

RESOLUTION NO. 2011 - 027

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, ENTERING INTO AN INTERLOCAL AGREEMENT WITH THE SOUTH BROWARD DRAINAGE DISTRICT; PROVIDING THAT THE SOUTH BROWARD DRAINAGE DISTRICT WILL PROVIDE WRITTEN NOTICE TO THE TOWN OF ANY POTENTIAL INCREASE OR DECREASE IN A DESIGNATED WATER CONTROL ELEVATION WITHIN THE BOUNDARIES OF THE TOWN AT LEAST THIRTY DAYS PRIOR TO THE DISTRICT'S SUBMITTAL REQUESTING SAID INCREASE OR DECREASE TO THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT; PROVIDING THAT THE DISTRICT WILL USE ITS BEST EFFORTS TO ASSIST THE TOWN IN THE TOWN'S EFFORTS TO HAVE THE DESIGNATED AND PERMITTED WATER CONTROL ELEVATION WITHIN THE S-9 AND S-10 BASINS, DOWNSTREAM OF THE INTERMEDIATE GATES AND WITHIN THE LIMITS OF THE TOWN, TO BE MAINTAINED AND OPERATED ON A YEAR ROUND BASIS TO MATCH THE WATER CONTROL ELEVATION OF THE C-11 CANAL; PROVIDING THAT THE TOWN WILL NOT OPPOSE OR OBJECT TO THE DISTRICT'S PROPOSED CHARTER REVISIONS REQUESTED FOR APPROVAL DURING THE 2011 LEGISLATIVE SESSION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town is concerned that the designated water control elevations within that portion of the Town, which is located within the South Broward Drainage District ("SBDD") may be increased by permit application, regulatory requirement, state law and/or other means; and

WHEREAS, the SBDD and the Town entered into a Memorandum of Agreement (MOA) with the South Florida Water Management District ("SFWMD") and Department of Agriculture and Consumer Services on June 16, 2010 for a pilot project to investigate revisions to the water management system operations and water quality improvements within the Districts S-9 and S-10 Basins; and

WHEREAS, as part of the MOA, the Town and SBDD will install intermediate water control gates to allow the water control elevation within the Town to be lowered during the wet season to match the water control elevation of the C-11 Canal (but not lower than an elevation of 3.00' NGVD, unless SFWMD agrees to a lower water control elevation during a storm event; and

WHEREAS, the Town desires to have a commitment from the SBDD to assist the Town in keeping the MOA water control elevations permanently in place and to receive notice from the SBDD in the event that the SBDD or seeks approval of SFWMD to increase or decrease the Town's water control elevation; and

WHEREAS, the SBDD is seeking the 2011 Florida Legislature to approve and to enact into law proposed revisions to the District's Charter and desires the Town not to oppose or to object to the proposed Charter revisions as they are presently drafted; and

WHEREAS, both parties have agreed to enter into a formal Agreement to resolve the aforementioned issues.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Southwest Ranches, Florida:

Section 1: The above-referenced recitals are true and correct and are incorporated herein by reference.

Section 2. The Town Council hereby approves the Interlocal Agreement between the Town of Southwest Ranches and the South Broward Drainage District Relating to Water Control Elevations and other matters (the "Agreement"), as attached hereto as Exhibit "A".

Section 3. The Mayor, Town Administrator, and Town Attorney are hereby authorized to execute the Agreement and to make whatever changes may be deemed necessary and appropriate to effectuate the intent of this Resolution.

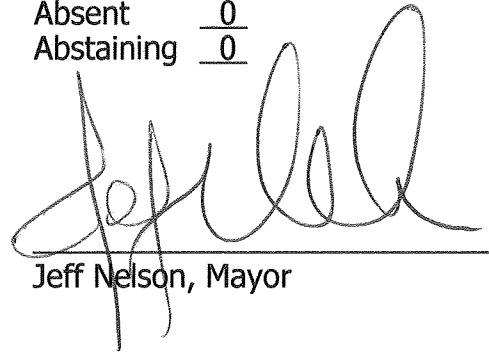
Section 4. This Resolution shall become effective immediately upon its adoption.

[SIGNATURES ON FOLLOWING PAGE]

PASSED AND ADOPTED by the Town Council of the Town of Southwest Ranches, Florida, this 6th day of January, 2011 on a motion made by Council Member McKay and seconded by Vice Mayor Fisikelli.


Nelson	<u>AYE</u>
Fisikelli	<u>AYE</u>
Breitkreuz	<u>AYE</u>
Jablonski	<u>AYE</u>
McKay	<u>AYE</u>

Ayes	<u>5</u>
Nays	<u>0</u>
Absent	<u>0</u>
Abstaining	<u>0</u>




Jeff Nelson, Mayor

ATTEST:



Debra Doré-Thomas, CMC, Town Clerk

Approved as to Form and Correctness:



Keith Poliakoff, J.D., Town Attorney
ACTIVE: 3194071_1

INTERLOCAL AGREEMENT
Between
SOUTH BROWARD DRAINAGE DISTRICT
And
TOWN OF SOUTHWEST RANCHES
Relating to
WATER CONTROL ELEVATIONS

THIS IS AN INTERLOCAL AGREEMENT (the "Agreement") made and entered into by and between the South Broward Drainage District, an independent special district created pursuant to Chapter 98-524, Laws of Florida, as amended (hereinafter referred to as "District") and the Town of Southwest Ranches, a not-for-profit Florida municipality formed pursuant to Chapter 2000-475, Laws of Florida, (hereinafter referred to as "Town") and hereinafter collectively referred to as "the Parties"

WITNESSETH:

WHEREAS, the District is charged with the responsibility of effecting drainage and water management within its geographical boundaries and within its area of jurisdiction in Broward County, Florida; and

WHEREAS, the Town is concerned that the designated water control elevations within that portion of the Town which is located within the jurisdictional boundaries of the District may be requested to be increased by permit application, regulatory requirement, state law and/or other means; and

WHEREAS, the District and Town entered into a Memorandum of Agreement (MOA) with the South Florida Water Management District and Department of Agriculture and Consumer Services on June 16, 2010 for a pilot project to investigate revisions to the water management system operations and water quality improvements within the District's S-9 and S-10 Basins.

WHEREAS, as part of the MOA, the Town and District will install intermediate water control gates to allow the water control elevation within the Town limits to be lowered during the wet season to match the water control elevation of the C-11 Canal (but no lower than an elevation of 3.00' NGVD).

WHEREAS, the District is requesting that the State Legislature approve and enact into law proposed revisions to the District's Charter to wit: Chapter 98-524, Laws of Florida, as amended; and

WHEREAS, a true and correct copy of the most recent proposed revisions to the District's Charter which have been reviewed by the Town are attached hereto as Exhibit "A";

WHEREAS, the District and the Town have agreed to coordinate, cooperate and work together on drainage and water management issues within that portion of the Town which is located within the jurisdictional boundaries of the District.

WHEREAS, the Town and the Town Council have agreed that they will not oppose or object to the District's proposed Charter revisions as stated in Exhibit "A" and that they will not support or encourage any individuals or entities to oppose or object to said proposed Charter revisions;

WHEREAS, it is in the best interest of the public, the District and the Town that the Parties enter into this Agreement regarding the District's proposed Charter revisions and the designated water control elevations within the limits of the Town;

NOW, THEREFORE, in consideration of the mutual terms, conditions, promises and covenants hereinafter set forth, the District and Town agree as follows:

1. The foregoing recitals are true and correct and are incorporated herein as if fully set forth.
2. The District agrees that in the event the District becomes aware of any actions or proposals to increase or decrease any designated water control elevation for any property within that portion of the Town which is located within the jurisdictional boundaries of the District, within fifteen (15) calendar days of becoming aware, that the District will send the Town written notice of such potential increase or decrease. In addition, if the District seeks an increase or decrease in a designated water control elevation within the boundaries of the Town, the District will send the Town written notification of such potential increase or decrease at least thirty (30) days prior to the District's submittal of such request to the South Florida Water Management District.
3. The District and the Town agree that they will work collectively to oppose any proposed increase in the designated water control elevations for any property within that portion of the Town which is located within the jurisdictional boundaries of the District.
4. The District agrees to use its reasonably best efforts to assist the Town in the Town's efforts to have the designated and permitted water control elevation within the S-9 and S-10 Basins, downstream of the intermediate gates and within the limits of the Town, to be maintained and operated on a year round basis to match the water control elevation of the C-11 Canal (but no lower than an elevation of 3.00' NGVD, unless South Florida Water Management District agrees to a lower water control elevation during a storm event).
5. The Town and Town Council agree that they shall not oppose or object to or support or encourage any individuals or entities to oppose or object to the proposed District Charter revisions attached hereto as Exhibit "A".
6. Any change in this Agreement shall be accomplished by written amendment executed by the parties in accordance with Paragraph 8 below.
7. The effective date of this Agreement shall be the date that the District's proposed Charter revisions become law and if for any reason the proposed

Charter revisions are not enacted into law during the 2011 State of Florida Legislative Session then this Agreement shall be null and void and of no force or effect.

8. No modification, amendment, or alteration in the terms or conditions contained herein shall be effective unless contained in a written document executed with the same formality and of equal dignity herewith.

9. All notices provided by one party to the other shall be in writing and shall be effected by hand delivery, facsimile or U.S. Mail, certified and return receipt requested, and addressed as follows:

As to Town: Charles Lynn, Town Administrator
Town of Southwest Ranches
6589 Southwest 160th Avenue
Southwest Ranches, Florida 33331

With a copy to: Keith Poliakoff, Esquire
Becker & Poliakoff, P.A.
3111 Stirling Road
Fort Lauderdale, Florida 33312

As to District: Kevin M. Hart, P.E., District Director
South Broward Drainage District
6591 SW 160 Avenue
Southwest Ranches, Florida 33331

With a copy to: Douglas R. Bell, Esquire
800 E. Broward Boulevard - Suite 505
Fort Lauderdale, Florida 33301

unless the addresses change, following which, the Town or District will give written notice to the other party.

10. This Agreement shall be interpreted and construed in accordance with and governed by the laws of the State of Florida and the venue with respect to any litigation with respect to this Agreement shall be Broward County, Florida.

11. This Agreement may be executed in one or more counterparts, each of which shall be deemed to be an original, but all of which will constitute one and the same Agreement.

12. This Agreement shall inure to the benefit of and shall be binding upon the Parties hereto and their respective successors.

13. Neither Party intends to directly or substantially benefit a third party by this Agreement. Therefore, the Parties agree that there are no third party beneficiaries to this Agreement and that no third party shall be entitled to assert

a claim against either party under this Agreement; thus, it is not the intent of the Parties to create any rights in or obligations to third parties.

14. Any revisions to the proposed Charter revisions which are required or requested by the Broward County Legislative Delegation or during the review and approval process in Tallahassee, Florida shall be brought to the attention of the Town and its Attorney within three business days of the District receiving said required or requested revisions.

IN WITNESS WHEREOF, the Parties hereto have executed this Interlocal Agreement on the dates hereinafter subscribed.

Passed and approved by the Town of Southwest Ranches this 6th day of JANUARY 2011, 2010.

Town of Southwest Ranches:

By: Jeff Nelson
Jeff Nelson, Mayor

By: Charles Lynn
Charles Lynn, Town Administrator

Attest:

By: Debra Dore-Thomas
Debra Dore-Thomas, CMC, Town Clerk

LEGAL FORM APPROVED:

By: Keith Poliakoff
Keith Poliakoff, Town Attorney

Passed and approved by the Board of Commissioners of the South Broward Drainage District this 16th day of December, 2010.

South Broward Drainage District:

By: Scott Hodges
Scott Hodges, District Chair

By: Kevin M. Hart
Kevin M. Hart, P.E., District Director

Attest:

By: Robert E. Goggin, IV
Robert E. Goggin, IV, District Secretary

LEGAL FORM APPROVED:

By: Douglas R. Bell
Douglas R. Bell, District Attorney

INTERLOCAL AGREEMENT
Between
SOUTH BROWARD DRAINAGE DISTRICT
And
TOWN OF SOUTHWEST RANCHES
Relating to
WATER CONTROL ELEVATIONS

A bill to be entitled

1
2
3 An act relating to South Broward Drainage District, Broward County
4 amending Chapter 98-524, Laws of Florida, as amended; replacing references
5 to the district's plan of reclamation with water control plan; revising the
6 definition of assessable improvements to include water management works and
7 facilities; providing a definition for drainage and water management facilities;
8 providing a definition for 5 year recertification program; deleting and updating
9 obsolete provisions; revising inconsistent provisions; revising the method of
10 deciding elections of commissioners in the event of a tie vote; clarifying
11 language relating to the imposition of district assessments and taxes; clarifying
12 type of property subject to district rules, criteria and regulations; providing that
13 the board may take appropriate action as may be required of the district by
14 another governmental agency; providing a requirement to take designated
15 water control elevations into consideration for all projects within the district;
16 providing provision adding the treasurer of the board as an authorized person
17 to be involved in the preparation of the district's budget; providing
18 clarification for the procedures relating to special assessments and adding the
19 district director as an authorized person for implementing certain activities and
20 to receive documents relating to special assessments; adding provisions
21 relating to obstructions, damage and destruction of district facilities and
22 violations of the district's 5 year recertification program rules, criteria, or
23 regulations; providing severability; providing an effective date.
24

25 Be it enacted by the Legislature of the State of Florida:
26

27 Section 1 -- Subsections (1) and (10) of section 9, subsection (6) of section 10, subsections (2),
28 (4), (5), (7), (8), (10), (12), (13), (17), (18) and (19) of section 13, sections 19, 21, 22, 23, 41 and
29 42, subsections (1), (2) and (3) of section 45, subsection (1) of section 49, subsections (1), (2),
30 (3), (5) and (7) of section 50, section 52, sections 55 and 58 and subsection (2) of section 59 of
31 section 2 of chapter 98-524, Laws of Florida as amended by chapter 2004-459, Laws of Florida

1 and Chapter 2007-308, Laws of Florida, are amended and subsection (14) is added to section 9,
2 and subsection (4) is added to section 62 of section 2 of chapter 98-524, Laws of Florida, as
3 amended to read:

4
5 Section 9. Definitions --

6
7 (1) "Assessable improvements" includes, without limitation, any and all drainage,
8 ~~land and land reclamation~~water management works and facilities, sewer systems, storm sewers
9 and drains, water systems, streets, roads, or other projects of the district, or that portion or
10 portions thereof, local in nature and of special benefit to the premises or lands served thereby,
11 and any and all modifications, improvements, and enlargements thereof.

12 (10) "Drainage and ~~reclamation~~water management facilities" means any canals,
13 ditches, water management areas or other drainage facilities, reservoirs, dams, levees,
14 sluiceways, dredging, holding basins, floodways, pumping stations, or any other works,
15 structures, or facilities for the conservation, control, development, utilization, management, and
16 disposal of water, and any purposes appurtenant, necessary, or incidental thereto, and includes all
17 real and personal property and any interest therein, rights, easements, and franchises of any
18 nature relating to any such drainage and ~~reclamation~~water management facilities or necessary or
19 convenient for the acquisition, construction, reconstruction, operation, or maintenance thereof.
20 The terms "drainage" and "water management" shall be used interchangeably, and shall mean
21 the conservation, control, utilization, management, collection, disposal, conveyance, flowage,
22 storage, detention, retention, absorption, run-off, pumping, and discharge of water and/or
23 stormwater, and any purposes appurtenant, necessary, or incidental thereto. This definition shall
24 in no way be deemed to expand or reduce the district's powers.

25 (14) "5 year recertification program" is the district's program that requires the
26 district's 5 year surface water management operation and maintenance permit for drainage
27 facilities to be renewed at the end of every five (5) years by the permittee/landowner and which
28 requires that the permitted surface water management and drainage system is operational and
29 complies with the district's rules, regulations and criteria.

30
31 Section 10. Board of commissioners; election; organization; terms of office; benefits;

1 quorum; report and minutes --

2
3 (6) Except as stated in this act, the board shall be composed of seven members as
4 follows:

5 (a) In the general election of November 2008 and in the November general
6 election of every 4th year thereafter, one commissioner shall be elected from Zone 1, one
7 commissioner shall be elected from Zone 3, and one commissioner shall be elected from Zone 6.
8 The commissioners elected in November 2008 shall serve until their terms expire in November
9 2012.

10 (b) In the general election of November 2010, and in the November general
11 election of every fourth year thereafter, one commissioner shall be elected from Zone 2, one
12 commissioner shall be elected from Zone 4, one commissioner shall be elected from Zone 5, and
13 one commissioner shall be elected from Zone 7. The commissioners elected in November 2010
14 shall serve until their terms expire in November 2014.

15 (c) If only one candidate qualifies for an office, that candidate shall be
16 deemed elected. If two or more candidates qualify for an office, the names of those candidates
17 shall be placed on the ballot for the designated November general election.

18 (d) The candidate receiving the highest number of votes cast for the office of
19 commissioner for each respective zone at each respective election shall be declared elected to
20 such office. If the vote results in a tie, the outcome shall be determined by ~~lot~~ the drawing of a
21 card from a standard deck of 52 cards with the candidate drawing the highest card declared to be
22 elected to such office.

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

25
26 Section 13. Powers.--

27
28 The district shall have, and the board may exercise, any or all the following powers:

29 (2) To establish, construct, operate, and maintain a system of main and lateral canals,
30 drains, ditches, levees, dikes, dams, sluices, locks, revetments, reservoirs, holding basins,
31 floodways, pumping stations, syphons, culverts, and storm sewers, and to connect some or any of

1 them as within the judgment of the board is deemed advisable to drain and ~~reclaim~~ provide water
2 management services for the lands within the district.

3 (4) To clean out, straighten, widen, open up, or change the course and flow, alter, or
4 deepen any canal, ditch, drain, river, water course, or natural stream as within the judgment of
5 the board is deemed advisable to drain and ~~reclaim~~ provide water management services for the
6 lands within the district; to acquire, purchase, operate, and maintain pumps, plants, and pumping
7 systems for drainage purposes; to construct, operate, and maintain irrigation works and
8 machinery in connection with the purposes herein set forth.

9 (5) To regulate and set forth by appropriate resolution the drainage and water
10 management requirements and conditions to be met for land within the district and for plats to be
11 entitled to record on any land within the district, including authority to require as a condition
12 precedent for any platting, that good and sufficient bond be posted to assure proper drainage and
13 water management for the area to be platted.

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

19 (8) To construct or enlarge, or cause to be constructed or enlarged, any and all
20 bridges or culverts that may be needed in or out of the district, across any drain, ditch, canal,
21 floodway, holding basin, excavation, public highway, railroad right-of-way, easement,
22 reservation, tract, grade, fill, or cut; to construct roadways over levees and embankments; to
23 construct any and all of said works and improvements across, through, or over any drain, ditch,
24 canal, floodway, holding basin, excavation, public highway, railroad right-of-way, easement,
25 reservation, track, grade, fill, or cut in or out of the district; and to remove any fence, building or
26 other improvements, in or out of the district for purposes of drainage and ~~reclamation~~ water
27 management.

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

31 (12) To prohibit, regulate, and restrict by appropriate resolution all structures,

1 materials, and things, whether solid, liquid, or gas, whether permanent or temporary in nature,
2 which come upon, come into, connect to, or be a part of any of the main or lateral drains, ditches,
3 canals, levees, dikes, dams, sluices, revetments, reservoirs, holding basins, floodways, pumping
4 stations, and syphons which may have been heretofore created or which may hereafter be created
5 or hereafter constructed, and if deemed necessary, to take appropriate action as may be required
6 of the district by another governmental agency having jurisdiction over the district.
7 Notwithstanding the above, the district's designated water control elevations shall be maintained
8 in accordance with the terms of the district's South Florida Water Management District permits
9 and any agreements that may be entered into between the district, South Florida Water
10 Management District, and any other governmental entity. When reviewing all submitted permit
11 applications, including, but not limited to all district projects, the district shall take into
12 consideration the water control elevations in the design, construction, and maintenance of all
13 drainage and water management facilities such that the design, construction, and maintenance
14 within the district will not adversely impact the designated water control elevations.

15 (13) To administer and provide for the enforcement of all of the provisions herein,
16 including the making, adopting, promulgating, amending, and repealing of all rules, criteria and
17 regulations necessary or convenient for the carrying out of the duties, obligations, and powers
18 conferred on the district created herein.

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

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

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

30
31 Section 19. Annual budget --

1
2 Prior to the end of each fiscal year, the secretary, or the treasurer of the board or the
3 director of the district shall prepare a proposed budget to be submitted to the board for approval.
4 The proposed budget shall include an estimate of all necessary expenditures of the district for the
5 next ensuing fiscal year and an estimate of income to the district from the taxes and assessments
6 provided in this act. The board shall consider the proposed budget item by item and may either
7 approve the budget as proposed by the secretary, treasurer or director or modify the same in part
8 or in whole. The board shall indicate their approval of the budget by resolution, which resolution
9 shall provide for a hearing on the budget as approved. Notice of the hearing on the budget shall
10 be published in a newspaper of general circulation in Broward County once a week for 2
11 consecutive weeks, provided that the second publication shall not be less than 7 days after the
12 first publication. The notice shall be directed to all landowners in the district and shall state the
13 purpose of the meeting. The notice shall further contain a designation of the date, time, and place
14 of the public hearing, which shall be not less than 7 days after the second publication. At the time
15 and place designated in the notice, the board shall hear all objections to the budget as proposed,
16 and make such changes as the board deems necessary. At the conclusion of the budget hearing
17 the board shall, by resolution, adopt the budget as finally approved by the board.
18

19 Section 21. Water control plan ~~Plan of reclamation; proceedings thereon~~--
20

21 The district's water control plan for the drainage and ~~reclamation~~water
22 management of lands which is in effect prior to the effective date of this act shall remain in full
23 force and effect after the effective date of this act.
24

25 Section 22. Adoption, revision and revocation of water control plan ~~of reclamation~~. --
26

27 In addition to and not in limitation of its power to provide for and adopt a water control
28 plan ~~of reclamation~~ provided in section 21 and under chapter 298, Florida Statutes, and
29 amendments thereto, the board may at any time and from time to time adopt, revoke or modify in
30 whole or in part, any water control plan ~~of reclamation~~ or any plan providing for the drainage
31 and water management of lands within the district, and may provide for such new and additional

1 drainage facilities, canals, ditches, levees, and other works as the board may determine. In
2 connection with the revision of any water control plan ~~of reclamation~~ or the providing of any
3 new or additional drainage and water management facilities, canals, ditches, levees, or other
4 works, or in the event that the total taxes and assessments theretofore levied or the funds derived
5 from the sale of bonds are insufficient to pay the cost of any drainage or water management
6 works, benefits may be reassessed, additional assessments made, and taxes levied in accordance
7 with the procedures provided in this act or in chapter 298, Florida Statutes. The board may at any
8 time approve and make effective technical changes or modifications in any water control plan ~~of~~
9 ~~reclamation or drainage~~ not affecting assessed benefits, levy of taxes, or the security of
10 bondholders.

11

12 Section 23. Assessing land for ~~reclamation~~drainage and water management;
13 apportionment of tax; ~~drainage~~ tax record. --

14

15 The board shall, without any unnecessary delay, levy a tax of such portion of benefits of
16 the district's water control plan ~~of reclamation~~ on all lands in the district to which benefits have
17 been assessed, as may be found necessary by the board to pay the costs of the completion of the
18 proposed works and water management and drainage improvements, as shown in said water
19 control plan ~~of reclamation~~ and in carrying out the ~~objects~~objectives of said district; and, in
20 addition thereto, 10 percent of said total amount for emergencies. The said tax shall be
21 apportioned to, and levied on, each tract or parcel of land in said district ~~in proportion to the~~
22 ~~benefits assessed, and not in excess thereof~~, and in case bonds are issued, as provided in this act,
23 a tax shall be levied in a sum not less than an amount 90 percent of which shall be equal to the
24 principal of said bonds. The amount of bonds to be issued for paying the cost of the works as set
25 forth in the water control plan ~~of reclamation~~ shall be ascertained and determined by the board;
26 however, the total amount of all bonds to be issued by the district shall in no case exceed 90
27 percent of the benefits assessed upon the lands of the district. The amount of the interest, as
28 estimated by said board, which will accrue on such bonds, shall be included and added to the
29 said tax, but the interest to accrue on account of the issuing of said bonds shall not be construed
30 as a part of the costs of construction in determining whether or not the expenses and costs of
31 making said improvements are equal to, or in excess of, the benefits assessed. The secretary or

1 treasurer of the board, or the director, as soon as said total tax is levied, shall, at the expense of
2 the district, prepare a list of all ~~taxes~~ taxes levied, in the form of a well bound book, which book
3 shall be endorsed and named "~~DRAINAGE~~ TAX RECORD OF SOUTH BROWARD
4 DRAINAGE DISTRICT, BROWARD COUNTY, FLORIDA", which endorsement shall be
5 printed or written at the top of each page in said book, and shall be signed and certified by the
6 chairperson and secretary of the board, attested by affixing the seal of the district, and the same
7 shall thereafter become a permanent record in the office of said secretary, treasurer or director. In
8 the alternative, so long as the Broward County property appraiser or revenue collector assesses
9 and collects the taxes and assessments authorized by this section, the records of the Broward
10 County property appraiser shall satisfy the requirements of the ~~drainage~~ tax record of the district.

11

12 Section 41. ~~Operation and administrative~~Administrative, maintenance and operations
13 tax --

14

15 To carry on the business of the district and to pay the administrative,
16 maintenance, and operational costs thereof and in addition to any other tax
17 or assessment authorized to be levied, the district is authorized to levy a
18 tax on all the lands within the district as determined by the board for said
19 purpose. This tax shall be a lien until paid on the property against which
20 assessed and enforceable in like manner as county taxes. The amount of
21 said tax shall be determined by the board based upon a report of the
22 secretary or treasurer of the board or the director and assessed by the
23 board upon such lands, which may be all of the lands within the district.
24 This tax shall be evidenced to and certified by the board each year to the
25 property appraiser and shall be entered by the property appraiser on the
26 county tax rolls and shall be collected by the revenue collector in the same
27 manner and time as county taxes and the proceeds therefrom paid to the
28 district.

29

30 Section 42. Maintenance tax --

31

1 ~~To maintain and preserve the drainage improvements of the district, a maintenance tax~~
2 ~~shall be evidenced to and certified by the board each year to the property appraiser and shall be~~
3 ~~entered by the property appraiser on the county tax rolls and shall, be collected by the revenue~~
4 ~~collector in the same manner and time as county taxes and the proceeds therefrom paid to the~~
5 ~~district. The tax shall be a lien until paid on the property against which assessed and enforceable~~
6 ~~in like manner as county taxes. The amount of said maintenance tax shall be determined by the~~
7 ~~board based upon a report of the chief engineer or director and assessed by the board upon such~~
8 ~~lands, which may be all of the lands within the district, benefited by the maintenance thereof.~~
9 See Section 41.

10
11 Section 45. Special assessments --

12
13 The board may provide for the construction or reconstruction of assessable improvements
14 as defined in section 9, and for the levying of special assessments upon benefitted property for
15 the payment thereof, under provisions of this section. Such special assessments may be levied
16 and assessed in either of the alternate methods provided in subsections (2) and (3), and except for
17 such procedure, all the other provisions of this section and this act shall apply to levy of such
18 special assessments under either subsection (2) or subsection (3).

19 (1) The initial proceeding under subsection (2) or subsection (3) shall be the passage
20 by the board of a resolution ordering the construction or reconstruction of such assessable
21 improvements, indicating the location by terminal points and routes and either giving a
22 description of the improvements by its material, nature, character, and size or giving two or more
23 descriptions with the directions that the material, nature, character, and size shall be subsequently
24 determined in conformity with one of such descriptions. Drainage improvements need not be
25 continuous and may be in more than one locality. The resolution ordering any such improvement
26 may give any short and convenient designation to each improvement ordered thereby, and the
27 property against which assessments are to be made for the cost of such improvement may give
28 any short and convenient designation to each improvement ordered thereby, and the property
29 against which assessments are to be made for the cost of such improvement may be designated as
30 an assessment district, followed by a letter or number or name to distinguish it from other
31 assessment districts, after which it shall be sufficient to refer to such improvement and property

1 by such designation in all proceedings and assessments, except in the notices required by this
2 section. As soon as possible after the passage of such resolution, the ~~engineer for the~~ district shall
3 prepare, in duplicate, plans and specifications for each improvement ordered thereby and an
4 estimate of the cost thereof. Such cost shall include, in addition to the items of cost as defined in
5 this act, the cost of relaying streets and sidewalks necessarily torn up or damaged and the
6 following items of incidental expenses:

7 (a) Printing and publishing notices and proceedings.

8 (b) Costs of abstracts of title.

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

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

27 (2)(a) If the special assessments are to be levied under this subsection, the
28 secretary of the board, or the director, upon filing with the secretary of such plans, specifications,
29 estimates, and tentative apportionment of cost, shall publish once in a newspaper published in the
30 county where the benefited land is located and of general circulation in the county, a notice
31 stating that at a meeting of the board on a certain day and hour, not earlier than 15 days from

1 such publication, the board will hear objections of all interested persons to the confirmation of
2 such resolution, which notice shall state in brief and general terms a description of the proposed
3 assessable improvements with the location thereof, and shall also state that plans, specifications,
4 estimates, and tentative apportionment of cost thereof are on file with the secretary of the board
5 or the director. A copy of the notice shall be mailed to the landowners of the land to be
6 benefited by construction of the assessable improvements. The landowners shall be determined
7 by reference to the last available tax roll of Broward County. The secretary of the board or the
8 director shall keep a record in which shall be inscribed, at the request of any person, firm, or
9 corporation having or claiming to have any interest in any lot or parcel of land, the name and
10 post office address of such person, firm, or corporation, together with a brief description or
11 designation of such lot or parcel, and it shall be the duty of the secretary of the board or the
12 director to mail a copy of such notice to such person, firm, or corporation at such address at least
13 10 days before the time for the hearing as stated in such notice, but the failure of the secretary of
14 the board or the director to keep such record or so to inscribe any name or address or to mail any
15 such notice shall not constitute a valid objection to holding the hearing as provided in this section
16 or to any other action taken under the authority of this section.

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

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

31 (d) Whenever any resolution providing for the construction or reconstruction

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

14 (e) After the passage of the resolution authorizing the construction or
15 reconstruction of assessable improvements has been confirmed where special assessments are
16 levied under this subsection or after the final confirmation of the assessment roll where such
17 assessments are levied under subsection (3), the board may publish at least once in a newspaper
18 published and of general circulation in the county where the benefitted land is located, a notice
19 calling for sealed bids to be received by the board on a date not earlier than 15 days after the first
20 publication for the construction of the work, unless in the initial resolution the board has declared
21 its intention to have the work done by district forces without contract. The notice shall refer in
22 general terms to the extent and nature of the improvements and may identify the same by the
23 short designation indicated in the initial resolution and by reference to the plans and
24 specifications on file. If the initial resolution has given two or more alternative descriptions of
25 the assessable improvements as to its material, nature, character, and size, and, if the board has
26 not theretofore determined upon a definite description, the notice shall call for bids upon each of
27 such descriptions. Bids may be requested for the work as a whole or for any part thereof
28 separately and bids may be asked for any one or more of such assessable improvements
29 authorized by the same or different resolutions, but any bid covering work upon more than one
30 improvement shall be in such form as to permit a separation of cost as to each improvement. The
31 notice shall require bidders to file with their bids either a certified check drawn upon an

1 incorporated bank or trust company in such amount or percentage of their respective bids, as the
2 board deems advisable, or a bid bond in like amount with corporate surety satisfactory to the
3 board to ensure the execution of a contract to carry out the work in accordance with such plans
4 and specifications and ensure the filing, at the making of such contract, of a bond in the amount
5 of the contract price with corporate surety satisfactory to the board conditioned for the
6 performance of the work in accordance with such contract. The board shall have the right to
7 reject any or all bids, and, if all bids are rejected the board may readvertise or may determine to
8 do the work by the district forces without contract.

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

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

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

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

30 (h) At the time and place stated in such notice the board shall meet and
31 receive the objections in writing of all interested persons as stated in such notice. The board may

1 adjourn the hearing from time to time. After the completion thereof the board shall either annul
2 or sustain or modify in whole or in part the prima facie assessment as indicated on such roll,
3 either by confirming the prima facie assessment against any or all lots or parcels described
4 therein or by canceling, increasing, or reducing the same, according to the special benefits which
5 the board decides each such lot or parcel has received or will receive on account of such
6 improvement. If any property which may be chargeable under this section has been omitted from
7 the preliminary roll or if the prima facie assessment has not been made against it, the board may
8 place on such roll an apportionment to such property. The board shall not confirm any
9 assessment in excess of the special benefits to the property assessed, and the assessments so
10 confirmed shall be in proportion to the special benefits. Forthwith after such confirmation such
11 assessment roll shall be delivered to the secretary of the board or the director. The assessment so
12 made shall be final and conclusive as to each lot or parcel assessed unless proper steps be taken
13 within 30 days in a court of competent jurisdiction to secure relief. If the assessment against any
14 property shall be sustained or reduced or abated by the court, the secretary of the board or the
15 director shall note that fact on the assessment roll opposite the description of the property
16 affected thereby. The amount of the special assessment against any lot or parcel which may be
17 abated by the court, unless the assessment upon all benefited property be abated, or the amount
18 by which such assessment is so reduced, may, by resolution of the board, be made chargeable
19 against the district at large; or, at the discretion of the board, a new assessment roll may be
20 prepared and confirmed in the manner herein provided for the preparation and confirmation of
21 the original assessment roll.

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

26 (3)(a) The district ~~engineer~~, under the procedure provided for in this subsection
27 shall next, after passage of the initial resolution and filing of the plans and estimates of cost ~~by~~
28 ~~the district engineer~~, prepare an assessment roll for the district in duplicate, which assessment
29 roll shall contain an apportionment of the estimated total cost of the improvement as between the
30 district and each lot or parcel of land subject to the special assessment under the initial
31 resolution, such apportionment to be made in accordance with the provisions of the initial

1 resolution. One of the duplicates of said assessment roll shall be filed with the secretary of the
2 board and the other duplicate shall be retained by the district engineer in his or her files, all
3 thereof to remain open to public inspection.

4 (b) Upon the completion and filing of said assessment roll the secretary to the
5 board or the director shall cause a copy thereof to be published once in a newspaper published in
6 the county where the benefitted land is located and of general circulation in the county, together
7 with a notice directed to all property owners interested in the special assessments stating that at a
8 meeting of the board on a certain day and hour, not earlier than 15 days after such publication,
9 the board sitting as an equalizing board, will hear objections of all interested persons to the final
10 confirmation of such assessment roll, and will finally confirm such assessment roll or take such
11 action relative thereto as it deems necessary and advisable. A copy of the notice shall be mailed
12 to the landowners of the land to be benefitted by construction of the assessable improvement. The
13 landowners shall be determined by reference to the last available tax roll of Broward County.
14 The secretary of the board or the director shall keep a record in which shall be inscribed, at the
15 request of any person, firm, or corporation having or claiming to have any interest in any lot or
16 parcel of land, the name and post office address of such person, firm, or corporation, together
17 with a brief description or designation of such lot or parcel, and it shall be the duty of the
18 secretary of the board or the director to mail a copy of such notice to such person, firm, or
19 corporation at such address at least 10 days before the time for the hearing as stated in such
20 notice, but the failure of the secretary of the board or the director to keep such record or so to
21 inscribe any name or address or to mail any such notice shall not constitute a valid objection to
22 holding the hearing as provided in this section or to any other action taken under the authority of
23 this section.

24 (c) At the time and place named in the notice provided for in paragraph (b),
25 the board shall meet as an equalizing board to hear and consider any and all complaints as to the
26 special assessments, and shall adjust and equalize the special assessments on a basis of justice
27 and right, and, when so equalized and approved, such special assessment shall stand confirmed
28 and remain legal, valid, and binding liens upon the properties upon which such special
29 assessments are made, until paid in accordance with the provisions of this act. However, upon
30 the completion of the improvements, if the actual cost of the assessable improvements is less
31 than the amount of such special assessments levied, the district shall rebate to the owners of any

1 properties which shall have been specially assessed for such assessable improvements the
2 difference in the special assessments as originally made, levied, and confirmed, and the
3 proportionate part of the actual cost of said assessable improvements as finally determined upon
4 the completion of said assessable improvements. In the event that the actual cost of said
5 assessable improvements shall be more than the amount of the special assessments confirmed,
6 levied, and as finally determined upon the completion of said assessable improvements, the
7 proportionate part of such excess cost of such assessable improvements may be levied against all
8 of the lands and properties against which such special assessments were originally levied, or, in
9 the alternative, the board may, in its discretion, pay such excess cost from any legally available
10 funds.

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

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

23
24 Section 49. Changing boundary lines; annexation and exclusion of lands --

25
26 (1) Whenever the owners of a majority of the acreage of the land within a prescribed
27 area adjacent to the boundaries of the district petitions the board to include a specific area of
28 lands within the boundaries of the district or when the board by resolution proposes that an area
29 of land adjacent to the boundaries of the district be included within the boundaries of the district,
30 the board shall publish a notice once a week for 2 consecutive weeks in a newspaper of general
31 circulation published in Broward County describing the boundaries of the area which is proposed

1 to be taken into the boundaries of the district. The notice shall be directed to the landowners
2 within the area proposed to be taken into the boundaries of the district and shall direct said
3 landowners to show cause in writing before the board at a time and place to be stated in such
4 notice why such area of land should not be brought into the boundaries of the district and why
5 the proceedings and powers authorized by this act should not be exercised by the board. At the
6 time and place stated in said notice the board shall hear all objections of any landowner within
7 the area proposed to be taken into the boundaries of the district and if no objections are made or
8 if said objections, if made, are overruled by the board, the board shall enter in its minutes its
9 findings and adopt a final resolution of annexation confirming the new boundaries of the district
10 as they may be extended. Thereafter, the board may proceed with the development, drainage, and
11 ~~reclamation~~ water management of the new area of land brought into the district. If the board shall
12 overrule any landowners' objections as provided herein or if such landowner shall deem himself
13 or herself aggrieved by the aforesaid action of the board, such landowner may within 20 days
14 after the board adopts its final resolution of annexation invoke the jurisdiction of the circuit court
15 for Broward County. When said resolution annexing the new area to the boundaries of the
16 district shall have been adopted by the board, or by a court of competent jurisdiction if such
17 proposed action shall have been challenged by a landowner by the judicial proceedings
18 hereinabove authorized, the board may adopt a water control plan ~~of reclamation~~ for the newly
19 annexed area and thereafter proceed in a like manner as prescribed in this act. Upon the adoption
20 of the final resolution of annexation, all provisions of this act shall apply to the newly annexed
21 area of land. Lands lying within the boundaries of the district may be deannexed in the same
22 manner as the procedure for annexation.

23

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

28

29 (1) The board is authorized in its discretion to drain and ~~reclaim~~ provide water
30 management and place under water control or more completely and intensively to drain and
31 ~~reclaim~~ provide water management and place under water control the lands in the district by

1 designated areas or parts of the district to be called "units". The units into which the district may
2 be so divided shall be given appropriate numbers or names by the board, so that the units may be
3 readily identified and distinguished. The board shall have the power to fix and determine the
4 location, area, and boundaries of lands to be included in each and all such units, the order of
5 development thereof, and the method of carrying on the work in each unit. The unit system of
6 drainage and water management provided by this section may be conducted and all of the
7 proceedings by this section and this act authorized in respect to such unit or units may be carried
8 on and conducted at the same time as or after the work of draining and ~~reclaiming of providing~~
9 water management for the entire district has been or is being or shall be instituted or carried on
10 under the provisions of this act or under chapter 298, Florida Statutes, or both.

11 (2) If the board shall determine that is it advisable to conduct the work of draining
12 and ~~reclaiming providing water management for~~ the lands in the district by units, as authorized
13 by this section, the board shall, by resolution, declare its purpose to conduct such work
14 accordingly, and shall fix the number, location, and boundaries of and description of lands within
15 such unit or units and give them appropriate numbers or names. The entire district may also be
16 designated as a unit for the proper allocation of such part of the water control and drainage plan
17 ~~of reclamation and drainage~~ as benefits the entire district.

18 (3) As soon as practicable after the adoption of such resolution, the board shall
19 publish notice once a week for 2 consecutive weeks in a newspaper or newspapers published and
20 of general circulation in Broward County, briefly describing the units into which the district has
21 been divided and the lands embraced in each unit, giving the name, number or other designation
22 of such units, requiring all owners of lands in the district to show cause in writing before the
23 board at a time and place to be stated in such notice why such division of the district into such
24 units should not be approved, and the system of development by units should not be adopted and
25 given effect by the board, and why the proceedings and powers authorized by this section should
26 not be had, taken and exercised. At the time and place stated in the notice, the board shall hear all
27 objections or causes of objection, all of which shall be in writing, of any landowner in the district
28 who may appear in person or by attorney, to the matters mentioned and referred to in such
29 notice, and, if no objections are made, or if objections are made and overruled by the board, then
30 the board shall enter in its minutes its finding and order confirming the resolution, and may
31 thereafter proceed with the development, drainage, and ~~reclamation~~water management of the

1 district by units pursuant to such resolution and to the provisions of this act. The failure to make
2 objections as provided in this subsection shall constitute a waiver of such objection, and, if any
3 objection shall be made and overruled or otherwise not sustained, confirmation of the resolution
4 shall be the final adjudication of the issues presented unless a judicial proceeding is initiated
5 within 10 days after such ruling.

6 (5) When the resolutions creating the unit system shall be confirmed by the board, or
7 by the circuit court, if such proposed action shall be challenged by a landowner by the judicial
8 proceedings authorized in this section, the board may adopt a water control plan or plans ~~of~~
9 ~~reclamation~~ for and in respect to any or all such units, and to have the benefits and damages
10 resulting therefrom assessed and apportioned in like manner as is provided by chapter 298,
11 Florida Statutes, in regard to water control plans ~~of reclamation~~ for the assessments of benefits
12 and damages of the entire district, or in like manner as is provided for in this act for the
13 assessments of benefits. The board shall have the same powers in respect to each and all of such
14 units as is vested in them with respect to the entire district. All the provisions of this act shall
15 apply to the drainage, ~~reclamation~~water management, and improvement of each, any, and all
16 such units, and the enumeration of or reference to specific powers or duties of the commissioners
17 or any other officers or other matters in this act, as set forth in this act, shall not limit or restrict
18 the application of any and all of the proceedings and powers herein to the drainage and
19 ~~reclamation~~water management of such units as fully and completely as if such unit or units were
20 specifically and expressly named in every section and clause of this act where the entire district
21 is mentioned or referred to. Unless the board by resolution otherwise provides, all assessments,
22 levies, taxes, bonds, and other obligations made, levied, assessed, or issued for or in respect to
23 any such unit or units shall be a lien and charge solely and only upon the lands in such unit or
24 units, respectively, for the benefit of which the same shall be levied, made, or issued, and not
25 upon the remaining units or lands in the district.

26 (7) If, after the determination of benefits with respect to any unit or units or the
27 issuance of bonds or other obligations which are payable from taxes or assessments for benefits
28 levied upon lands within such unit or units, the board finds the water control plan ~~of reclamation~~
29 of any such unit or units insufficient or inadequate for efficient development, the water control
30 plan ~~of reclamation~~ may be amended or changed as provided in chapter 298, Florida Statutes, or
31 as provided in this act, and the unit or units may be amended or changed as provided in this

1 section by changing the location and description of lands in any such unit or units or by
2 detaching lands therefrom or by adding lands thereto, but only upon the approval or consent of
3 not less than the holders of a majority in principal amount of such bonds or other obligations, or
4 such other percentage as may be required by the terms of such bonds or other obligations, or
5 without such consent or approval, if the proceedings authorizing such bonds provide that such
6 action may be taken without the consent or approval of the holders thereof. In the event of such
7 amendment or change, all assessments, levies, taxes, bonds, or other obligations made, levied,
8 assessed, incurred, or issued for or in respect to any such unit or units shall be allocated and
9 apportioned to the amended unit or units in proportion to the benefits assessed with respect to the
10 amended water control plan of reclamation. In the event of the change of the boundaries of any
11 unit as provided in this section and the allocation and apportionment to the amended unit or units
12 or assessments, levies, taxes, bonds, and other obligations in proportion to the benefits assessed
13 for the amended water control plan of reclamation, the holders of bonds or other obligations
14 hereafter issued for the original unit shall be entitled to all rights and remedies against any lands
15 added to the amended unit or units as fully and to the same extent as if such added lands had
16 formed and constituted a part of the original unit or units at the time of the original issuance of
17 such bonds or other obligations, and regardless of whether the holders of such bonds or other
18 obligations are the original holders thereof or the holders from time to time hereafter, and the
19 rights and remedies of such holders against the lands in the amended unit or units, including any
20 lands added thereto, under such allocation and apportionment, shall constitute vested and
21 irrevocable rights and remedies to the holders from time to time of such bonds or other
22 obligations as fully and to the same extent as if such bonds or other obligations had been
23 originally issued to finance the improvements in such amended unit or units under such amended
24 water control plan of reclamation. Conversely, in the event of the change of the boundaries of
25 any unit wherein lands are detached therefrom, as provided for in this section, said lands so
26 detached shall be relieved and released from any further liability for the assessment, levy or
27 payment of any taxes for the purpose of paying the principal or interest on any bonds originally
28 issued for the original unit from which said lands were detached.

29

30 Section 52. Mandatory use of certain district facilities and services --

31

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

10
11 Section 55. Maintenance and operation of projects ~~across rights-of-way and drainage~~
12 and water management facilities --

13
14 The district shall have the power to construct, maintain and operate its projects and
15 drainage and water management facilities in, along, on, or under any dedications to the public,
16 platted or dedicated rights-of-way, platted or dedicated reservations, streets, easements, water
17 management areas, alleys, highways or other public places or ways, and across any drain, ditch,
18 canal, floodway, holding basin, excavation, railroad right-of-way, easement, reservation, water
19 management area, track, grade, fill, or cut, within or without the district.

20
21 Section 58. Fees, rentals, tolls, fares, and charges: procedure for adoption and
22 modification; minimum revenue requirements --

23
24 The district shall have the power to prescribe, fix, establish, and collect rates, fees,
25 rentals, tolls, fares, or other charges, hereinafter sometimes referred to as "revenues", and to
26 revise the same from time to time, for the facilities and services furnished or to be furnished by
27 the district, including, but not limited to, drainage and water management facilities.

28
29 Section 59. Subdivision regulation --

30
31 (2) Any division of a parcel of land as a subdivision as defined in this act shall be

1 subject to such plat and subdivision regulations hereafter adopted, amended, or modified by the
2 district under the authority of law. Such regulations may provide for streets in the subdivision to
3 be of such width, grade, and location as to facilitate drainage and water management; provide
4 that adequate easements and rights-of-way be provided for drainage and water management and
5 that the lay-out of the subdivision conform to the comprehensive water control plan for drainage
6 and water management for the area; and provide for the drainage and water management
7 requirements to be met. The district shall not approve any subdivision plat unless the land
8 included within the subdivision is suitable or shall be made suitable to the various purposes for
9 which it is intended to be used, and, in particular, unless all land intended for building sites can
10 be used safely for building purposes, without the danger from flood or other inundation, or from
11 any such menace to health, safety, or public welfare. ~~After the effective date of this act, it~~ It
12 shall be unlawful for anyone being an owner, or agent of an owner, of any land to transfer, sell,
13 agree to sell, or negotiate to sell such land by reference to, or exhibition of, or by any other use
14 of a plat or subdivision of such land, without having submitted a plat of such subdivision to the
15 district and obtaining its approval as required by this act. The unlawful use of a plat by the
16 owner, or the agent of the owner, of such land before it is properly approved by the district is
17 declared to be a criminal offense and misdemeanor within the meaning of s. 775.08, Florida
18 Statutes, and shall be punishable as provided by general law. The description by metes and
19 bounds in the instrument of transfer or other document used in the process of transferring, shall
20 not exempt the transaction from such penalties.

21
22 Section 62. ~~Enforcement and penalties. Obstructions, damage, and destruction~~
23 ~~prohibited; damages; enforcement; penalties --~~

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

29
30 Section 2. Record certified copy of act. - - A certified copy of this act shall be recorded in
31 the Broward County Public Records by the South Broward Drainage District.

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Section 3. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.

Section 4. This act shall take effect upon becoming a law.