authority and jurisdiction over and within the

territory described in section ~~62~~ ~~63~~ hereof and of the inhabitants thereof and the property located therein as it had over and within its boundaries prior to October 1, 1992; and all of the laws, regulations, and resolutions of or pertaining to the South Broward Drainage District shall apply to and have the same force and effect on all the territory described in section ~~62~~ ~~63~~ as if such territory had been a part of said South Broward Drainage District at the time of passage and approval of such laws, regulations, and resolutions.

Section 3. Nothing in this act supersedes chapter 99-468, Laws of Florida.

Section 4. A certified copy of this act shall be recorded in the Broward County Public Records by the South Broward Drainage District.

Section 5. If any provision of this act or its application to any person or circumstance is held invalid, the invalidity does 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 severable.

Section 6. This act shall take effect upon becoming a law.

Approved by the Governor June 2, 2011.

Filed in Office Secretary of State June 2, 2011.