

By Representative Rayson

1 A bill to be entitled
2 An act relating to the Central Broward Water
3 Control District, Broward County; amending
4 section 4g. of chapter 61-1439, Laws of
5 Florida, as amended; deleting the provision for
6 expense reimbursement; amending section 4j. of
7 chapter 61-1439, Laws of Florida, as amended,
8 to provide for assumption of office at the
9 first regular meeting following the election;
10 amending section 7 of chapter 61-1439, Laws of
11 Florida, as amended, to provide for an
12 organizational meeting annually at the first
13 regular meeting following the first Tuesday
14 after the first Monday in November; deleting
15 obsolete provisions; codifying the Charter of
16 the Central Broward Water Control District,
17 chapter 61-1439, Laws of Florida, as amended;
18 consolidating amendments thereto contained in
19 this act and chapters 65-1006, 67-1002, 69-528,
20 70-749, 71-389, 72-486, 79-432, 80-462, 82-268,
21 85-388, 86-363, 87-506, 88-523, 91-350, 94-426,
22 and 96-536, Laws of Florida; repealing chapters
23 61-1439, 65-1006, 67-1002, 69-528, 70-749,
24 71-389, 72-486, 79-432, 80-462, 82-268, 85-388,
25 86-363, 87-506, 88-523, 91-350, 94-426, and
26 96-536, Laws of Florida; providing that this
27 act shall take precedence over any conflicting
28 law to the extent of such conflict; providing
29 severability; providing an effective date.
30
31 Be It Enacted by the Legislature of the State of Florida:

1 Section 1. Chapter 61-1439, Laws of Florida, together
2 with all amendments thereto contained in this act and chapters
3 65-1006, 67-1002, 69-528, 70-749, 71-389, 72-486, 79-432,
4 80-462, 82-268, 85-388, 86-363, 87-506, 88-523, 91-350,
5 94-426, and 96-536, Laws of Florida, are codified, reenacted,
6 amended, and repealed as herein provided.

7 Section 2. The Central Broward Water Control District
8 is re-created and reenacted to read:

9 Section 1. Napoleon B. Broward Drainage District
10 abolished.--Napoleon B. Broward Drainage District, a drainage
11 district situate in Broward County is hereby abolished and all
12 laws and parts of laws relating thereto are hereby repealed.
13 The easements, rights-of-way, dikes, ditches, facilities,
14 equipment, files, papers, plans, and all other assets, real or
15 personal, of whatever description and wherever situate of the
16 Napoleon B. Broward Drainage District, are hereby directed to
17 be surrendered to the board of commissioners of the Central
18 Broward Drainage District and such easements, rights-of-way,
19 dikes, ditches, facilities, equipment, files, papers, plans,
20 and all other assets of the Napoleon B. Broward Drainage
21 District shall, by operation of the provisions of this section
22 of this charter, become and remain the easements,
23 rights-of-way, dikes, ditches, facilities, equipment, files,
24 papers, plans, and assets of the Central Broward Water Control
25 District. All taxes heretofore assessed and levied, including
26 taxes for the year 1961, shall be due and payable to the
27 Central Broward Water Control District as if such district
28 were a continuing body of the Napoleon B. Broward Drainage
29 District.

30 Section 2. District created and boundaries
31 thereof.--The creation of the Central Broward Water Control

1 District with the powers herein vested in it by this act is to
2 further the best interests of the public, health, safety, and
3 welfare inasmuch as proper drainage and water management is
4 necessary to protect said lands hereinafter described. That
5 for the purpose of providing drainage and water management
6 services conducted pursuant to this section for the lands
7 hereinafter described and for other purposes stated in this
8 act, a drainage and water management district is hereby
9 created and established in Broward County, to be known as the
10 Central Broward Water Control District, the geographical
11 boundaries of which shall include the following land lying,
12 being, and situate in Broward County, Florida, to wit:

13
14 Starting at the intersection of the East
15 Right-of-way line of State Road #7 and its
16 intersection with the South line of Tier 3; as
17 shown by the Plat of NEWMAN'S SURVEY, as
18 recorded in Plat Book 2, Page 26 of the Public
19 Records of Dade County, Florida (All subsequent
20 references to Tract and Tier number refer to
21 this plat), for the point of beginning; thence
22 Westerly along the South line of Tiers 3, 5, 7
23 and 9, and their prolongations thereof, to an
24 intersection with the Northerly extension of
25 the East line of Tract 7, Section 25, Township
26 50 South, Range 41 East, as shown on said plat
27 of NEWMAN'S SURVEY; thence Southerly along the
28 East line of Tract 7 to the Southeast corner of
29 said Tract 7; thence Westerly along the South
30 line of said Tract 7 to the Northeast corner of
31 tract 9 of said Section 25; thence Southerly

1 along the East line of said Tract 9 to the
2 Southeast corner of said Tract 9; thence
3 Westerly, along the South line of said Tract 9
4 to the Southwest corner of said Tract 9; thence
5 Northerly along the West line of Tracts 9 and 8
6 and their Northerly prolongation to an
7 intersection with the South line of Tier 13;
8 thence Westerly along the South line of Tiers
9 15, 17, 19, 21, 23, 25, 27 and 29, and their
10 prolongations thereof to the Southwest corner
11 of Tract 8, Tier 29; thence Northerly along the
12 West line of Tier 29 to the Southwest corner of
13 Tract 4, Tier 29; thence Westerly along the
14 South line of Tract 4, Tiers 31, 33, 35 and 37
15 and their prolongations thereof to the
16 Southwest corner of Tract 4, Tier 37; thence
17 run Northerly along the West line of said Tier
18 37, to the North right-of-way line of the North
19 New River Canal; thence run northwesterly along
20 the north side of the north bank of the said
21 canal to the intersection of said bank with the
22 west line of Section 4, Township 50 South,
23 Range 40 East; thence southerly along the west
24 line of Sections 4, 9, 16, 21 and 28 of
25 Township 50 South, Range 40 East, to the South
26 side of the south bank of the South New River
27 Canal; thence Easterly along the south side of
28 the south bank the South New River canal to its
29 intersection with the west line of Section 27,
30 Township 50 South, Range 40 East; thence
31 southerly along the west line of Sections 27

1 and 34, Township 50 South, Range 40 East and
2 continuing along the West line of Section 3
3 Township 51 South, Range 40 East to the
4 Southwest corner of Section 3, Township 51
5 South, Range 40 East; thence east along the
6 south line of Sections 3, 2 and 1 in Township
7 51 South, Range 40 East and continuing along
8 the south line of Sections 6, 5 and 4, in
9 Township 51 South, Range 41 East, to the
10 northwest corner of Section 10, Township 51
11 South, Range 41 East; thence, run south along
12 the west line of said Section 10 to the
13 southwest corner of the north half of said
14 Section 10; thence, run east along the south
15 line of the north half of Sections 10, 11 and
16 12, in Township 51 South, Range 41 East, to the
17 east bank of the drainage ditch along the west
18 side of the Florida Turnpike; thence, run north
19 along the east bank of said ditch to the south
20 line of Section 36, Township 50 South, Range 41
21 East; thence, run east along the south line of
22 said Section 36 to the east side of State Road
23 #7; thence, in a northerly direction along the
24 east side of said State Road #7 to the point of
25 beginning.
26 Section 3. Powers.--The district is hereby granted and
27 shall have full power and authority as follows:
28 a. To contract and be contracted with.
29 b. To sue and be sued.
30 c. To plead and to be impleaded in all courts.
31

1 d. To acquire by purchase, gift, devise, condemnation,
2 eminent domain, or otherwise, property, real or personal, or
3 any estate therein, within or without the district, to be used
4 for any purpose necessary or to meet the needs of any of the
5 purposes of this act.

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

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

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

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

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

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

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

1 l. To construct, improve, pave, and maintain roadways
2 and roads necessary and convenient for the exercise of the
3 powers and duties herein set forth.

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

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

14 o. To borrow money from time to time for periods under
15 1 year and issue negotiable notes or other notes of said
16 district as provided in this act.

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

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

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

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

6 t. To construct roadways over levees and embankments.

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

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

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

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

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

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

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

14 bb. To administer and provide for the enforcement of
15 all the provisions herein, including the making, adopting,
16 promulgating, amending, and repealing of all rules and
17 regulations necessary or convenient for the carrying out of
18 the duties, obligations, and powers conferred on the district
19 created hereby and further for the proper administration and
20 enforcement hereof.

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

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

30 ee. To exercise all of the powers necessary,
31 convenient, incidental, or proper in connection with any of

1 the powers, duties, or purposes of the district as stated in
2 this act; however, none of the powers contained herein shall
3 apply to the works of the South Florida Water Management
4 District.

5 Section 4. Board of commissioners.--

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

10 b. All commissioners shall be elected on an at-large
11 nonpartisan basis, by the qualified electors residing within
12 the district zone that the election is for, in accordance with
13 the procedure provided in this act. No district commissioner
14 elected prior to July 1, 1987, shall be affected in his or her
15 term of office.

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

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

24
25 Zone 1: Beginning at the intersection of the
26 north side of the north bank of the North New
27 River Canal with the west line of Section 4,
28 Township 50 South, Range 40 East, Broward
29 County, Florida; thence, run southeasterly
30 along the north side of the north bank of said
31 canal to the intersection of said bank with the

1 east line of Section 12, Township 50 South,
2 Range 40 East; thence run southerly along the
3 east line of said Section 12, Township 50
4 South, Range 40 East to the Southeast corner of
5 said Section 12, Township 50 South, Range 40
6 East, thence run westerly along the south line
7 of said Section 12, Township 50 South, Range 40
8 East to the Southwest corner of said Section
9 12, Township 50 South, Range 40 East, thence
10 run southerly along the east line of Sections
11 14, 23 and 26, Township 50 South, Range 40 East
12 to the intersection with the south side of the
13 south bank of the South New River Canal; thence
14 run westerly along the south side of the south
15 bank of said canal to the intersection with the
16 west line of Section 28, Township 50 South,
17 Range 40 East; thence, run northerly along the
18 west line of Sections 28, 21, 16, 9 and 4,
19 Township 50 South, Range 40 East to the point
20 of beginning.

21
22 Zone 2: Beginning at the intersection of the
23 north side of the north bank of the North New
24 River Canal with the east line of Section 12,
25 Township 50 South, Range 40 East, Broward
26 County, Florida; thence run southeasterly along
27 the north side of the north bank of said canal
28 to the intersection of said bank with the east
29 line of Section 16, Township 50 South, Range 41
30 East; thence run southerly along the east line
31 of said Section 16, Township 50 South, Range 41

1 East to the southeast corner of said Section
2 16, Township 50 South, Range 41 East; thence
3 run westerly along the south line of said
4 Section 16, Township 50 South, Range 41 East to
5 the southwest corner of said Section 16,
6 Township 50 South, Range 41 East; thence run
7 southerly along the east line of Section 20,
8 Township 50 South, Range 41 East, to the
9 southeast corner of said Section 20, Township
10 50 South, Range 41 East; thence run westerly
11 along the south line of Sections 20 and 19,
12 Township 50 South, Range 41 East, to the
13 southwest corner of said Section 19, Township
14 50 South, Range 41 East; thence continue
15 westerly along the extension of the south line
16 of said Section 19, Township 50 South, Range 41
17 East across the Hiatus between the west line of
18 said Section 19, Township 50 South, Range 41
19 East and the east line of Section 24, Township
20 50 South, Range 40 East to a point on the east
21 line of said Section 24, Township 50 South,
22 Range 40 East; thence continue southerly along
23 the east line of Sections 24 and 25, Township
24 50 South, Range 40 East, to the intersection
25 with the south side of the south bank of the
26 South New River Canal; thence run westerly
27 along the south side of the south bank of said
28 canal to the intersection with the west line of
29 Section 25, Township 50 South, Range 40 East;
30 thence, run northerly along the west line of
31 Sections 25, 24 and 13, Township 50 South,

1 Range 40 East to the Southwest corner of
2 Section 12, Township 50 South, Range 40 East,
3 thence run easterly along the south line of
4 said Section 12, Township 50 South, Range 40
5 East to the Southeast corner of said Section
6 12, Township 50 South, Range 40 East, thence
7 run northerly along the east line of said
8 Section 12, Township 50 South, Range 40 East,
9 to the point of beginning.

10

11 Zone 3: Beginning at the intersection of the
12 south side of the south bank of the South New
13 River Canal and the east right-of-way line of
14 State Road No. 7; thence, run northerly along
15 the east side of said State Road No. 7 to the
16 north line of Section 25, Township 50 South,
17 Range 41 East; thence run westerly along the
18 north line of Sections 25 and 26, Township 50
19 South, Range 41 East, to its intersection with
20 the west line of Tract 8, Tier 29, as shown by
21 the Plat of NEWMAN'S SURVEY, as recorded in
22 Plat Book 2, Page 26, of the Public Records of
23 Dade County, Florida, (all subsequent
24 references to Tract and Tier numbers refer to
25 this Plat) also known as the Southwest corner
26 of Tract 8, Tier 29; thence run northerly along
27 the west line of Tier 29 for a distance of
28 3,356.37 feet more or less to the southwest
29 corner of Tract 4, Tier 29; thence run westerly
30 along the south line of Tract 4 in Tiers 31,
31 33, 35 and 37 and their prolongations thereof

1 for a distance of 2,399.28 ft. more or less to
2 the southwest corner of Tract 4, Tier 37;
3 thence run northerly along the west line of
4 said Tier 37 for a distance of 3,456 ft. more
5 or less to the north right-of-way line of the
6 North New River Canal; thence run northwesterly
7 along the north side of the north bank of said
8 canal to the intersection of said bank with the
9 west line of Section 15, Township 50 South,
10 Range 41 East; thence, run southerly along the
11 east line of Section 16, Township 50 South,
12 Range 41 East to the southeast corner of said
13 Section 16, Township 50 South, Range 41 East;
14 thence run westerly along the south line of
15 said Section 16, Township 50 South, Range 41
16 East to southwest corner of said Section 16,
17 Township 50 South, Range 41 East; thence run
18 southerly along the east line of Section 20,
19 Township 50 South, Range 41 East, to the
20 southeast corner of said Section 20, Township
21 50 South, Range 41 East; thence run westerly
22 along the south line of Sections 20 and 19,
23 Township 50 South, Range 41 East to the
24 southwest corner of said Section 19, Township
25 50 South, Range 41 East; thence continue
26 westerly along the extension of the south line
27 of said Section 19, Township 50 South, Range 41
28 East across the Hiatus between the west line of
29 said Section 19, Township 50 South, Range 41
30 East and the east line of Section 24, Township
31 50 South, Range 40 East to a point on the east

1 line of said Section 24, Township 50 South,
2 Range 40 East; thence continue southerly along
3 the east line of Sections 24 and 25, Township
4 50 South, Range 40 East, to the intersection
5 with the south side of the south bank of the
6 South New River Canal; thence, run easterly
7 along the south side of the south bank of said
8 canal to the point of beginning. Less the
9 following described property: Beginning at the
10 southeast corner of Tract 7, Section 25,
11 Township 50 South, Range 41 East, as shown by
12 Plat of NEWMAN'S SURVEY, as recorded in Plat
13 Book 2, Page 26, Public Records of Dade County,
14 Florida (all subsequent references to Tract and
15 Tier numbers refer to this plat); thence run
16 westerly along the south line of said Tract 7
17 to the northeast corner of Tract 9 of said
18 Section 25, Township 50 South, Range 41 East;
19 thence southerly along the east line of said
20 Tract 9 to the southeast corner of said Tract
21 9; thence westerly along the south line of said
22 Tract 9 to the southwest corner of said Tract
23 9; thence northerly along the west line of
24 Tracts 9 and 8 and their northerly prolongation
25 to an intersection with the south line of Tier
26 13; thence easterly along the south line of
27 Tiers 13, 11 and 9 and their prolongations
28 thereof to an intersection with the northerly
29 extension of the east line of tract 7; thence
30 southerly along the east line of Tract 7 to the
31 point of beginning.

1
2 Zone 4: Beginning at the intersection of the
3 east right-of-way line of State Road No. 7 and
4 the south side of the south bank of South New
5 River Canal; thence, run southerly along with
6 east side of said State Road No. 7 to the south
7 line of Section 36, Township 50 South, Range 41
8 East; thence, run westerly along the south line
9 of Sections 36, 35, 34, 33 and 32 in Township
10 50 South, Range 41 East to the Northeast corner
11 of Section 5, Township 51 South, Range 41 East;
12 thence, run southerly to the Southeast corner
13 of said Section 5, Township 51 South, Range 41
14 East; thence, run westerly along the South line
15 of Sections 5 and 6, Township 51 South, Range
16 41 East to the Southwest corner of said Section
17 6, Township 51 South, Range 41 East; thence,
18 run northerly along the west line of Section 6,
19 Township 51 South, Range 41 East to the
20 Northwest corner of said Section 6, Township 51
21 South, Range 41 East; thence, run easterly
22 along the north line of Sections 6 and 5,
23 Township 51 South, Range 41 East to the
24 Southwest corner of Section 32, Township 50
25 South, Range 41 East; thence, run northerly
26 along the west line of Sections 32 and 29,
27 Township 50 South, Range 41 East to the south
28 side of the south bank of the South New River
29 Canal; thence run easterly along the south side
30 of the south bank of the South New River Canal
31 to the point of beginning.

1
2 Zone 5: Beginning at the Northwest corner of
3 Section 4, Township 51 South, Range 41 East;
4 thence, run southerly along the west line of
5 said Section 4, Township 51 South, Range 41
6 east to the Southwest corner of said Section 4,
7 Township 51 South, Range 41 East; thence, run
8 easterly along the south line of said Section
9 4, Township 51 South, Range 41 East, to the
10 northwest corner of Section 10, Township 51
11 South, Range 41 East; thence, run southerly
12 along the west line of said Section 10,
13 Township 51 South, Range 41 East to the
14 southwest corner of the north half of said
15 Section 10, Township 51 South, Range 41 East;
16 thence run easterly along the south line of the
17 north half of Sections 10, 11 and 12, in
18 Township 51 South, Range 41 East to the east
19 bank of the drainage ditch along the west side
20 of the Sunshine State Parkway (Florida
21 Turnpike); thence, run northerly along the east
22 bank of said ditch to the north line of Section
23 1, Township 51 South, Range 41 East; thence,
24 run westerly along the north line of Sections
25 1, 2, 3 and 4, Township 51 South, Range 41 East
26 to the point of beginning.

27
28 Zone 6: Beginning at the southwest corner of
29 Section 3, Township 51 South, Range 40 East;
30 thence northerly along the west line of said
31 Section 3, Township 51 South, Range 40 East to

1 the southwest corner of Section 34, Township 50
2 South, Range 40 East; thence northerly along
3 the west line of Sections 34 and 27, Township
4 50 South, Range 40 East to the intersection
5 with the south side of the south bank of the
6 South New River Canal; thence easterly along
7 said south bank to the intersection with the
8 east line of Section 30, Township 50 South,
9 Range 41 East; thence southerly along the east
10 line of Sections 30 and 31, Township 50 South,
11 Range 41 East to the north line of Section 5,
12 Township 51 South, Range 41 East; thence
13 westerly along the north line of Sections 5 and
14 6, Township 51 South, Range 41 East to the
15 Northeast corner of Section 1, Township 51
16 South, Range 40 East; thence southerly along
17 the east line of Section 1, Township 51 South,
18 Range 40 East to the Southeast corner of said
19 Section 1, Township 51 South, Range 40 East;
20 thence westerly along the south line of
21 Sections 1, 2 and 3, Township 51 South, Range
22 40 East to the point of beginning.

23 e. All commissioners shall serve a term of 4 years. An
24 election shall be held every 2 years to elect successors for
25 each group, so as to have the various successors elected at
26 the expiration of the term of the respective groups.

27 f. A commissioner shall, at the time of qualification
28 for office, be a resident of the respective zone that he or
29 she desires to represent for the 30 days immediately preceding
30 the date of qualifying for nomination to office. A
31

1 commissioner at the time of his or her qualification for
2 office shall be a qualified voter in Broward County.

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

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

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

25 j. Those commissioners holding office as of January 1,
26 1998, shall serve their full 4-year term. Those commissioners
27 elected in 1998 and 2000 shall assume office on the first
28 Tuesday after the first Monday in January following their
29 elections and shall be installed at the first regularly
30 scheduled meeting in January following their assumption of
31 office and shall serve until the first regular meeting

1 following the first Tuesday after the first Monday in November
2 2002 and 2004, respectively. Subsequently elected
3 commissioners shall assume office and shall be installed at
4 the first regularly scheduled meeting following their
5 election.

6 Section 5. Elections.--

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

11 b. Only such qualified persons for the respective
12 offices shall be eligible to become candidates for such
13 respective offices. The names of all candidates who qualify
14 for an election shall be printed upon the election ballot.
15 Every candidate for nomination for office shall pay to the
16 Supervisor of Elections of Broward County a filing fee in the
17 amount of 3 percent of the annual salary of the office and
18 shall designate the office for which he or she has qualified.
19 Each candidate for nomination for an office shall also take,
20 sign, and subscribe to an oath or affirmation in writing in
21 substantially the following form:

22
23 STATE OF FLORIDA)
24) ss.
25 COUNTY OF BROWARD)

26
27 BEFORE ME, an officer authorized to administer oaths,
28 personally appeared _____, to me well known, who,
29 being sworn says that he or she is a candidate for office of
30 commissioner for zone ____ for the Central Broward Water
31 Control District; that he or she is a qualified elector of

1 Broward County, Florida; that he or she is qualified under the
2 Constitution, the laws of Florida and the laws of Central
3 Broward Water Control District to which he or she desires to
4 be nominated or elected; that he or she has taken the oath
5 required by ss. 876.05-876.10, Florida Statutes (public
6 employees; oath); that he or she has not violated any of the
7 laws of the state relating to elections or the registration of
8 electors; that he or she has qualified for no other public
9 office in the state, the terms of which office or any part
10 thereof runs concurrent with that of the office he or she
11 seeks; that he or she has resigned from any office from which
12 he or she is required to resign pursuant to s. 99.012, Florida
13 Statutes (restrictions on individuals qualifying for public
14 office); and that he or she has submitted a sworn statement of
15 contributions and expenditures, if any, incurred prior to the
16 time of qualifying and since the last preceding general
17 election; that he or she has been a resident of zone ____ of
18 the district for the 30 days immediately preceding the date of
19 qualifying for nomination to office or is otherwise qualified
20 for nomination to office as commissioner of zone ____ of the
21 district; and that he or she is an owner in fee simple of land
22 within the district.

23 _____
24 Signature of Candidate
25

26 SWORN TO and subscribed before me
27 this ____ day of _____, 19__.
28

29 _____
30 Notary Public
31

1 c. Candidates for office shall be required to file
2 their qualification oath, fee, and designation of office with
3 the Supervisor of Elections of Broward County, at any time
4 after noon of the first day for qualifying, which shall be the
5 50th day prior to the first primary, but not later than noon
6 the 46th day prior to the first primary. If a candidate fails
7 to comply with the provisions herein, that candidate's name
8 shall not appear on the ballot. A candidate who has filed the
9 required oath and has paid the qualifying fee and otherwise
10 complied with the provisions herein shall be entitled to have
11 his or her name printed on the official ballot.

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

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

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

29 g. Upon receipt of the certificate of the county
30 canvassers board, the district secretary shall transmit such
31

1 returns to the board of commissioners at the next regularly
2 scheduled meeting.

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

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

17 Section 6. Recall.--

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

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

27 (2) Order the secretary to, and the secretary shall,
28 check the persons' names and eligibility signing the petition.
29 The secretary shall have 10 days in which to return same to
30 the board of commissioners along with his or her certification
31

1 as to whether or not the petition contains the proper
2 percentage of registered freeholders as prescribed herein.

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

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

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

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

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

31

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

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

10 Section 7. Organization of board of commissioners.--At
11 the first regularly scheduled meeting following the first
12 Tuesday after the first Monday in November each year, the
13 board of commissioners shall assemble and organize by choosing
14 one of their members chair of the board, and choosing another
15 one of their members vice chair. Those commissioners elected
16 to the position of chair or vice chair in January 1998, shall
17 continue in those offices until the expiration of their terms.
18 Those commissioners elected to the position of chair or vice
19 chair in January 1999, shall hold those offices until the
20 first regularly scheduled meeting following the first Tuesday
21 after the first Monday in November 1999. The chair shall
22 preside at all meetings. In the chair's absence, the vice
23 chair shall preside and have the same powers and be subject to
24 the same limitations as the chair. Four members of the board
25 including the chair, or the vice chair in the chair's absence,
26 shall constitute a quorum for all purposes. The board shall
27 establish its own rules of procedure. In all matters, the
28 board shall act by resolution and the affirmative votes of a
29 majority, but not less than three of the members of the board
30 that are present at district meetings shall be required to
31 make any determination or effect any action.

1 Section 8. Principal office.--The principal office of
2 the board of commissioners shall be located within the
3 district and the board shall hold general business meetings at
4 such place or places within the district not less than once
5 per month. The board shall have the right to transact business
6 or hold special meetings at such other place or places within
7 the district as may be deemed necessary by a majority of the
8 commissioners.

9 Section 9. Secretary.--The board shall employ some
10 competent person as secretary of the district, who shall
11 administer all clerical and secretarial duties of the district
12 and shall be a full-time employee of the district. The salary
13 of the said secretary shall be fixed by the board. The board
14 may require the secretary to execute a bond for the faithful
15 performance of his or her duties. The secretary shall keep a
16 record of the proceedings of the board and of the minutes of
17 the meetings of the board in a substantially bound book, which
18 shall be open to inspection by any person interested in the
19 district or his or her agent or attorney, at all reasonable
20 times.

21 Section 10. Treasurer.--The board shall employ some
22 competent person or some bank or trust company as treasurer of
23 the district. The treasurer shall execute a bond to the
24 district in such sum as shall be fixed by the board with a
25 surety company as surety. The same person may act as secretary
26 and treasurer of district at the discretion of the board.

27 Section 11. Appointment and duties of district
28 manager.--For the purpose of maintaining and preserving any
29 ditch, road, drain, dike, levee, or other works constructed or
30 erected within the district under the provisions of this
31 charter, for maintaining facilities and equipment owned by the

1 district, and the maintenance of canals and other works of the
2 district, including the removal of obstructions from the same,
3 and such other duties as may be prescribed by the board, the
4 board may employ a district manager who shall have charge and
5 supervision of the works and operations of the district. The
6 same person may act as secretary, treasurer, and manager of
7 the district at the discretion of the board. In the event more
8 than one person is employed by the board as secretary,
9 treasurer, and/or manager, the person appointed manager shall
10 be the person who shall act as the chief operating employee of
11 the district.

12 Section 12. Taxation.--

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

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

1 of Florida pertaining to the Central Broward Water Control
2 District.

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

6 Section 13. Special assessments.--The district created
7 hereby may provide for the construction, reconstruction, and
8 repair of special drainage facilities; the widening and
9 guttering of canals and ditches; and the draining of lands,
10 streets, boulevards, and alleys; and the district may order
11 the construction or reconstruction of storm sewers and drains,
12 including the necessary appurtenances thereto, and may provide
13 for the payment of all or any part of the costs of such
14 improvements by levying and collecting special assessments on
15 the abutting, adjoining, contiguous, or other specifically
16 benefited property.

17 a. Special assessments against property deemed to be
18 benefited by such improvements, as provided in this
19 subsection, shall be assessed upon the property specially
20 benefited by the improvement in proportion to the benefits to
21 be derived therefrom, the special benefits to be determined
22 and prorated according to the front footage or square footage
23 of the respective properties specially benefited by the
24 improvement, or by such other method as the board of
25 commissioners may prescribe.

26 b. Whenever the board of commissioners shall determine
27 that it is wise and expedient to make any of the local
28 improvements herein specified, the cost of which, or any part
29 thereof, is to be assessed against property benefited, it
30 shall adopt a resolution declaring a necessity for the
31 proposed improvement, describing the nature and extent of the

1 work, the general character of materials to be used, a general
2 description of such improvements, the estimated cost of the
3 improvements and the location or area in which such
4 improvements are to be made. Said resolution shall fix a date
5 when the board of commissioners shall meet, which shall not be
6 less than 12 days after the date of the first publication of
7 the notice herein provided, for the purpose of hearing any
8 objections or remonstrances that may be made to said
9 improvements. Notice of the hearing upon said resolution shall
10 be published once a week for 2 consecutive weeks in a
11 newspaper of general circulation in the district, the first
12 publication to be not less than 12 days prior to the date
13 fixed for hearing, which notice shall embrace substantially
14 all the matters required to be set forth in the resolution of
15 necessity.

16 c. At the meeting for hearing objections, or at a time
17 and place to which the same may be adjourned, any person
18 aggrieved may appear in person, by attorney, or by petition,
19 and may object to or protest against said improvements. The
20 board of commissioners shall consider the objections and
21 protests, if any, and may confirm, amend, modify, or rescind
22 the resolution of necessity, and shall determine whether the
23 improvement shall be made, and how the cost thereof shall be
24 paid. The determination of the board of commissioners shall be
25 final and conclusive. If the board of commissioners determines
26 to proceed with such improvements as originally proposed or in
27 an amended or modified form, it shall adopt a resolution
28 determined to proceed, as hereinafter set out.

29 d. The owner of any lot or land bounding and abutting
30 upon a proposed special improvement, who claims that he or she
31 will sustain damage by reason of the improvement, shall

1 present such claim to the board of commissioners at the time
2 of its meeting on the question of whether it should proceed
3 with the improvement as provided in the preceding subsection.
4 Such claim shall be in writing and shall set forth the amount
5 of damages claimed, with a general description of the property
6 with respect to which it is claimed the damage will accrue.
7 Any owner who fails so to do shall be deemed to have waived
8 such damage and shall be barred from thereafter filing a claim
9 or receiving damages therefor. This provision shall apply to
10 all damage which will obviously result from the improvement,
11 but shall not deprive the owner of his or her right to recover
12 damages arising without his or her fault from acts of the
13 district or its agents.

14 e. If, after hearing the objections and protests, if
15 any, the board of commissioners determines that it is
16 expedient to proceed with such improvement in the original or
17 modified form, the board of commissioners shall adopt a
18 resolution determining to proceed with such improvement, which
19 resolution shall disclose what part of the total cost and
20 expenses of the improvement shall be chargeable against and
21 assessed against the property benefited by the improvement,
22 and what part of proportion of the total cost shall be paid by
23 the board of commissioners from its general fund or any
24 special fund on hand for such purposes. The resolution may
25 direct that the whole or any part of the cost and expenses
26 thereof be assessed against the property abutting upon the
27 improvement; or may provide that all property benefited by the
28 improvement may be assessed for such improvement in the manner
29 set out therein.

30 f. The board of commissioners shall have the power to
31 pay out of its general fund, or out of any special fund that

1 may be provided for the purpose, such portion of the cost of
2 the proposed improvement as it may deem to be the proper
3 portion to be borne by the district. Interest accrued while an
4 improvement is under construction, and for 6 months
5 thereafter, shall be deemed part of the cost of the
6 improvement. All engineering and inspection costs and legal
7 and advertising costs, including a proper proportion of the
8 compensation, salaries, and expenses of the engineering staff,
9 properly chargeable to any improvement, shall be deemed a part
10 of the cost of the improvement. When revenue bonds or
11 certificates are issued in order to obtain money with which to
12 make the improvement, all costs and estimated costs incurred
13 in issuing such revenue bonds or certificates and obtaining
14 such funds shall be deemed a part of the cost of the
15 improvement. When local improvements are made by the district,
16 all legal charges, advertising costs, engineering costs,
17 payroll, materials, equipment rental at the prevailing rates,
18 plus not more than 15 percent of the total of payroll,
19 material, and equipment rental cost for general overhead
20 expense, may be included in the cost of the improvement. When
21 the improvement has been completed, the board of commissioners
22 shall ascertain and determine the total cost of the
23 improvement.

24 g. When a majority of the recorded owners of the lands
25 liable to be assessed for any special local improvement shall
26 petition the board of commissioners for any such improvement,
27 the board of commissioners may order such improvement to be
28 made. Other public improvement shall be made at the discretion
29 of the board of commissioners.

30 h. Upon the completion of any improvement hereunder,
31 the board of commissioners shall cause to be prepared a roll

1 or list to be called the assessment list, showing the
2 improvement number, the number of the assessment lien, a
3 description of each lot or parcel of land proposed to be
4 assessed, the amount to be charged against each lot or parcel
5 of land, and the name of each owner as shown on the tax roll
6 or records of the district. Such list shall be a public record
7 constituting notice to the public of the lien against the land
8 so assessed, and no other record or notice thereof shall be
9 necessary to any person or corporation for that purpose. No
10 errors, omissions, or mistakes in regard to description of
11 property shall be held to invalidate any assessment appearing
12 upon such assessment list, where the description given is
13 sufficient to identify the property. After the completion of
14 said assessment list, it shall be delivered to the secretary,
15 who shall thereupon give notice by publication once a week for
16 2 weeks in some newspaper of general circulation in Broward
17 County that the assessment list has been delivered to him or
18 her and is open for inspection at his or her office, and that
19 at the time and place therein mentioned, not less than 15 days
20 after the first publication. The board of commissioners will
21 meet to hear and determine any objections or defenses that may
22 be filed to such assessment or the amount thereof. The notice
23 shall state the number of the improvement, the general
24 character of the work which has been performed, the name by
25 which the improvement is generally known, and the location in
26 which the improvement has been constructed.

27 i. At the time fixed in the notice, or at an adjourned
28 meeting, the board of commissioners shall hear objections to
29 the amount of such assessment which may be made by the owners
30 of real property assessed for such improvement, or by parties
31 having an interest therein, and the board of commissioners

1 shall determine and hear all objections and protests to the
2 proposed assessments under such rules and regulations as it
3 may adopt. The board shall have a right to change or adjust
4 any assessment appearing upon the assessment list, at such
5 meeting, or at any adjourned meeting thereof. When the
6 assessment list has been finally corrected and adjusted, the
7 board of commissioners shall adopt a resolution approving and
8 confirming the assessment list. All assessments as finally
9 fixed and adjusted at the hearing shall, from the date of
10 confirmation of the resolution, constitute a lien on the
11 respective lots or parcels of land, or other real property
12 upon which they are levied, superior to all other liens,
13 except those for district and county taxes. All persons who
14 fail to object to the proposed assessments in the manner
15 herein provided shall be deemed to have consented to and
16 approved the same. All persons who appear at such hearing and
17 whose objections were overruled or denied shall be deemed to
18 be bound by the action of the board of commissioners after 30
19 days from the adoption of the resolution approving and
20 confirming the assessment list, unless suit challenging the
21 assessment be filed, after which time no suit, action, writ,
22 or special proceedings in any manner questioning the legality
23 of the special assessment shall lie for any cause whatsoever.
24 Substantial compliance with the procedure outlined shall be
25 all that is necessary to render the assessment liens valid and
26 incontestable, it being the express intent of the Legislature
27 that the requirements are directory rather than mandatory.
28 j. If any special assessment made hereunder to defray
29 the whole or part of the expense of any local improvement
30 shall be either in whole or in part annulled, vacated, or set
31 aside by the judgment of any court or if the board of

1 commissioners shall be satisfied that any assessment is so
2 irregular or defective that the same cannot be enforced and
3 collected, or if the board of commissioners shall have omitted
4 to make such assessment when it might have done so, it is
5 hereby authorized to take all steps to cause a new assessment
6 for the whole or any part of any improvement or against any
7 property benefited by any improvement, following, as near as
8 may be under the circumstances, the provisions of this
9 charter; and in case such second assessment shall be annulled,
10 the board of commissioners may obtain and make other
11 assessments until a valid assessment is made. No omission,
12 informality, or irregularity in the proceedings preliminary to
13 the making of any special assessment shall affect the validity
14 of the same when the assessment list has been confirmed by the
15 board of commissioners, and the assessment list and the record
16 thereof kept by the district secretary shall be competent and
17 sufficient evidence that the assessment was duly levied and
18 the assessment list duly made and adopted, and that all other
19 proceedings necessary for the adoption of said assessment list
20 were duly had, taken, and performed as required by this law,
21 and no variance from the direction herein contained as to the
22 form and manner of any of the proceedings shall be held
23 material, unless it is clearly shown that the party objecting
24 was materially injured thereby. In case any special assessment
25 shall, in any suit in which its validity is questioned, be
26 adjudged invalid, the board of commissioners may in its
27 discretion notify the district treasurer and collector to
28 cease the collection of the same, if it shall have been
29 transmitted to him or her for collection, and may proceed anew
30 by proceedings either as in case of an original special
31 assessment for the same purpose or by taking up the previous

1 proceedings at any point, and may make and levy a new
2 assessment in the place and stead of the assessment which was
3 adjudged invalid. The district secretary, before delivering
4 such new assessments to the district treasurer and collector
5 for collection, shall ascertain and note thereon payments
6 which have been made on the invalid assessment for the same
7 purpose, which notation shall cancel the assessments as to the
8 parcels and lots on which the payments were made to the extent
9 of the payments. The new assessments shall be collected in the
10 same manner as original special assessments.

11 k. The assessments shall be payable at the time and in
12 the manner stipulated in the resolution providing for the
13 improvements, and the special assessments shall remain liens,
14 coequal with the liens of other taxes, superior in dignity to
15 all other liens, titles, and claims, until paid, and shall
16 bear interest at the rate of 12 percent per annum from the
17 date of the acceptance of the improvement and may, if so
18 provided by the resolution, be made payable in not more than
19 10 equal yearly installments, to which, if not paid when due,
20 there shall be added a penalty at the rate of 1.5 percent per
21 month, until paid, provided that the assessments may be paid
22 without interest at any time within 30 days after the
23 improvement is completed, and a resolution accepting the same
24 has been adopted by the board of commissioners. The owner of
25 the property desiring to pay his or her assessment in
26 installments, if it shall be permitted, shall, within the
27 30-day period, file with the district secretary a written
28 application to pay the assessments in installments, which
29 application shall state that the applicant and property owner
30 waives all irregularities or defects, constitutional,
31 jurisdictional, or otherwise, in the proceedings for the

1 improvement for which the assessments are levied, and in the
2 apportionment of the cost thereof; and, thereafter, the
3 validity of the assessments shall not be called in question.
4 The payment of an assessment, in whole or in part, shall
5 constitute a waiver of all defects, constitutional,
6 jurisdictional, or otherwise, in the proceedings. Said
7 application shall also contain an agreement that the applicant
8 and property owner shall pay the special assessment in
9 installments at the date fixed by the resolution with interest
10 at the rates specified in the resolution. The application
11 shall also make a reference to the number of the improvement,
12 and shall contain a description of the lots or parcel or of
13 property of the applicant assessed for the improvement.
14 1. Each annual installment provided for in subsection
15 k. shall be paid upon the dates specified in the resolution,
16 with interest upon all deferred payments until the entire
17 amount of the assessment has been paid, and upon the failure
18 of any property owner to pay any annual installment due, or
19 any part thereof, or any annual interest upon deferred
20 payments, the board of commissioners shall cause to be brought
21 the necessary legal proceedings by a bill in chancery to
22 enforce payment thereof with all accrued interest and
23 penalties, together with all legal costs incurred, including a
24 reasonable attorney's fee, to be assessed as part of the costs
25 and in the event of default in the payment of any installment
26 of an assessment, or any accrued interest on said assessment,
27 the whole assessment, with the interest and penalties thereon,
28 shall immediately become due and payable and subject to
29 foreclosure. In the foreclosure of any special assessment,
30 service of process against unknown or nonresident defendants
31 may be had by publication, as now provided by law in other

1 chancery suits. The foreclosure proceedings shall be
2 prosecuted to a sale and conveyance of the property involved
3 in said proceedings as now provided by law in suits to
4 foreclose mortgages; or in the alternative, said proceedings
5 may be instituted and prosecuted under chapter 173, Florida
6 Statutes, Foreclosure of Municipal Tax and Special Assessment
7 Liens.
8 m. After the equalization, approval, and confirmation
9 of the levying of the special assessments for improvements as
10 herein provided and as soon as a contract for the improvement
11 has been finally effected, the board of commissioners may by
12 resolution authorize a loan or authorize the issuance of
13 bonds, to be designated "improvement bond series no. ___" in an
14 amount not in excess of the aggregate amount of the liens
15 levied for the improvements. The loans or bonds shall be
16 payable from a special and separate fund to be known as the
17 "improvement fund, series no. __," which shall be used solely
18 for the payment of the principal and interest of said loans or
19 bonds and for no other purpose. The fund shall be deposited in
20 a separate bank account and all the proceeds collected by the
21 district from the principal, interest, and penalties of the
22 liens shall be deposited and held in the fund. The loans or
23 bonds so issued shall never exceed the amount of the liens
24 assessed, and the loans or bonds shall mature not later than 6
25 months after the maturity of the last installment of the
26 liens. The loans or bonds shall bear certificates signed by
27 the board of commissioners certifying that the amount of liens
28 levied, the proceeds of which are pledged to the payment of
29 the loans or bonds, are equal to the amount of the loans or
30 bonds issued. Said loans or bonds shall not be a charge on, or
31 payable out of, the general revenues of the district, but

1 shall be payable solely out of the assessments, installments,
2 interest, and penalties. Any surplus remaining after payment
3 of all bonds and interest thereon shall revert to the district
4 and be used for any district purpose.

5 Section 14. Annual district budget.--The Board of
6 Commissioners of the Central Broward Water Control District
7 shall sit as a budget commission to pass and approve a budget
8 for the operation of the affairs of the Central Broward Water
9 Control District. The fiscal and budget year of the district
10 shall begin on the first day of October and shall end on the
11 last day of September of the following year, unless the board
12 of commissioners, by resolution, establishes a different
13 fiscal year. The annual budget shall be a complete financial
14 plan for the ensuing budget year and shall be based upon an
15 operating budget and a capital budget. The capital budget
16 shall provide for the acquisition of real estate and other
17 fixed assets and long term liability accounting. The operating
18 budget shall provide for all other classes of expenditure. The
19 proposed budget submitted by the board of commissioners shall
20 include the following:

21 a. A budget message in which the board of
22 commissioners shall:

23 (1) Report on the district's financial condition and
24 prospects.

25 (2) Explain in both terms of money and work programs
26 the important features of the operating budget.

27 (3) Identify the major projects in the capital budget.

28 (4) Outline the financial policies proposed for the
29 ensuing budget year.

30 b. Appropriate statements showing for each fund the
31 estimated transactions and balances for the ensuing year and

1 comparative data for the current year and the immediate past
2 budget year.

3 c. Detailed schedules of all estimated revenues for
4 the ensuing budget year and comparative data for the current
5 year and the immediate past budget year.

6 d. Operating budget schedules showing by activity or
7 program the proposed operating expenditures for the ensuing
8 budget year. Comparative expenditure data and information on
9 work programs for the current year and the immediate past
10 budget year should also be presented.

11 e. Capital budget schedule showing the total proposed
12 expenditures on each capital project during the ensuing budget
13 year and a detailed project breakdown of the sources of funds
14 showing the funds available and the amounts to be
15 appropriated, borrowed, or derived from other sources.

16 Section 15. Formulation and submission of budget.--The
17 procedure for the formulation and submission of the annual
18 budget shall be as follows:

19 a. On or before a date specified by the board of
20 commissioners, the district manager shall transmit to the
21 board of commissioners estimates for the ensuing fiscal year
22 of operating expenditures for the district, containing the
23 following information:

24 (1) Detailed estimates of the expenses of conducting
25 the program of the district for the next ensuing fiscal year.

26 (2) Expenditures for corresponding items for the
27 immediate past fiscal year.

28 (3) Expenditures for corresponding items for the
29 current fiscal year, including adjustments to or transfers
30 between appropriations, plus an estimate of the necessary
31 expenditures to complete the current fiscal year.

1 (4) Value of supplies and materials on hand at the
2 date of preparation of the estimate.

3 (5) Increases or decreases of requests compared with
4 corresponding appropriations for the current year, with
5 reasons for such requested increases or decreases.

6 (6) Other works program information and supporting
7 data as the board of commissioners may require.

8 b. On or before a date specified by the board of
9 commissioners, the district manager shall transmit to the
10 board of commissioners his or her financial report comprising
11 the operating estimates of the following:

12 (1) An itemization of all assessable property and all
13 probable income or revenues from fixed sources for the ensuing
14 fiscal year.

15 (2) An itemization of the outstanding district debt
16 with a schedule of maturities of such obligations.

17 (3) Schedule of necessary amounts for interest on the
18 district debt, for sinking funds, and for payment of maturing
19 obligations.

20 (4) Other information as may be required by the board
21 of commissioners.

22 c. The board of commissioners shall review all
23 estimates and the capital improvement program prepared and
24 shall formulate the proposed budget, making such revisions or
25 estimates as it deems necessary.

26 Section 16. Consideration and adoption of the budget
27 by the board of commissioners.--The board of commissioners
28 shall determine the time and place at which it will hold
29 public hearings on the budget. The public hearings shall be
30 scheduled and notice published in accordance with the
31 requirements of the Florida Department of Revenue and Broward

1 County Property Appraiser's Office. Additional public hearings
2 on the budget may be scheduled by the board. At the first
3 public hearing required by the Florida Department of Revenue
4 and Broward County Property Appraiser's Office, the district
5 board of commissioners shall, after reviewing and discussing
6 the budget, approve a tentative budget and tentative
7 assessment rate for taxation of all assessable land located
8 within the boundaries of the district. At the second and final
9 public hearing required by the Florida Department of Revenue
10 and Broward County Property Appraiser's Office, the district
11 board of commissioners, after reviewing and discussing the
12 budget, shall, by majority vote, adopt the budget, set the
13 assessment rate for taxation of all assessable land located
14 within the boundaries of the district, and authorize
15 appropriations for the ensuing budget year. The adopted budget
16 shall be printed and copies shall be made available for
17 distribution. After the budget is adopted, the board of
18 commissioners may revise the expenditures of the budget by
19 increasing, decreasing, inserting, or deleting appropriation
20 items, except that it shall not reduce appropriations for debt
21 service. The board of commissioners may revise revenue
22 estimates if such revision is concurred in by a majority, but
23 not less than three of its members.

24 Section 17. Tax roll.--

25 a. The county Property Appraiser of Broward County
26 shall certify to the board of commissioners of the Central
27 Broward Water Control District the total assessed value of
28 real property located within the boundaries of the district,
29 on or before the first day of July of each year, said
30 certification to be prepared from the tax roll of Broward
31 County.

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

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

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

27
28 SPECIAL WARRANT FOR COLLECTION OF DRAINAGE
29 TAXES: STATE OF FLORIDA, TO
30 _____ , TAX COLLECTOR OF
31 THE COUNTY OF BROWARD. YOU ARE HEREBY COMMANDED

1 TO COLLECT OUT OF THE REAL ESTATE AGAINST WHICH
2 DRAINAGE TAXES ARE ASSESSED AND SET FORTH IN
3 THIS ROLL, AND FROM THE PERSONS OR CORPORATIONS
4 NAMED THEREIN, AGAINST WHOSE LANDS DRAINAGE
5 TAXES ARE ASSESSED, THE DRAINAGE TAX SET DOWN
6 IN SAID ROLL OPPOSITE EACH NAME, CORPORATION,
7 OR PARCEL OF LAND THEREIN DESCRIBED, AND IN
8 EACH CASE SUCH DRAINAGE TAX IS NOT PAID ON OR
9 BEFORE THE FIRST DAY OF APRIL NEXT, YOU ARE TO
10 COLLECT THE SAME BY LEVY AND SALE OF THE LANDS
11 SO ASSESSED; AND ALL SUMS COLLECTED FOR
12 DRAINAGE TAXES YOU ARE TO PAY TO THE TREASURER
13 OF CENTRAL BROWARD WATER CONTROL DISTRICT.
14 GIVEN UNDER MY HAND AND SEAL, THIS _____ DAY OF
15 _____ , 19__.

17
18 PROPERTY APPRAISER, BROWARD COUNTY

19
20 Such warrant shall remain in full force until all the Central
21 Broward Water Control District taxes shown in said roll to be
22 assessed shall be collected.

23 e. The Tax Collector of Broward County shall make
24 returns and remittances of money collected by him or her for
25 Central Broward Water Control District in the manner and time
26 provided by law. Central Broward Water Control District may,
27 from time to time, make audits or checks of the tax assessment
28 roll at the property appraiser's office, and the tax collector
29 shall furnish all that is required by law.

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

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

7 Section 18. Tax due date and sale of lands for
8 nonpayment.--All drainage taxes or assessments levied by this
9 charter shall be payable on the first Monday in November of
10 the year for which the same are assessed, and the collector
11 shall collect the same on or before the first day of April
12 following. The tax collector is authorized to receive the
13 taxes and issue receipts therefor without requiring the
14 payment of any other taxes. If the tax shall not be paid on
15 any parcel or parcels of land on or before the first day of
16 April in the year following that for which such assessment is
17 made, the tax collector shall advertise and sell such lands in
18 the manner as is now provided by law for the sale of lands for
19 the nonpayment of state and county taxes. The said collector
20 shall advertise and sell such lands for sale by publishing
21 notice thereof, or by posting in the same manner as is now
22 provided by law for the sale of lands for nonpayment of state
23 and county taxes, except as otherwise provided herein, but no
24 lands which have previously been sold for the nonpayment of
25 such taxes or assessments, and for which unredeemed
26 certificates are outstanding in the name of Central Broward
27 Water Control District shall be again advertised and sold for
28 the nonpayment of such tax, but the tax or assessment for
29 every year subsequent to such sale shall continue as a lien
30 upon such land superior in dignity to all other liens and
31 coordinate with the lien for state and county taxes and other

1 taxes of equal dignity, until paid. The board of commissioners
2 may select the newspaper in which the advertisement of sale
3 shall be published, which shall be a newspaper as might
4 legally be selected for the publication of notice of sale for
5 state and county taxes; however, if the board shall not select
6 such newspaper and notify the collector of such selection or
7 before the first day of April of any year, the advertisement
8 shall be published in the newspaper selected by the board of
9 county commissioners for the advertisement of state and county
10 taxes. The charges for the publication of such notice shall be
11 the same as provided for sale for state and county taxes.

12 Section 19. Publication of notice of tax sales.--Proof
13 of the publication of such advertisement of sale shall be
14 filed by the tax collector as provided in case of state and
15 county tax sales, except that no copy of the newspaper
16 containing such advertisement need be furnished the
17 comptroller, and that one copy shall be filed in the office of
18 the secretary of the district. All such sales for taxes levied
19 under this act shall take place at the time and place provided
20 for state and county tax sales and may continue from day to
21 day until finished.

22 Section 20. Minimum sales price at tax sales.--At the
23 time and place fixed for the sale, after advertisement as
24 required in this charter, the collector shall publicly offer
25 the lands for sale to realize the amount of the tax, interest,
26 penalties, and costs. If the amount of the tax, interest,
27 penalties, and costs is not bid for any tract, piece, or
28 parcel of land, it shall be the duty of the collector making
29 such sale to bid the whole amount thereof as aforesaid in the
30 name of Central Broward Water Control District, and to sell
31 the same to the said district, and to execute his or her

1 certificate therefor in the same manner as if the Central
2 Broward Water Control District had purchased the same at the
3 sale.

4 Section 21. Immediate payment at tax sales.--The tax
5 collector shall require immediate payment by any person to
6 whom any parcel of such land may be struck off, and, in all
7 cases where payment is not made within 1 hour, he or she may
8 declare the bid canceled and sell the land again.

9 Section 22. Tax certificate.--As soon as practicable
10 after the sale, the collector shall issue the purchaser or
11 purchasers a certificate of sale for the land purchased, which
12 certificate shall contain the name and address of the
13 purchaser as given to him or her by the purchaser or his or
14 her agent, a description of the land, the amount bid therefor,
15 and the date of such sale, which certificate shall be signed
16 by the collector.

17 Section 23. Compensation for tax assessor and tax
18 collector.--Each property appraiser placing the assessments
19 herein provided for upon the tax roll shall receive the same
20 compensation therefor as had been heretofore and is now
21 provided by law for the performance of like duties in
22 connection with taxes and assessments of the Napoleon B.
23 Broward Drainage District, and each collector shall receive
24 the same compensation for collecting the taxes hereby levied
25 and for making of sales hereunder and issuing of certificates
26 and the performance of other duties in connection therewith as
27 had been heretofore and is now provided by law for like duties
28 in connection with Napoleon B. Broward Drainage District. All
29 fees and commissions provided for herein shall be paid in the
30 first instance by the board of commissioners, but shall be

31

1 considered as part of the costs of sale when such lands are
2 redeemed or sold by the district.

3 Section 24. Triplicate list of
4 certificates.--Immediately after any sale for the nonpayment
5 of drainage taxes levied hereunder, the tax collector shall
6 make a list in triplicate of all lands sold for such taxes,
7 showing the date of sale and number of certificate, the name
8 of the owner as shown on the tax roll, a description of the
9 land sold, the name of the purchaser, and the amount for which
10 the sale was made, and each collector shall append to each of
11 the lists a certificate stating further that such sale was
12 made according to law. One of the lists shall be filed in the
13 office of the board of commissioners of said district, one
14 shall be retained by the collector, and the third shall be
15 filed in the office of the clerk of the circuit court, who
16 shall enter the same in a book to be provided by the board for
17 that purpose and the clerk shall receive the same fee for such
18 recording as is paid for other recording, each five figures to
19 be counted as one word. Such fees shall be paid by the board.
20 Such book shall be in substantially the same form as had been
21 heretofore and is now provided by law in connection with
22 Napoleon B. Broward Drainage District taxes, and shall have
23 like force and effect.

24 Section 25. Redemption of tax certificates.--

25 a. Any tax certificate issued under the provisions of
26 this charter may be redeemed by the owner of the lands covered
27 by the the certificate, or any person claiming to be the owner
28 thereof, or his or her agent or attorney, by paying to the
29 clerk of the circuit court for the county wherein such lands
30 may lie, on or before 2 years after the date of such
31 certificate, the amount of taxes provided for under this

1 charter for such year and all costs and charges as shown by
2 the certificate, together with the principal amount of the
3 certificate and penalty on the amount from the first day of
4 April preceding the sale at the rate of 2 percent per month on
5 the amount of the taxes from date of delinquency until paid,
6 together with all subsequent omitted taxes or assessments
7 imposed under this charter due and payable thereon. In
8 computing the penalty, each fractional part of a month shall
9 be counted as a full month.

10 b. In the event any certificate is not redeemed as
11 provided for herein, the holder thereof may apply to the clerk
12 of the circuit court of the county for a deed to the lands
13 described in the certificate. The clerk shall thereupon cause
14 to be published, at the expense of the applicant in a
15 newspaper published in the county once each week for 4
16 consecutive weeks, a notice of the application for a deed to
17 the lands and of his or her intention to execute the deed, and
18 during that time the owner of the lands, or anyone claiming
19 the ownership thereof, or his or her agent or attorney, may
20 redeem the certificate by paying to the clerk the amounts
21 required to be paid for redemption and the publication charge
22 for the notice, but, if at the expiration of the time fixed in
23 the notice for the making of said deed such certificate is not
24 redeemed as provided herein, the clerk shall execute a deed to
25 the holder of the certificate for the lands therein described.
26 Such deed shall be in substantially the same form as now
27 provided for state and county tax deeds, and shall vest in the
28 grantee the fee simple title to the lands therein described,
29 free from all liens, except for state and county taxes and
30 other taxes of equal dignity, and the deed shall be entitled
31 to record in the same manner as state and county tax deeds.

1 Before being entitled to receive such deed, the grantee named
2 therein, or his or her agent or attorney, shall pay to the
3 clerk of the court all fees and charges that are now required
4 to be paid upon the application for a tax deed in cases where
5 lands have been sold for unpaid state and county taxes.
6 Whenever any tax certificate is redeemed or deed issued
7 thereon, the clerk shall enter that fact opposite the
8 description of said lands in the book herein required to be
9 filed in his or her office, and shall enter the date when deed
10 was executed, and by whom redeemed or to whom deeded, and the
11 amount paid therefor. If the certificate so redeemed is held
12 by Central Broward Water Control District, the clerk shall
13 transmit to the treasurer of the district the amount paid for
14 the redemption of such certificate, and the treasurer shall
15 forward to the clerk the certificate for cancellation. If the
16 certificate is held by an individual or corporation other than
17 the district, the clerk shall pay the sum received for the
18 redemption of such certificate to the holder thereof, or his
19 or her attorney, upon delivery of the certificate to the clerk
20 for cancellation.

21 c. No such tax deeds shall be set aside or deemed
22 ineffectual to convey title because of any defect in
23 description of the premises in the tax rolls, or collector's
24 warrant, or advertisement of sale, or certificate of sale or
25 tax deed or other document, notice, or paper prescribed
26 herein, provided the description given is sufficient to
27 describe the premises with reasonable certainty, nor because
28 of any defect in the form or execution of the tax rolls or
29 collector's warrant or advertisement of sale or certificate of
30 sale or the notice of the application shall have been made, or
31 because the taxes were assessed, extended, or sold without

1 giving the correct name or any name of the owner of the
2 premises, or because of any other matter or thing whether
3 herein expressly enumerated or not, save and except that the
4 premises sold were not liable to the tax or that the tax
5 thereon had been paid at the date of sale. If any deed or
6 deeds be invalid for either of the reasons last given, the
7 board of commissioners shall on application therefor refund to
8 the purchaser, or his or her assigns, of the lands so sold,
9 the amount of drainage taxes received in connection therewith,
10 with interest at 6 percent per annum. All tax deeds and deeds
11 issued by the board of commissioners pursuant to this charter
12 shall be and are hereby declared to be prima facie evidence of
13 the regularity of the proceedings from the date hereof to the
14 date of the issuance of the deed or deeds, and such deed or
15 deeds shall be permitted thereto, except the two defenses last
16 herein mentioned and the defense that no notice of application
17 for the tax deed was at any time either posted or published as
18 herein required.

19 Section 26. Conveyances by board of nonredeemed lands
20 and foreclosure of liens established by certificates.--

21 a. When land is bid off by the tax collector for the
22 Central Broward Water Control District, the certificate shall
23 be issued by the tax collector as of the date of sale in the
24 name of "Central Broward Water Control District" and if the
25 land is not redeemed on or before 2 years after the date of
26 such certificate as herein provided, the title of the same
27 shall immediately vest in the Central Broward Water Control
28 District without the issuance of any deed as provided in other
29 cases, and the certificate held by the district shall be
30 evidence of the title of the district. The board may sell and
31 convey the lands by deed at the best price obtainable

1 therefor, provided such price shall not be less than the
2 amount of all drainage taxes upon the lands which shall have
3 become due and payable thereon pursuant to the provisions of
4 this charter; and, provided further, that the lands shall not
5 be sold by the board until notice of the board's intention to
6 make such sale shall have been published once each week for 4
7 consecutive weeks in a newspaper published in Broward County,
8 Florida, the first publication of which shall be not less than
9 30 nor more than 45 days prior to any sale, which notice shall
10 set forth the time and place of sale and a description of the
11 lands to be offered for sale. The board may reject any and all
12 bids offered for the lands, and may thereafter sell the lands
13 at any time without further publication.

14 b. It shall be the further duty of the board to send
15 by registered mail at least 15 days before the date of sale a
16 copy of such proposed notice to the last known address of the
17 person, firm, or corporation to whom the lands described in
18 the notice were last assessed. However, the failure of the
19 person, firm, or corporation to whom the land was last
20 assessed to receive such notice shall not invalidate the sale
21 or affect the rights of the purchaser thereunder, nor shall
22 the failure of the board to give such notice by mail
23 invalidate the sale or affect the rights of the purchaser
24 thereunder, it being the intention that this provision for
25 mailing of the notice shall be directory only.

26 c. However, the district or its board of commissioners
27 may before any tax sale certificates held by said district or
28 its board of commissioners becomes 2 years old, foreclose the
29 lien established by such certificate by an action in chancery.
30 The pleadings, process, proceedings, practice, and sales, in
31 cases brought for the foreclosure of such lien shall be the

1 same as in action for the enforcement of mortgages upon real
2 estate. One or more parcels of land may be included in one
3 suit.

4 d. Further, the provisions hereof shall not be
5 construed to invalidate county or other taxes against the
6 property of equal dignity and provided further that any amount
7 paid by the district for any such other taxes shall operate to
8 transfer the lien of the taxes to the district and the lien
9 may be included and enforced and foreclosed in any suit or
10 proceeding instituted by the district or its board of
11 commissioners for the enforcement or foreclosure of any
12 district tax lien against the same land.

13 e. The deeds of conveyance executed by the board to
14 such lands shall be signed by the chair of the board, and
15 attested by the secretary of the district under the seal of
16 the district, and shall vest in the grantee of such deed the
17 fee simple estate to such lands, free from all liens of any
18 character except such liens as may exist for state and county
19 and Central Broward Water Control District taxes thereon, and
20 such deeds shall be incontestable.

21 Section 27. Tax certificates held by treasurer and
22 sales proceeds treated as taxes collected.--All tax
23 certificates issued in the name of the district under the
24 provisions of this charter shall be held by the treasurer of
25 the district. The proceeds of the sales of any lands under the
26 provisions of the preceding section shall be held and disposed
27 of by the board in like manner as taxes collected are required
28 to be held and disposed of by the board under the provisions
29 of this charter.

30 Section 28. Short-term indebtedness.--The board of
31 commissioners may from time to time issue warrants and

1 negotiable notes or other evidences of debt of the district as
2 now created, or for any valid debt of the district with
3 maturities not exceeding 1 year after date of issue, all of
4 which shall be termed "short-term indebtedness" in order to
5 distinguish the same from the long-term debt herein provided
6 for. The notes or other evidences of indebtedness shall be
7 payable at such times and shall bear such rate of interest as
8 the board may deem advisable. The board shall have the right
9 in order to provide for the payment thereof, and pledge the
10 whole or any part of the taxes provided for in this charter,
11 whether the same shall be theretofore or thereafter levied,
12 and the board shall have the right to provide that the said
13 short-term debt shall be payable from the proceeds of any such
14 tax, or both. However, the amount of any short-term
15 indebtedness which may be outstanding at any time shall not
16 exceed 90 percent of the total amount of taxes levied
17 hereunder excluding special assessment taxes.

18 Section 29. Long-term indebtedness.--The board is
19 hereby authorized and empowered, in order to provide for the
20 work to be performed by the board, to borrow money on loans
21 for periods over 1 year and to incur obligations from time to
22 time on such terms and at such rates of interest as they deem
23 proper, not to exceed 18 percent or as provided for in state
24 statutes, for the purpose of raising funds to conduct and
25 prosecute to final completion the canals, drains, dikes, dams,
26 locks, and reservoirs now in process of construction in the
27 territory embraced in the district, and to build and construct
28 other canals, drains, dikes, dams, locks, and reservoirs and
29 other works as the board may deem advantageous to the
30 territory embraced in the district, and to provide the
31 expenses incident to such work and all expenses necessary or

1 needful to be incurred in carrying out the purposes of this
2 charter. In order to facilitate the board in borrowing the
3 money necessary to carry out the purposes aforesaid, the board
4 is hereby authorized and empowered to issue in the corporate
5 name of the district negotiable coupon bonds of the Central
6 Broward Water Control District.

7 Section 30. Bonds.--

8 a. All bonds authorized by this charter to be issued
9 shall be signed by the chair of the board and such other
10 member of the board designated by the board, under the seal of
11 the board. The bonds shall be in such form as shall be
12 prescribed by the board, shall recite that they are issued
13 under the authority of chapter 61-1439, Laws of Florida, as
14 amended, and shall pledge the faith and credit of the board of
15 commissioners of Central Broward Water Control District for
16 the prompt payment of the principal and interest thereof. The
17 bonds shall be numbered consecutively in the order of their
18 issuance. Interest coupons shall be attached to the bonds and
19 the coupons shall be consecutively numbered, specifying the
20 number of the bond to which they are attached, and shall be
21 attested by the lithographed or engraved facsimile signature
22 of the chair or such other member of the board as the board
23 shall designate.

24 b. It shall be the duty of the board of commissioners,
25 in making the annual tax levy as herein provided, to take into
26 account the maturing bonds and interest on all bonds and
27 expenses, and to make provision in advance for the payment of
28 the same.

29 c. After the bonds have been executed and sealed and
30 examined as herein provided, they shall be delivered to the
31 treasurer who shall give his or her receipt to the board

1 therefor, and the treasurer shall enter in a book to be kept
2 by him or her, the number of each bond, the rate of interest,
3 the time it becomes due, the date of sale, the person to whom
4 sold, and his or her post office address. The treasurer shall
5 hold the bonds and be the legal custodian thereof, and shall
6 deliver the same to the purchasers upon resolution of the
7 board duly recorded in the minutes of the board.

8 d. The treasurer shall, at the time of the receipt by
9 him or her of the bonds, execute and deliver to the chair of
10 the board of the district a bond with good and sufficient
11 surety to be approved by the board, conditioned that he or she
12 shall account for and pay over, as required by law and as
13 ordered by said board of commissioners, any and all moneys
14 received by him or her on the sale of such bonds, or any of
15 them, and that he or she will only sell and deliver the bonds
16 to the purchaser or purchasers thereof under and according to
17 the terms herein prescribed, and that he or she will return to
18 the board of commissioners and duly cancel any and all bonds
19 not sold when ordered by the board to do so. The bonds when so
20 returned shall remain in the custody of the chair of the board
21 of commissioners, who shall produce the same for inspection or
22 for use as evidence whenever and wherever legally requested to
23 do so. The treasurer shall promptly report all sales of bonds
24 to the board of commissioners.

25 e. In case any officer whose signature,
26 countersignature, and certificate appears upon said bonds and
27 coupons shall cease to be such officer before the delivery of
28 such bonds to the purchaser, such signature or
29 countersignature and certificate shall nevertheless be valid
30 and sufficient for all purposes the same as if the officer had
31 remained in office until the delivery of the bonds.

1 Section 31. Payee of bonds.--Any bonds issued under
2 the provisions of this charter shall be payable to bearer
3 only, unless the same shall be registered in conformity with
4 the resolution of the board authorizing such bonds, in which
5 event the bonds shall be payable to the registered owner
6 thereof only, and the resolution shall fully provide the
7 manner and condition of such registration.

8 Section 32. Bonds negotiable.--

9 a. This charter shall, without reference to any other
10 act of the Legislature of Florida, be full authority for the
11 issuance and sale of the bonds authorized in this charter,
12 which bonds shall have all the qualities of negotiable paper
13 under the law merchant and shall not be invalid for any
14 irregularity or defect in the proceedings for the issuance and
15 sale thereof; and shall be incontestable in the hands of bona
16 fide purchasers or holders thereof. No proceedings in respect
17 to the issuance of any such bonds shall be necessary, except
18 such as are required by this charter. The provisions of this
19 charter shall constitute an irrepealable contract between the
20 board of commissioners and the Central Broward Water Control
21 District and the holders of any bonds and the coupons thereof
22 issued pursuant to the provisions thereof. Any holder of any
23 of the bonds or coupons may, either in law or in equity by
24 suit, action, or mandamus, enforce and compel the performance
25 of the duties required by this charter of any of the officers
26 or persons mentioned in this charter in relation to the bonds,
27 or to the correct enforcement and application of the taxes for
28 the payment thereof.

29 b. All bonds issued hereunder regardless of the time
30 of sale shall be of equal rank each with the other, and
31

1 without priority one over the other, except as to time of
2 payment therein stated.

3 c. After the several bonds and coupons are paid and
4 retired as herein provided, they shall be returned to the
5 treasurer and they shall be canceled and an appropriate record
6 thereof made in a book to be kept for that purpose, which
7 record of paid and canceled bonds shall be kept at the office
8 of the treasurer and shall be open to inspection of any
9 bondholder at any time.

10 Section 33. Powers of commissioners to carry out
11 plan.--The board of commissioners of the district created
12 hereby shall have full power and authority to build,
13 construct, excavate, and complete any and all works and
14 improvements which may be needed to carry out, maintain, and
15 protect "the comprehensive water management plan." To
16 accomplish that end the board of commissioners may employ
17 persons and teams and purchase machinery, employ persons to
18 operate same, and directly have charge of and construct the
19 works and improvements in such manner or by use of other or
20 more efficient means than provided for in the plans adopted.
21 The board of commissioners may, at its discretion, let the
22 contract for such works and improvements, either as a whole or
23 in sections, and when such contracts are let they shall be
24 advertised and let to the lowest and best bidder, who shall
25 give a good and approved bond, with ample security,
26 conditioned that he or she will promptly carry out the
27 contract for such work and improvements under such terms and
28 conditions as the board of commissioners deems necessary;
29 which contract shall be in writing and to which shall be
30 attached, and made a part thereof, complete plans and
31 specifications of the work to be done and improvements to be

1 made under such contract, which plans and specifications shall
2 be prepared by the district's engineer and shall be
3 incorporated in, and attached to, the contract; and such
4 contract shall be prepared by the attorney for the district
5 and approved by the board of commissioners and signed by its
6 chair or vice chair and the contractor and executed in
7 duplicate. The district manager shall be the superintendent of
8 all the works and improvements, and shall, at least once each
9 year and when required, make a full report to the board of all
10 work done and improvements made, and make suggestions and
11 recommendations to the board as he or she may deem proper.

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

25 a. Conditions precedent to be met for land to be
26 platted on the public records of the appropriate governmental
27 authority to assure provisions for proper drainage and water
28 management and the procedures to be followed in connection
29 therewith including cooperation with the county engineer, and
30 the posting of such bonds in such amounts on such conditions
31 as are deemed necessary in such plats to ensure the proper and

1 timely completion of such drainage and water management
2 provisions. No plat for the subdivision of any land within the
3 district shall be entitled to record without the approval of
4 the board of commissioners.

5 b. Code of general specifications and procedures for
6 the obtainment of a permit and for hearings in connection
7 therewith before the board of commissioners for approval of
8 plans for all structural improvements coming into, over, onto,
9 or through any of the waterways of the district.

10 c. Code of specifications as to content of discharge
11 and effluents coming into the waterways of the district.

12 Section 35. Commissioners authorized to obtain consent
13 of United States.--In case the comprehensive water management
14 plan of the district organized and incorporated under this
15 charter and the improvement provided thereunder be of such a
16 nature as requires the permission or consent of the government
17 of the United States, or any department or officer of the
18 government of the United States, the board of commissioners
19 may obtain the required permission or consent of the
20 government of the United States or any proper officer or
21 department thereof; and to that end the board of commissioners
22 may bind the district to comply with any conditions that may
23 be attached to such permissions or consent, including the
24 giving of any bond or other obligation for the faithful
25 performance of such conditions.

26 Section 36. Sureties on bonds may be bonding company;
27 payable to district; provisions, etc.--The sureties required
28 on any or all bonds required to be given by this charter may
29 be a surety or bonding company approved by the board of
30 commissioners, and shall be made payable to the district by
31 its corporate name, in which name all suits shall be

1 instituted and prosecuted. All penalties herein named shall be
2 payable to and recoverable by the district. All bonds required
3 by this charter shall cover defaults of deputies, clerks, or
4 assistants of the officers appointing them.

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

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

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

29 b. Any person who willfully or otherwise obstructs any
30 canal, drain, ditch, or watercourse, or impedes or obstructs
31 the flow of water thereof, or damages or destroys any drainage

1 works constructed by any drainage district is guilty of a
2 misdemeanor of the first degree, punishable as provided by
3 general law.

4 c. If the board of commissioners finds and determines
5 that any dike, culvert, bridge, crossing, or any other device
6 in any canal, drain, ditch, or watercourse which is used for
7 servicing any property or providing access thereto constitutes
8 an obstruction or impediment to the free flow of water or
9 drainage, whether the same has been so placed in any canal,
10 drain, ditch, or watercourse under permit by the district or
11 otherwise, the record owner of the property provided access or
12 service shall be notified in writing of such obstruction with
13 a demand therein that such owner cause the condition to be
14 remedied. The notice shall be given by registered mail,
15 addressed to the owner or owners of the property described, as
16 their names and addresses are shown upon the records of the
17 county property appraiser, and shall be deemed complete and
18 sufficient when so addressed and deposited in the United
19 States mail with proper postage prepaid. In the event that
20 such notice is returned by postal authorities, the district
21 shall cause a copy of the notice to be served by any officers,
22 commissioners, or agents of the district, an affidavit of such
23 service by such officer, commissioner, or agent filed in the
24 minutes of the district shall be proof of service thereof,
25 upon the occupant of the property or upon any agent of the
26 owner thereof. In the event that personal service upon the
27 occupant of the property or upon any agent of the owner
28 thereof cannot be performed after a reasonable search, the
29 notice shall be accomplished by physical posting on the
30 property. The notice shall be in substantially the following
31 form:

1
2 Name of Owner:.....
3 Address of Owner:.....
4
5 Our records indicate you are the owner(s) of
6 the following property located in the Central
7 Broward Water Control District, Broward County,
8 Florida:
9 (describe property)
10 An inspection of this property and the abutting
11 canal, drain, ditch or watercourse discloses,
12 and the Board of Commissioners of the Central
13 Broward Water Control District has found and
14 determined, that an obstruction in said canal,
15 drain, ditch, or watercourse exists thereby
16 impeding the free flow of water and drainage
17 and constituting a hazard and danger to the
18 inhabitants within the Central Broward Water
19 Control District so as to constitute a
20 violation of the charter and regulations of the
21 Central Broward Water Control District in that:
22 (describe the condition which places
23 the property in violation.)
24 You are hereby notified that unless the
25 condition above described is remedied so as to
26 make it nonviolative of the charter and
27 regulations of the Central Broward Water
28 Control District within 20 days from the date
29 hereof, the Central Broward Water Control
30 District will proceed to remedy this condition
31 and the cost of the work, including advertising

1 costs and all other expenses, will be imposed
2 as lien on the property if not otherwise paid
3 within 30 days after receipt of billing.
4 Central Broward Water Control District
5 BY.....
6 d. Within 20 days after the mailing of the notice to
7 him or her, the owner of the property may make written request
8 to the board of commissioners for a hearing before that body
9 to show that the condition alleged in the notice does not
10 exist or that such condition does not constitute an
11 obstruction or impediment to the drainage and free flow of
12 water in any canal, ditch, drain, or watercourse of the
13 district. At the hearing, the district and the property owner
14 may introduce such evidence as is deemed necessary.
15 e. If within 20 days after mailing of the notice no
16 hearing has been requested and the condition described in the
17 notice has not been remedied, the district shall cause the
18 condition to be remedied by the district at the expense of the
19 property owner. If a hearing has been held and has concluded
20 adversely to the property owner, the district may cause the
21 condition to be remedied at the expense of the property owner,
22 by appropriate resolution, and may order the removal of the
23 same, including any appurtenances thereto, and may provide for
24 the payment of all or any part of the cost of any such removal
25 by levying and collecting a special assessment on the property
26 affected or afforded service by such bridge, culvert, etc.
27 f. After causing the condition to be remedied, the
28 secretary of the district shall certify to the board the
29 expenses incurred in remedying the condition. Upon the receipt
30 of such certificate, the board of commissioners shall review
31 the same and determine the amount to be assessed against such

1 property by resolution. Upon adoption of the resolution, the
2 assessment shall constitute a lien on the respective lots or
3 parcels of land or other real property upon which they are
4 levied, superior to all other liens, except those for district
5 and county taxes.

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

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

1 in suits to foreclose mortgages; or, in the alternative, said
2 proceedings may be instituted and prosecuted under chapter
3 173, Florida Statutes, Foreclosure of Municipal Tax and
4 Special Assessment Liens.

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

8 Section 39. Extensions of boundaries.--The boundary
9 line of the district as defined in this act may be extended to
10 include additional adjacent land at any time in the discretion
11 of the board of commissioners upon such conditions as the
12 board of commissioners of the district may prescribe upon
13 petition of the freeholders owning 51 percent or more of the
14 land in the area sought to be included in this district by
15 such boundary extension. The petition of such freeholders
16 shall be directed to the board of commissioners of this
17 district, and shall be in writing and duly signed and
18 acknowledged by each of the freeholders seeking to include
19 such area in the extended boundaries of this district. The
20 area included in this district shall be defined and the
21 inclusion thereof shall be affirmed by an appropriate
22 resolution of the board of commissioners of this district at a
23 regular or special meeting called for that purpose, which
24 resolution shall be preserved in the minutes of such meeting,
25 and shall be recorded in the public records of Broward County,
26 Florida. The board of commissioners of this district shall
27 thereafter have jurisdiction and hold and be entitled to
28 exercise all of the right, power, and authority for the
29 drainage, water management services conducted pursuant to this
30 section, and improvement of the land or area so included in
31 this district as is granted such board of commissioners by

1 this charter with respect to the lands within the boundaries
2 of this district as hereinabove set forth, it being the
3 intention of the Legislature to confer upon the board of
4 commissioners for the drainage and water control district
5 hereby created the same rights, powers and authorities,
6 duties, responsibilities, and obligations over the lands so
7 included in this district as is by this charter conferred upon
8 them with reference to the lands within the boundaries of this
9 district as hereby created and established.

10 Section 40. Subdivision regulation.--

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

20 b. A subdivision for the purpose of this charter is
21 hereby defined as: The division of a parcel of land, whether
22 improved or unimproved, into three or more lots, or other
23 divisions of land for the purpose, whether immediate or
24 future, of transfer of ownership, or, if the establishment of
25 any new street is involved, any division of such parcel;
26 provided that the division of land into parcels of more than 5
27 acres not involving any changes in street lines or public
28 easements shall not be deemed to be a subdivision within the
29 meaning of this charter. The term includes a resubdivision
30 and, when appropriate to context, shall relate to the process
31

1 of subdivision or to land subdivided. The singular usage
2 includes the plural and the plural the singular.
3 c. Any division of a parcel of land as a subdivision
4 shall be subject to such plat and subdivision regulations
5 heretofore adopted or hereafter adopted, amended, or modified
6 by the district under authority of law. Such regulations may
7 provide for streets in the subdivision, to be of such width,
8 grade, and location as to facilitate drainage; provide that
9 adequate easements and rights-of-way be provided for drainage
10 and that the layout of the subdivision conform to the
11 comprehensive plan for drainage for the area; and provide for
12 the drainage requirements to be met. The district shall not
13 approve any subdivision plats unless the land included within
14 the subdivision is suitable or shall be made suitable to the
15 various purposes for which it is intended to be used, and in
16 particular, unless all land intended for building sites can be
17 used safely for building purposes, without the danger from
18 flood of other inundation, or from any such menace to health,
19 safety, or public welfare. It shall be unlawful for anyone
20 being an owner, or agent of an owner, of any land to transfer,
21 sell, agree to sell, or negotiate to sell such land by
22 reference to, or exhibition of, or by any other use of a plat
23 or subdivision of such land, without having submitted a plat
24 of such subdivision to the district and obtaining its approval
25 as required by this charter. If such unlawful use be made of a
26 plat before it is properly approved by the district, the
27 owner, or the agent of the owner, of such land shall be guilty
28 of a misdemeanor, punishable as provided by general law. The
29 description by metes and bounds in the instrument of transfer
30 or other documents used in the process of transferring shall
31 not exempt the transaction from such penalties. It shall be

1 unlawful to transfer lots or units of lots by metes and bounds
2 description in order to circumvent the provisions of this
3 charter. The district, through its legal representatives, may
4 enjoin such transfers or sales or agreements by injunction or
5 other appropriate action.

6 Section 41. Contracts by commissioners with
7 district.--No member of the Board of Commissioners of the
8 Central Broward Water Control District shall directly or
9 indirectly contract with the district for the furnishing of
10 any goods or services to the district. Any member of the board
11 of commissioners violating this provision of this charter
12 shall be guilty of a misdemeanor and subject to immediate
13 removal from office by the Governor.

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

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

24 b. Except as stated herein and as provided in
25 subsections c., d., and e. and in s. 287.055, Florida
26 Statutes, the board of commissioners may not enter into a
27 contract for the construction or maintenance of any
28 improvements authorized under this charter, and goods,
29 supplies, or materials may not be purchased if the amount to
30 be paid by the district under the contract or for the goods,
31 supplies, or materials exceeds \$10,000, unless notice of bids

1 is advertized in a newspaper of general circulation in Broward
2 County. The bid of the lowest responsible, acceptable bidder
3 must be accepted, unless all bids are rejected. The board of
4 commissioners may require the bidders to furnish a bond or
5 letter of credit with responsible surety to be approved by the
6 board of commissioners. This section does not prevent the
7 board of commissioners from undertaking and performing the
8 construction, operation, and maintenance of any project,
9 facility, or improvement authorized under this charter, by the
10 employment of labor, material, and machinery.

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

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

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

5 Section 3. Except as specifically reenacted herein,
6 chapters 61-1439, 65-1006, 67-1002, 69-528, 70-749, 71-389,
7 72-486, 79-432, 80-462, 82-268, 85-388, 86-363, 87-506,
8 88-523, 91-350, 94-426, and 96-536, Laws of Florida, are
9 repealed.

10 Section 4. In the event of a conflict of the
11 provisions of this act with the provisions of any other act,
12 the provisions of this act shall control to the extent of such
13 conflict.

14 Section 5. In the event any section or provision of
15 this act is determined to be invalid or unenforceable, such
16 determination shall not affect the validity of or
17 enforceability of each other section and provision of this
18 act.

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

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