

CHAMBER ACTION

1 The Committee on Local Government & Veterans' Affairs recommends
2 the following:

3
4 **Committee Substitute**

5 Remove the entire bill and insert:

6 A bill to be entitled

7 An act relating to the South Broward Drainage District,
8 Broward County; amending chapter 98-524, Laws of Florida;
9 providing for the number of supervisors of the district;
10 providing single-member zones; providing the method of
11 election of supervisors; providing the qualifications of
12 supervisors; providing the term of office for supervisors;
13 providing that the officers of the district shall be
14 members of the board of supervisors; providing for the
15 limitation of supervisors' benefits; deleting obsolete
16 provisions; providing for a referendum with respect to
17 increasing the number of supervisors of the district from
18 six to seven and with respect to changing the method of
19 voting for supervisors of the district by landowners of
20 the district to qualified electors of the district;
21 providing severability; providing an effective date.

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

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

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

(1) The board of supervisors of the district shall be the governing body of the district and shall exercise the powers granted to the district under this act and under chapter 298, Florida Statutes. The board shall consist of six members, until the first meeting of the board following certification of the November 2008 election, and seven members thereafter. ~~and,~~ Except as otherwise provided herein, each member shall hold office for a term of 4 years and until his or her successor shall be chosen and shall qualify. ~~A majority of the members of the board shall be residents of Broward County. All of the members of the board shall be residents of the State of Florida and shall own land lying within the boundaries of the district.~~

(2) Beginning with the November 2006 election, a candidate for the office of supervisor shall, at the time of his or her qualification for office, be a qualified elector of the South Broward Drainage District and shall qualify with the county supervisor of elections in accordance with the Florida Election Code and this act. To be a qualified candidate of the South Broward Drainage District, he or she shall, at the time of his or her qualification, have continuously resided within the boundaries of the district and within the respective zone that he or she may represent for the 60 days immediately preceding his or her qualifying for office and until he or she is inducted

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52 into office. Each supervisor shall reside within the district
 53 and within the geographical zone he or she represents during his
 54 or her entire term in office, but any supervisor who has the
 55 boundaries of his or her zone changed and because of said change
 56 no longer resides within the zone he or she represents shall
 57 remain in office until the normal expiration of his or her term.

58 (3)(2) Notwithstanding any other provision of this act,
 59 the persons who are members of the board of supervisors of the
 60 district in office when this act takes effect shall constitute
 61 the members of the board until the next election for their
 62 seats. Those members of the board whose terms expire in June
 63 2006 shall remain members of the board and their terms shall be
 64 extended from June 2006 until their successors are inducted into
 65 office at the first regularly scheduled meeting of the board
 66 following certification of the November 2006 general election.
 67 Those members of the board whose terms expire in June 2008 shall
 68 remain members of the board and their terms shall be extended
 69 from June 2008 until their successors are inducted into office
 70 at the first regularly scheduled meeting of the board following
 71 certification of the November 2008 general election.

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

80 (5) That part of the district located within the
 81 district's seven zones is as follows:
 82 (a) Zone 1:
 83 All of Sections 31, 32 and 33 of Township 50 South,
 84 Range 40 East,
 85 Together with;
 86 All of Sections 4, 5, 6, and 7 of Township 51 South,
 87 Range 40 East,
 88 Together with;
 89 All of Sections 34, 35 and 36 of Township 50 South,
 90 Range 39 East,
 91 Together with;
 92 All of Sections 1, 2, 3, 10, 11 and 12 of Township 51
 93 South, Range 39 East,
 94 Together with;
 95 All of Sections 28, 29 and 30 of Township 50 South,
 96 Range 40 East lying south of the South Florida Water
 97 Management District Canal C-11 right-of-way,
 98 Together with;
 99 All of Sections 25, 26 and 27 of Township 50 South,
 100 Range 39 East lying south of the South Florida Water
 101 Management District Canal C-11 right-of-way,
 102 Together with;
 103 The North one-half (N 1/2) of Section 18, of Township
 104 51 South, Range 40 East,
 105 Together with;
 106 The North one-half (N 1/2) of Sections 13, 14 and 15
 107 of Township 51 South, Range 39 East.

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108 (b) Zone 2:
 109 All of Sections 19, 30, 31 and 32 of Township 51
 110 South, Range 40 East,
 111 Together with;
 112 The South one-half (S 1/2) of Sections 18 and 29 of
 113 Township 51 South, Range 40 East,
 114 Together with;
 115 All of the South one-half (S 1/2) of Section 28 of
 116 Township 51 South, Range 40 East lying west of the
 117 centerline of the Interstate Highway I-75 right-of-
 118 way,
 119 Together with;
 120 All of Sections 22, 23, 24, 25, 26, 27, 34, 35 and 36
 121 of Township 51 South, Range 39 East,
 122 Together with;
 123 The South one-half (S 1/2) of Sections 13, 14 and 15
 124 of Township 51 South, Range 39 East,
 125 Together with;
 126 All of Section 33 of Township 51 South, Range 40 East
 127 lying west of the centerline of the Interstate Highway
 128 I-75 right-of-way.
 129 (c) Zone 3:
 130 All of the South one-half (S 1/2) of Section 15 of
 131 Township 51 South, Range 40 East lying west of the
 132 centerline of the Interstate Highway I-75 right-of-
 133 way,
 134 Together with;

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135 | All of the North one-half (N 1/2) of Section 22 of
 136 | Township 51 South, Range 40 East lying west of the
 137 | centerline of the Interstate Highway I-75 right-of-
 138 | way,
 139 | Together with;
 140 | All of Sections 8, 9, 10, 11, 16 and 17 of Township 51
 141 | South, Range 40 East,
 142 | Together with;
 143 | The North one-half (N 1/2) of Sections 14, 15, 20 and
 144 | 21 of Township 51 South, Range 40 East.
 145 | (d) Zone 4:
 146 | All of Sections 23, 26, 27, 34, 35 and 36 of Township
 147 | 51 South, Range 40 East,
 148 | Together with;
 149 | All of Section 30 of Township 51 South, Range 41 East,
 150 | Together with;
 151 | The South one-half (S 1/2) of Section 19 of Township
 152 | 51 South, Range 41 East,
 153 | Together with;
 154 | The South one-half (S 1/2) of Sections 14, 20, 21, 22
 155 | and 25 of Township 51 South, Range 40 East,
 156 | Together with;
 157 | All of the South one-half (S 1/2) of Sections 15 and
 158 | 28 of Township 51 South, Range 40 East lying east of
 159 | the centerline of the Interstate Highway I-75 right-
 160 | of-way,
 161 | Together with;

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162 The North one-half (N 1/2) of Sections 28 and 29 of
 163 Township 51 South, Range 40 East,
 164 Together with;
 165 All of the North one-half (N 1/2) of Section 22 of
 166 Township 51 South, Range 40 East lying east of the
 167 centerline of the Interstate Highway I-75 right-of-
 168 way,
 169 Together with;
 170 All of Section 33 of Township 51 South, Range 40 East
 171 lying east of the centerline of the Interstate Highway
 172 I-75 right-of-way.
 173 (e) Zone 5:
 174 All of Sections 12, 13 and 24 of Township 51 South,
 175 Range 40 East,
 176 Together with;
 177 All of Section 7 of Township 51 South, Range 41 East,
 178 Together with;
 179 The North one-half (N 1/2) of Section 18 of Township
 180 51 South, Range 41 East,
 181 Together with;
 182 The North one-half (N 1/2) of Section 25 of Township
 183 51 South, Range 40 East.
 184 (f) Zone 6:
 185 All of Sections 8, 17, 20 and 29 of Township 51 South,
 186 Range 41 East,
 187 Together with;
 188 The South one-half (S 1/2) of Section 18 of Township
 189 51 South, Range 41 East,

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190 Together with;
 191 The North one-half (N 1/2) of Sections 9 and 19 of
 192 Township 51 South, Range 41 East.
 193 (g) Zone 7:
 194 All of Sections 15, 16, 21 and 28 of Township 51
 195 South, Range 41 East,
 196 Together with;
 197 The South one-half (S 1/2) of Sections 9 and 10 of
 198 Township 51 South, Range 41 East,
 199 Together with;
 200 The Southwest one-quarter (SW 1/4) of Section 11 of
 201 Township 51 South, Range 41 East,
 202 Together with;
 203 The Northwest one-quarter (NW 1/4) of Section 14 of
 204 Township 51 South, Range 41 East,
 205 Together with;
 206 The North one-half (N 1/2) of Section 22 of Township
 207 51 South, Range 41 East.
 208 (6) Commencing with the first regularly scheduled meeting
 209 of the board following certification of the November 2008
 210 general election, except as stated in this act, the board shall
 211 be composed of seven members as follows:
 212 (a) Three supervisors shall be elected in the general
 213 election of November 2006. At the November 2006 general
 214 election, one supervisor shall be elected from the combined
 215 registered voters from Zones 1 and 2, one supervisor shall be
 216 elected from the combined registered voters from Zones 3 and 4,
 217 and one supervisor shall be elected from the combined registered

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218 voters from Zones 5, 6, and 7. The supervisors elected in
 219 November 2006 shall serve until their terms expire in November
 220 2010.

221 (b) In the general election of November 2008, and in the
 222 November general election of every fourth year thereafter, one
 223 supervisor shall be elected from the zone in which the
 224 supervisor elected in 2006 from Zones 1 and 2 is not a resident,
 225 one supervisor shall be elected from the zone in which the
 226 supervisor elected in 2006 from Zones 3 and 4 is not a resident,
 227 and one supervisor shall be elected from each of the two zones
 228 in which the supervisor elected in 2006 from Zones 5, 6, and 7
 229 is not a resident.

230 (c) In the general election of November 2010, the zones in
 231 which the supervisors elected in 2006 reside and whose terms of
 232 office expire in November 2010 shall be designated as the zones
 233 whose representatives shall be elected in 2010 and in the
 234 November general election of every fourth year thereafter.

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

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

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

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

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

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

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

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

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

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

273 ~~(3) In the month of June of 2000, there shall be held a~~
 274 ~~meeting of the landowners of South Broward Drainage District at~~
 275 ~~the office of the district in Broward County, for the purpose of~~
 276 ~~holding an election to fill the seats of the three supervisors~~
 277 ~~whose terms expire in June of 2000; and, in the month of June of~~
 278 ~~each fourth year thereafter, there shall be held such a meeting~~
 279 ~~to fill the same three seats. In the month of June of 2002,~~
 280 ~~there shall be held a meeting of the landowners of South Broward~~
 281 ~~Drainage District at the office of the district in Broward~~
 282 ~~County for the purpose of holding an election to fill the seats~~
 283 ~~of the three supervisors whose terms expire in June of 2002;~~
 284 ~~and, in the month of June of each fourth year thereafter, there~~
 285 ~~shall be held such a meeting to fill the same three seats.~~
 286 ~~Notice of said landowners' meeting shall be published as~~
 287 ~~provided by section 20. The president of the board of~~
 288 ~~supervisors shall conduct the meeting. At such meeting, each~~
 289 ~~landowner shall be entitled to cast one vote for each person to~~
 290 ~~be elected. A landowner may vote in person or by proxy in~~
 291 ~~writing. Each landowner shall be entitled to cast one vote for~~
 292 ~~each acre of land owned by him and located within the district~~
 293 ~~boundaries. Fractions of an acre shall be treated as one acre,~~
 294 ~~entitling the landowner to one vote with respect thereto. The~~
 295 ~~three persons at the respective elections who receive the~~
 296 ~~highest number of votes for the office of supervisor shall be~~
 297 ~~declared elected.~~

298 (10)~~(4)~~ Each supervisor, before entering upon his or her
 299 official duties, shall take and subscribe to an oath of office
 300 as prescribed in s. 298.13, Florida Statutes.

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301 ~~(11)(5)~~ All supervisors shall hold office for the terms
 302 for which they are elected or appointed and until their
 303 successors shall be chosen and qualify. In case of a vacancy in
 304 the office of any supervisor, the remaining supervisor or
 305 supervisors, even though less than a quorum, may fill such
 306 vacancy for the unexpired term of the supervisor who vacated his
 307 or her office.

308 ~~(12)(6)~~ At the first meeting of the board following
 309 certification of the general election of November 2006 and at
 310 the first regularly scheduled meeting of the board following
 311 certification of the general election in the month of November
 312 of every other year thereafter ~~As soon as practicable after each~~
 313 ~~election,~~ the board shall organize by electing from ~~choosing one~~
 314 ~~of their members a number~~ president, a secretary, and a
 315 treasurer of the board ~~and by electing a secretary, who need not~~
 316 ~~be a member of the board.~~

317 ~~(13)(7)~~ A majority of the members of the board shall
 318 constitute a quorum.

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

324 ~~(15)(8)~~ The board shall keep a permanent record book
 325 entitled "Record of Proceedings of South Broward Drainage
 326 District," in which shall be recorded minutes of all meetings,
 327 resolutions, proceedings, certificates, bonds given by all
 328 employees, and any and all corporate acts, which book shall at

329 reasonable times be opened to the inspection of any elector,
 330 landowner, taxpayer, resident, or bondholder of the district,
 331 and such other persons as the board may determine to have a
 332 proper interest in the proceedings of the board. Such record
 333 book shall be kept at any office or other regular place of
 334 business maintained by the board in Broward County.

335 ~~(9) Whenever any election shall be authorized or required~~
 336 ~~by this act to be held by the landowners at any particular or~~
 337 ~~stated time or day, and if for any reason such election is not~~
 338 ~~held at such time or on such day, then in such event the power~~
 339 ~~or duty to hold such election shall not cease or lapse, but such~~
 340 ~~election shall be held thereafter when practicable, and in~~
 341 ~~accordance with the procedures provided by this act.~~

342 Section 14. Treasurer; depositories; fiscal agent.--

343 (1) The board shall, as provided by subsection 10(12),
 344 elect designate a member of the board ~~person who is a resident~~
 345 ~~of the state, or a bank or trust company organized under the~~
 346 ~~laws of the state,~~ as treasurer of the district, who shall have
 347 charge of the funds of the district. Such funds shall be
 348 disbursed only upon the order of or pursuant to the resolution
 349 of the board by warrant or check signed by the treasurer, or by
 350 such other person as may be authorized by the board. The
 351 treasurer may not hold any other office provided for in this
 352 act, ~~except that the same person may not be president and~~
 353 ~~treasurer.~~ The board may give the treasurer such other or
 354 additional powers and duties as the board may deem appropriate,
 355 and fix his or her compensation; and may require the treasurer
 356 to give a bond in such amount, on such terms, and with such

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357 | sureties as may be deemed satisfactory to the board to secure
 358 | the performance by the treasurer of his or her powers and
 359 | duties. The board shall audit or have audited the books of the
 360 | treasurer at least once a year.

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

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

377 | Section 2. In accordance with the requirements of section
 378 | 101.161, Florida Statutes, and section 3, the Supervisor of
 379 | Elections of Broward County shall place the title and substance
 380 | of the referendum on the ballot as follows:

381 | ELECTION OF SOUTH BROWARD DRAINAGE DISTRICT SUPERVISORS BY
 382 | QUALIFIED ELECTORS AND INCREASED NUMBER OF SUPERVISORS
 383 | Shall the method of electing supervisors of the South Broward
 384 | Drainage District be changed from voting by the landowners of

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385 the district to qualified electors of the district, and shall
 386 the number of supervisors of the district be changed from six
 387 members to seven members who shall be elected from designated
 388 zones by the qualified electors of said designated zones?

389 Yes

390 No

391 Section 3. The vote for this act will occur at the
 392 November 2, 2004, general election.

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

396 Section 5. In the event any section or provision of this
 397 act is determined to be invalid or unenforceable, such
 398 determination shall not affect the validity of or enforceability
 399 of each other section and provision of this act, and to this end
 400 the provisions of this act are declared severable.

401 Section 6. This act shall take effect upon becoming a law,
 402 except that section 1 shall only take effect upon approval of a
 403 majority vote of those qualified electors of the South Broward
 404 Drainage District voting in the November 2, 2004, general
 405 election.