

Section 3. The expenditure of public funds for the county-wide drainage study is declared to have been for a county purpose.

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

Became a law without the Governor's approval.

Filed in Office Secretary of State June 22, 1961.

CHAPTER 61-1969

HOUSE BILL NO. 3141

AN ACT to provide for a comprehensive program of water resource development, conservation and management in Broward county; authorizing the establishment of a county department of water resources, providing for its personnel and specifying its powers and duties; authorizing the levy of an ad valorem tax to finance the department's activities; authorizing the establishment of a county water resources advisory board, providing for its personnel and specifying its duties; providing for the adoption of a comprehensive water resources management plan; authorizing the creation of water management districts, and specifying the procedures through which such districts may be created; providing for a governing board of the district, and specifying the powers and duties of the governing board and of the district; empowering the district and other governmental agencies of the state to enter into agreements and operations with agencies of the federal government; authorizing the district to make rules and regulations and providing for the enforcement thereof; specifying the method of financing the district and its operations, including preparation and approval of a budget, imposition of an ad valorem tax on property benefited and procedures for levying and collecting such tax; subjecting land held by the trustees of the internal improvement fund to the tax, but exempting certain other public lands from the tax; providing for a district treasurer and depositories and for investment of funds; authorizing and providing for the borrowing of money by the district, including the issuance of bonds and procedures therefor; providing for the disposition of district lands and interest in lands; exempting district property from taxation; providing for the amendment of district boundaries, dissolution of districts, and the

procedures therefor and effect thereof; exempting certain existing drainage districts from the provisions of this act except to the extent such districts elect otherwise; stating the intention of the legislature concerning construction of the statute and divisibility of its sections; making reference to the notice for passage of the act; repealing conflicting laws; and setting an effective date.

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

Section 1. Purposes of Act; Powers of the Board of County Commissioners.—For the purpose of establishing a comprehensive program of water resources development and management, and in order to enable the county to adequately provide for drainage and reclamation; protection against flood damage; water supply and irrigation; prevention of salt water intrusion; water pollution abatement; and other allied functions, the board of county commissioners of Broward County may, by resolution, exercise any and all of the powers provided for hereinafter, and may establish and dissolve any of the administrative departments or operating agencies provided for herein in accordance with the provisions of this act. Upon due consideration it is hereby determined by the Legislature of the state of Florida that water resource development, conservation and management is necessary for the health, welfare, and economic well-being of the people of the state and of Broward County, and that the powers and duties authorized under this act are a necessary and proper exercise of the state's and the county's governmental powers for these purposes.

Section 2. Definitions.

(a) The unqualified word "board" or the phrase "board of county commissioners" means the board of county commissioners of Broward County, unless the context requires otherwise;

(b) "department" means the county department of water resources authorized by section 3 of this act;

(c) "district" means a water management district authorized by section 11 of this act;

(d) "governing board" means the duly constituted governing board of a water management district established in accordance with the provisions of this act.

Section 3. *County Department of Water Resources: Function; Establishment.*—In order to effectuate the purposes of this act, and to provide an administrative arm of government responsible for the water resources management program at the county level, the board of county commissioners may establish a county department of water resources as an agency of county government. Such agency may be established as a separate department reporting directly to the board, or as a division under an already existing department.

Section 4. *Same: Personnel.*—There shall be a director of the county department of water resources, who shall serve at the pleasure of the board of county commissioners, and who may or may not serve in other capacities in county government as the board shall see fit. Additional personnel for the department may be employed as deemed appropriate.

Section 5. *Same: Powers and Duties.*—The powers and duties of the county department of water resources are to:

(a) prepare, for adoption by the board of county commissioners, a comprehensive water resources management plan for the county consistent with the purposes of this act and recommend such alterations and amendments from time to time as may be necessary;

(b) establish standards and criteria for construction and operation of water management works;

(c) undertake water management works when and as feasible, consistent with the water resources management plan adopted by the board of county commissioners as provided for in section 10 of this act;

(d) authorize the undertaking of water management works by private and public interests through issuance of permits, when such works are consistent with the county water resources management plan and are in accordance with the standards and criteria established under subsection (b); provided, however, that any water management district of which the entire county is only a part need not obtain such permits;

(e) provide, to the extent feasible, technical assistance in the construction and operation of water management works, when such

works are authorized as provided in subsection (d); and provide technical assistance, to the extent feasible, to water management districts established under this act;

(f) establish effective liaison and co-ordinate all water resources activity in the county, and ensure that such activities are compatible with the water resources management program of the county and with the program of any multi-county water management district of which the county is a part.

Section 6. Same: Board of County Commissioners Authorized to Levy Ad Valorem Tax.—In order to provide funds to defray the costs and expenses of maintaining the county department of water resources, and to pay the costs and expenses incident to county-wide engineering surveys, studies, and planning (including a water resources master plan for the entire county), and to pay the costs of any elections held pursuant to this act, and to advance funds necessary for the organization of any district, said funds to be secured and repaid by any such district as provided by section 21 hereof, the board of county commissioners may levy, in addition to all other taxes provided by this act or any other act, a uniform ad valorem tax on all taxable property in the county as assessed for county tax purposes, not to exceed one-fourth (1/4) of a mill on the dollar.

Section 7. County Water Resources Advisory Board: Function; Establishment.—To assist the board of county commissioners in carrying out the purposes of this act, and to advise the board and the county department of water resources in matters relating to the development and management of the county's water resources, the board of county commissioners may establish a county water resources advisory board.

Section 8. Same: Personnel.—The county water resources advisory board shall consist of three to five (3-5) residents of the county who are qualified electors and freeholders, appointed by the board of county commissioners. Each appointee shall serve at the pleasure of the board of county commissioners, provided, however, that appointments shall lapse after a term of three (3) years, and members shall then be subject to reappointment or replacement by the board of county commissioners; except that of the first advisory board and any subsequent advisory board when

there has been no immediately preceding board, the appointment of one member shall lapse after one year, one after two years, and the remainder after three years.

Section 9. *Same: Duties.*—The duties of the county water resources advisory board shall be to:

(a) ascertain the views of the residents of the county regarding water resource needs and problems and possible solutions;

(b) recommend general policies relative to the county's water resources, and specific policies to be incorporated in the county's comprehensive water resources management plan;

(c) act for the board of county commissioners in such matters regarding water resources as the board may authorize, including, without limiting the foregoing, its function as a board of equalization under section 20 of this act.

The members of the county water resources advisory board shall serve without pay, except that they shall be reimbursed from any funds available to the board of county commissioners for all expenses incurred in the performance of their duties.

Section 10. *Board of County Commissioners: Adoption of Comprehensive Water Resources Management Plan.*—The board of county commissioners, after receiving the recommendations of the county department of water resources and the county water resources advisory board, if any, and after holding such hearings and obtaining such other information on the question as the board shall deem necessary or desirable, shall adopt by resolution a comprehensive water resources management plan for the county. Such plan may be amended by resolution from time to time as necessary in order to carry out the purposes of this act. A copy of all such resolutions as certified by the board of county commissioners, together with any pertinent maps, drawings, diagrams, schedules or other related materials deemed helpful to an understanding of such resolutions, shall be transmitted to the clerk of the circuit court for filing in an appropriate book of record.

Section 11. *Water Management Districts: Function; Establishment.*—In order to effectuate the purposes of this act, and to provide a unit of government to carry out the actual construction and operation of water management works in accordance with the

comprehensive water resources management plan of the county, the board of county commissioners is authorized to create, in accordance with the provisions of this act, one or more water management districts within the county.

Section 12. *Same: Initiation; Order for Referendum.*—

(a) The board of county commissioners, on its own initiative or at the request of one or more residents of the county, may consider the advisability of establishing a water management district or districts to encompass all or some part of the county. Should the board of county commissioners determine that in its judgment a particular water management district, operating in accordance with this act, would be of benefit to the people of the county and of the area to be included in the district, and would further the purposes of this act, the board shall order a referendum, as provided hereinafter, to be held within the area affected. Such order shall:

(1) designate the boundaries of the area to be included in the proposed district;

(2) designate a reasonable time and place for the holding of the referendum;

(3) provide for giving of adequate public notice of the forthcoming referendum, its purpose, and eligibility requirements for voting therein, as provided hereinafter;

(4) provide for the holding of such public hearings as the board may deem appropriate;

(5) contain such other information or provisions as the board shall deem appropriate, not inconsistent with the provisions of this act.

(b) On petition signed by thirty-five per cent (35%) or more of the freeholders or by owners of thirty-five per cent (35%) or more of the land within the area designated in such petition, the board of county commissioners, without further determination, shall order the referendum as provided for hereinafter. Such order shall be in substantial conformity with the order specified in subsection (a). Provided, however, that the board may in its order realign the boundaries of the area to be included within the proposed district if it deems such realignment necessary to better ful-

fill the purposes of this act. Provided further, that if no such realignment is ordered, and if a majority of the freeholders and the owners of at least fifty per cent (50%) of the land area within the area designated in the petition sign such petition, no referendum shall be required, and the provisions of this act shall apply as if such referendum had been held and approved.

Section 13. *Same: Referendum.*—At the time and place designated in its order, the board of county commissioners shall cause to be held a referendum on the question of establishing the proposed district. All freeholders within the area designated in the order shall be eligible to vote, and an affirmative vote of a majority of the freeholders voting in such referendum shall constitute approval of the proposal. Upon approval the district shall be deemed established, and shall become legally existing and operative.

If the proposed district shall fail of approval, another referendum may not be ordered on a subsequent proposal for a district comprising the same or substantially the same area, as determined by the board, until at least two (2) years after the date of the referendum which failed.

A copy of the order for referendum, and the results of the election as certified by the board, shall be transmitted to the clerk of the circuit court for filing in an appropriate book of record.

Section 14. *Same: Governing Board.*—

(a) The governing board of the district shall consist of three (3) persons, including the chairman, who shall be so designated by the governing board.

(b) One member of the governing board shall be the member of the board of county commissioners within whose commission district all or the greatest part of the water management district lies.

(c) The other two members of the governing board shall be elected as provided hereinafter. As soon as practicable after the district has been established, the board of county commissioners shall cause an election to be held for the elected members of the first governing board. Thereafter, the governing board shall cause

to be held such elections as are necessary to fill expired terms on the governing board, and to fill vacancies in unexpired terms. The elected members of the governing board shall be those persons receiving the highest number of votes cast by the freeholders within the area included in the district at the elections held for that purpose. Such elected members of the governing board shall be elected for a term of four (4) years, except that of the first governing board, one shall be elected for a term of two years, and the other for four. The candidate receiving the highest number of votes in the first election shall be deemed elected for the four year term and the candidate receiving the second highest number of votes at the said first election shall be deemed elected for the two year term.

(d) The board of county commissioners and the governing board, as the case may be, shall by appropriate resolution make reasonable provision for procedures for nominations and for conduct of elections, and shall ensure that adequate public notice of such procedures is given prior to each election.

(e) The director of the county department of water resources shall be ex officio executive secretary to the governing board.

(f) The members of the governing board and the executive secretary shall receive no compensation for their services in such capacities, except that they shall be reimbursed by the district for all expenses incurred in the performance of their duties, which reimbursement may be for the actual amounts expended or, for travel or per diem, at state rates.

(g) The governing board of the district is hereby authorized to employ such engineers, attorneys, other professional persons, and such personnel and assistants as the governing board may deem necessary, under such terms and conditions as it may determine, and to terminate such employment.

Section 15. *Same: Powers and Duties of District and Governing Board.*—A water management district established under the provisions of this act shall constitute a public body corporate and politic, exercising public powers, and such district and the governing board thereof shall have the usual powers and duties incident to such bodies, and also the following powers, in addition to all others granted in other sections of this act (provided, however, that

in the exercise of any of the powers and duties authorized under this act, the district may undertake only such activities as are consistent with the comprehensive water management plan adopted by the county):

(1) To sue and be sued; to make contracts, to adopt and use a common seal and to alter the same as may be deemed expedient; to buy, acquire, sell, own, use, control, operate, improve, and lease all land and personal property as the governing board may deem necessary or proper in carrying out the provisions of this act; to pay all necessary costs and expenses incident to the administration and operation of the district, and to pay all other costs and expenses reasonably necessary or expedient in carrying out and accomplishing the purposes of this act; to do any and all other acts and things hereinafter authorized or required to be done; and to do any and all things, whether or not included in the enumerated powers of this act, necessary to accomplish the purposes of this act.

(2) To acquire by purchase, gift, lease, condemnation or eminent domain or any other manner, such lands as may be reasonably necessary for constructing and maintaining the works and making the improvements required to carry out the intent of this act, including, without limiting the meaning of the foregoing general terms, the right to acquire by condemnation or eminent domain such lands and any interest therein, reasonably necessary for any such purpose that may already be devoted to public use for county, municipal, district, railroad or public utility purposes where and to the extent that the same may cross, intersect or be situate upon or within the area of such land hereinbefore referred to; and the district shall also have the right to acquire by purchase, gift, lease, condemnation or eminent domain, or in any other manner, land, timber, earth, rock and other materials or property, and property rights, including riparian rights, in such amounts as may be reasonably necessary or useful in the development of the works or improvements before referred to. Condemnation or eminent domain proceedings shall be maintained by and in the name of the district, and the procedure shall be, except in so far as is altered hereby, that prescribed for use by counties in Florida.

(3) To take, exclusively occupy, use and possess, but only with the express consent of the trustees of the internal improvement fund, and only in so far as may be necessary for carrying out the

provisions of this act, any areas of land owned by the state of Florida, and within the territorial extent of the district, not in use for state purposes, including, without limiting the foregoing general terms, swamps and overflowed lands, bottoms of streams, lakes and rivers, and the riparian rights thereto pertaining, and, when so taken and occupied, due notice of such taking and occupancy having been filed with the trustees of the internal improvement fund of the state of Florida by the district, such areas of land are hereby granted to and shall be the property of the district. For the purposes of this section, the meaning of the term "use" shall include the removal of material from and the placing of material on any such land. In case it shall be held by any court of competent jurisdiction that there are any lands owned by the state of Florida which may not be so granted, then the provisions of this section shall continue in full force and effect as to all other lands owned by the state of Florida and granted to the district hereunder. The provisions of this section are subject to all laws and regulations of the United States of America with respect to navigable waters.

(4) To take possession of and control and use and operate and maintain all streams, lakes and canals, dams, locks, levees, dikes, sluiceways, reservoirs, holding basins, floodways, pumping stations, buildings, bridges, highways, navigation and conservation works and other works and facilities, within the territorial limits of the district, to the extent only that such possession, control and use shall be deemed by the governing board, in its sole discretion, to be useful and necessary in carrying out the purposes of this act. To enlarge, change, modify or improve any stream, lake or canal within the territorial limits of the district and to clean out, straighten, enlarge or change the course of any waterway or canal, natural or artificial, within the territorial limits of the district; to provide such canals, locks, levees, dikes, dams, sluiceways, reservoirs, holding basins, floodways, pumping stations, buildings, bridges, highways and other works and facilities which the governing board may deem necessary; to cross any highway or railway with works of said district; remove any building or other obstruction necessary for the construction, maintenance and operation of said works; provided that all such activities of the district shall be subject to the rights of persons, firms and corporations, and the rights of municipalities, counties, districts, and political bodies of

the state of Florida (which rights may be acquired by the district by condemnation or eminent domain as provided for by this act). And provided further that the provisions of this section are subject to all laws and regulations of the United States of America with respect to navigable waters.

(5) To operate and maintain any and all works and improvements of the district.

Section 16. *Same: Agreements and Operations with Other Governmental Agencies.*—

(1) All counties, municipalities, districts, governmental bodies and governmental subdivisions of the state of Florida are hereby severally authorized to grant, convey, transfer to and permit the use of by the district upon such terms and conditions as are agreeable to the governing bodies thereof real and personal property belonging to them or any of them, that may be necessary or useful to the district in carrying out the purposes of this act.

(2) The governing board shall have the power to enter into any agreement or contract with the federal government or the state of Florida, or any agency, governmental subdivision or instrumentality of either, and counties, municipalities and taxing districts for the purpose of carrying out, or which in the judgment of the governing board may assist it in carrying out, the purposes of this act.

(3) The district may permit governing bodies of water management district, drainage and other improvement districts, and federal, state and local governments, authorities or agencies to operate and maintain the works of the district under conditions which the governing board may deem advisable.

(4) The governing board shall have authority to prescribe the manner in which local works provided by other districts or by private persons shall connect with and make use of the works of the district, to issue permits therefor, and to cancel the same for noncompliance with the conditions thereof, or for other causes. It shall be unlawful to connect with or make use of the works of said district without consent in writing from its governing board, and said governing board shall have authority to prevent, or if done to stop or terminate the same.

(5) The district may acquire or take over for operation and maintenance such works of other districts as the governing board may deem advisable under agreement with such district.

Section 17. *Same: Rules and Regulations; Enforcement.*—In administering this act the governing board is authorized to make and adopt reasonable rules, regulations and orders consistent with law; and such rules, regulations and orders may be enforced by mandatory injunction, or other appropriate action in the courts of the state.

Section 18. *Same: Financing; District Budget.*—

(1) The governing board of the district shall annually prepare a tentative budget for the district covering its proposed operation and requirements for the ensuing fiscal year. The budget shall set forth, classified by object and purpose, the proposed expenditures of the district for bonds or other debt, for construction, for acquisition of land and other property, for operation and maintenance of the district's works, and for the conduct of the affairs of the district generally, to which may be added an amount to be held as a reserve.

(2) The budget shall also show the estimated amount which will appear at the beginning of the fiscal year as obligated upon commitments made but uncompleted. There shall be shown the estimated unobligated or net balance which will be on hand at the beginning of the fiscal year, and the estimated amount to be raised by district taxes and from other sources for meeting the district's requirements.

(3) On a date to be set by mutual agreement between the governing board and the board of county commissioners, the board of county commissioners shall hold a hearing for the purpose of considering the tentative budget as presented by the governing board. The hearing may be continued from day to day until terminated by the board of county commissioners. Immediately after the hearing is convened the board of county commissioners shall receive the tentative budget and shall hear an explanation or exposition thereof by the governing board. Next, the board of county commissioners shall hear recommendations of the county department of water resources and, next in order, the testimony of district landowners or their representatives, and shall give

appropriate consideration to all such testimony, recommendations and other views duly expressed. In its discretion the board of county commissioners may amend, modify or change the tentative budget by simple majority vote of a quorum when the governing board consents to such action, or by four-fifths (4/5) vote of a complete board without consent of the governing board. The board of county commissioners shall then adopt a final budget which shall thereupon be the fiscal guide of the district for the ensuing fiscal year. Provided, however, that in the event of disaster or emergency or to prevent the same in the reasonable threat thereof, the governing board shall not be limited by the budget as adopted but shall have authority to utilize such funds as may be available or as may be procured in order to meet such disaster or emergency.

(4) The hearing on the tentative budget shall be advertised by the governing board by publication of an appropriate notice at least once a week for two (2) consecutive weeks in a newspaper having general circulation in the district, the last insertion of which notice shall appear not less than one nor more than two weeks prior to the hearing.

Section 19. *Same: Imposition of Taxes.*—The general operations, maintenance, and administration of the district, and the cost of construction undertaken by the district, including debt service (hereinafter referred to collectively as the district works), shall be financed through an ad valorem tax on the property benefited by the district's works in proportion to the benefits received, as determined under the provisions of this act. The procedure for determining and obtaining such taxes shall be as provided herein-after; provided that failure on the part of a state or local officer, other than the members of the governing board, to comply with the provisions of this act shall not prevent the governing board from levying the taxes as set forth herein.

Section 20. *Same: Taxing Procedure.*—

(a) The county tax assessor shall annually, immediately after the tax assessment roll of the county has been reviewed and equalized by the board of county commissioners, report to the governing board the assessed valuation of all taxable real and personal property in the district, including, on the basis of the report of the comptroller of the state of Florida, the assessed valuation of

all railroad lines, railroad property, telephone and telegraph lines, and telephone and telegraph property and all other taxable property lying within the district over which the comptroller has jurisdiction for valuation or assessment purposes. The sum of all assessments of the property within the district so reported by the county tax assessor shall be the assessed value of taxable property of the district for that year for the purpose of district taxes and taxation under the provisions of this act.

(b) The governing board shall thereupon by resolution fix and determine the distribution of the benefits tax which, when levied, will raise the total amount to be raised by taxation in that year necessary to meet the costs of district works as provided in the budget for that year, and shall designate the geographical areas or zones specially benefited by such activities and the millages to be applied to the several areas. It is the intent of this provision that the geographical areas which will be specially benefited by each proposed or undertaken major activity or construction shall in so far as possible bear the cost of such works, to the end that the tax burden shall be distributed, within the limits of administrative feasibility, proportionately to the benefits.

For this purpose the governing board may, by resolution at the time of adopting a plan for specific water management works, or at such other time as may be convenient, determine and designate the total area which will be benefited by such works, and may determine and designate unit areas within the total area in which benefits are deemed to be proportionately equal. The governing board may indicate comparative degrees of benefit and the geographical boundaries of the total areas and the unit areas, and may amend and adjust these when and as often as necessary in order to carry out the intent of this provision.

Provided, however, that all determinations of the governing board relative to the allocation and assessment of the district taxes provided for in this section shall be subject to review and equalization by the board of county commissioners in like manner as county taxes.

(c) The governing board shall thereafter certify to the tax assessor of the county, and to the comptroller of the state of Florida, timely for incorporating into the completed tax roll, the total millage rate to be applied to the properties within the district

and under their respective jurisdictions, indicating where appropriate the rates by areas and units. The tax assessor shall extend on his county tax roll the amount of such tax, determined at the rates certified to him by the governing board, and shall certify the same to the tax collector at the same time and in like manner as for county taxes. The comptroller shall levy and collect the tax applicable to properties under his jurisdiction, determined at the rates certified to him by the governing board, in the same manner and at the same time as he is required by law to assess and collect such taxes for county purposes.

(d) All taxes so collected shall be paid over to the governing board for its use pursuant to this act.

(e) Collection of district taxes, the issuance of tax sale certificates for nonpayment thereof, the redemption or sale of said certificates, the vesting of title by tax forfeiture, and the sale of the land and other real estate so forfeited shall be at the same time, in conjunction with, and by like procedure and of like effect as is provided by law with respect to county taxes, nor may either the county or the district taxes be paid or redemption effected without the payment or redemption of both. The title to district tax forfeited land shall vest in the county on behalf of the district along with that of the county for county tax forfeited land, said district tax forfeited land to be held, sold or otherwise disposed of by the county for the benefit of the district. The proceeds therefrom, after deducting costs, shall be paid to the district in amounts proportionate to the respective tax liens thereon.

(f) The district tax liens shall be of equal dignity with those of the county.

(g) The tax officers of the county are hereby authorized and directed to perform the duties evolving upon them under this act, and to receive compensation therefor at such rates or charges as are provided by law with respect to similar services or charges in other cases.

Section 21. *Same: Cost of Organization and Initial Expenses.*— If it should appear necessary to procure funds with which to pay expenses of organizing the district before a sufficient sum can be obtained from the collection of taxes, the governing board may borrow a sufficient amount of money to meet such expenses, and

may issue interest bearing negotiable notes therefor and pledge the proceeds of the tax imposed under the provisions of this act for the repayment thereof. The governing board may issue to any person performing work or services, or furnishing anything of value in the organization of the district, interest bearing negotiable evidence of debt.

Section 22. *Same: Land Held by Trustees of the Internal Improvement Fund; Areas not Taxed.*—

(1) Land held by the trustees of the internal improvement fund shall be subject to the taxes imposed under authority of this act, and said trustees are authorized to pay the same out of any money in their possession derived from the sale of land or otherwise. For facilitating the assessment of district taxes on land of said fund, the trustees thereof are authorized to prepare lists of land held by them and, timely for the purpose, to transmit a list of said land to the tax assessor of the county, and the tax assessor is directed to extend said land upon the district tax roll according to the description furnished by said trustees and to ascertain the value thereof as for other land.

(2) Land comprising part of the principal of the state school fund declared by the constitution to be "sacred and inviolate," or other real estate, title to which is in the state board of education, shall not be subject to the district taxes nor shall there be liability therefor upon any state agency.

(3) There shall be excluded from district taxes all bodies of navigable water, unreclaimed water areas meandered by the public surveys, all rights of way of said district, all areas devoted or dedicated to the use of and for the works of the district, rights of way of state and county highways, and streets within the limits of incorporated towns, and property owned by a public agency open to the use of the public or for the public benefit not leased to or operated by a private agency.

Section 23. *Same: Treasurer and Depositories.*—The governing board shall designate a treasurer who shall be the custodian of all funds belonging to the governing board and to the district, and such funds shall be disbursed only upon the order of the governing board by warrant or check signed by the treasurer and countersigned by the chairman of the governing board. The governing

board is hereby authorized to select as depositories in which the funds of the governing board and of the district shall be deposited any banking corporation, organized under the laws of the state or under the national banking act, doing business in the state, upon such terms and conditions as the governing board shall deem just and reasonable.

Section 24. *Same: Investment of Funds.*—The governing board of the district may, in its discretion, invest funds of the district as provided for below.

(1) That portion of the funds of the district which the governing board anticipates will be needed for emergencies may be invested in bonds or other obligations, either bearing interest or sold on a discount basis, of the United States, or the United States treasury, or those for the payment of the principal and interest of which the faith and credit of the United States is pledged.

(2) All other funds of the district may be invested in securities named in subsection (1) hereof, or in bonds or other interest-bearing obligations of any incorporated county, city, town, school district or road and bridge district located in the state, for which the full faith and credit of such political subdivision has been pledged; provided, such political subdivision or its successor, through merger, consolidation or otherwise, has not within five (5) years previous to the making of such investment, defaulted for more than six (6) months in the payment of any part of the principal or interest of its bonded indebtedness; and, provided, the securities purchased under the provisions of this subsection shall have a maturity date on or before the anticipated date of need for the funds represented thereby.

Section 25. *Same: Borrowing Money; Issuance of Bonds.*—

(1) In order to provide for the works described by this act, the governing board is hereby authorized and empowered to borrow money temporarily, from time to time, for a period not to exceed one (1) year at any one time, not including renewals thereof, and to issue its promissory notes therefor upon such terms and at such rates of interest as the said governing board may deem advisable, payable from the taxes herein levied and imposed, and the increment thereof. Any of such notes may be used in payment of amounts due, or to become due, upon contracts made or to be made by

said governing board for carrying on the work authorized and provided for herein, and the said governing board may, to secure the payment of any of such notes, hypothecate bonds herein authorized to be issued, and may thereafter redeem such hypothecated bonds. Any of the notes so issued may be paid out of the proceeds of bonds authorized to be issued by this act.

(2) The governing board is hereby authorized and empowered to borrow money on permanent loans and incur obligations from time to time on such terms and at such rates of interest as it may deem proper, not exceeding six per cent (6%) per annum, for the purpose of raising funds to prosecute to final completion the works and all expenses necessary or needful to be incurred in carrying out the purposes of this act; and the better to enable the said governing board to borrow the money to carry out the purposes aforesaid, the governing board is hereby authorized and empowered to issue in the corporate name of said governing board, negotiable coupon bonds of said district.

(3) The bonds to be issued by authority of this act shall be in such form as shall be prescribed by the said governing board, shall recite that they are issued under the authority of this act, and shall pledge the faith and credit of the governing board of the district for the prompt payment of the interest and principal thereof.

(4) Said bonds shall have all the qualities of negotiable paper under the law merchant, and shall not be invalid for any irregularity, or defect in the proceedings for the issue and sale thereof except forgery; and shall be incontestable in the hands of bona fide purchasers or holders thereof for value. The provisions of this act shall constitute an irrevocable contract between said governing board and the district and the holders of any bonds and the coupons thereof, issued pursuant to the provisions hereof. Any holder of any of said bonds or coupons may either at law or in equity by suit, action or mandamus enforce and compel the performance of the duties required by this act of any of the officers or persons mentioned in this act in relation to the said bonds, or to the collection, enforcement and application of the taxes for the payment thereof.

(5) The amount of bonds to be issued in any one year, when added to the amount then outstanding, shall not be greater than

can be supported for that year in accordance with the bond schedule out of ninety per cent (90%) of the taxes imposed, or to be imposed, for that year, plus other moneys in the hands of the district usable for bond purposes after deducting therefrom amounts estimated to be required for maintenance and operation of the works of the district, cost of administration, and amounts for such other purposes as the governing board may determine, nor shall the governing board levy in any year taxes insufficient to support said bonds for such year on the basis herein described.

(6) All bonds and coupons not paid at maturity shall bear interest at a rate not to exceed six per cent (6%) per annum from maturity until paid, or until sufficient funds have been deposited at the place of payment.

(7) The bonds to be issued by authority of this act shall be in denominations of not less than one hundred dollars (\$100.00), bearing interest from date at a rate not to exceed six per cent (6%) per annum, payable semi-annually, to mature at annual intervals within forty (40) years commencing after a period of not later than ten (10) years, to be determined by said governing board, both principal and interest payable at some convenient place designated by said governing board to be named in said bonds, which said bonds shall be signed by the chairman of the governing board, attested with the seal of said district and by the signature of the secretary of said governing board. In case any of the officers whose signatures, countersignatures and certificates appear upon the said bonds and coupons, shall cease to be such officer before the delivery of such bonds to the purchaser, such signature or countersignature and certificate shall nevertheless be valid and sufficient for all purposes the same as if they had remained in office until the delivery of the bonds.

(8) Interest coupons shall be attached to the said bonds and the said coupons shall be consecutively numbered, specifying the number of the bond to which they are attached, and shall be attested by the lithographed or engraved facsimile signature of the chairman and secretary of said governing board.

(9) In the discretion of said governing board, it may be provided that at any time, after such date as shall be fixed by the said governing board, said bonds may be redeemed before maturity at the option of said governing board, or its successors in office.

If any bond so issued subject to redemption before maturity shall not be presented when called for redemption, it shall cease to bear interest from and after the date so fixed for redemption.

(10) The governing board shall have authority to issue refunding bonds to take up any outstanding bonds of said district falling due and becoming payable, when, in the judgment of said governing board, it shall be for the best interests of said district so to do. The said governing board is hereby authorized and empowered to issue refunding bonds to take up and refund all bonds of said district outstanding that are subject to call and termination, and all bonds of said district that are not subject to call or redemption, where the surrender of said bonds can be procured from the holder thereof at prices satisfactory to the governing board. Such refunding bonds may be issued at any time when in the judgment of said governing board it will be to the interest of the district financially or economically by securing a lower rate of interest on said bonds or by extending the time of maturity of said bonds, or for any other reason in the judgment of said governing board advantageous to said district.

(11) When required by the state constitution, the governing board shall call an election of the freeholders in said district, in which said election the matter of whether or not said bonds shall be issued shall be decided as provided by law with respect to bond elections.

(12) Whenever the governing board shall have authorized the issuance of bonds under the provisions of this act, the said governing board may, if it shall so elect, have said bonds validated in the manner provided by chapter 75, Florida Statutes, and to that end the said governing board may adopt a suitable resolution for the issuance of said bonds.

(13) All of said bonds shall be executed and delivered to the treasurer of said district, who shall sell the same in such quantities and at such rates as the governing board may deem necessary to meet the payments for the works and improvements in the district. Said bonds shall not be sold for less than ninety-five cents (95¢) on the dollar, with accrued interest.

(14) It shall be the duty of the treasurer as custodian of the funds belonging to the said governing board and to the district, out of the proceeds of the taxes levied and imposed by this

act and out of any other moneys in his possession belonging to the district, which moneys so far as necessary shall be set apart and appropriated for the purpose, to apply said moneys and to pay the interest upon the said bonds as the same shall fall due and at the maturity of the said bonds to pay the principal thereof.

(15) Whenever the owner of any coupon bond issued pursuant to the provisions of this act shall present such bond and all unpaid coupons thereof to the treasurer of the district with request for the conversion of such bond into a registered bond, such treasurer shall cut off and cancel the coupons of any such coupon bond so presented, and shall stamp, print or write upon such coupon bond so presented either upon the back or the face thereof as may be convenient, a statement to the effect that said bond is registered in the name of the owner and that thereafter the interest and principal of said bond are payable to the registered owner. Thereafter and from time to time any such bond may be transferred by such registered owner in person or by attorney duly authorized on presentation of such bond to the treasurer, and the bond again registered as before, a similar statement being stamped or written thereon.

(26) Such statement stamped, printed or written upon any such bond may be in substantially the following form:

(Date, giving month, year and day.)

This bond is to be registered pursuant to the statutes in such case made and provided in the name of (here insert name of owner), and the interest and principal thereof are hereafter payable to such owner.

.....
Treasurer

(17) If any bond shall have been registered as aforesaid, the principal and interest of said bond shall be payable to the registered owner. The treasurer shall enter in the register of said bonds to be kept by him, or in a separate book, the fact of the registration of such bonds, and in whose names respectively, so that said register or book shall at all times show what bonds are registered and the name of the registered owner thereof.

(18) Any warrant issued under this act that is not paid when presented to the treasurer of the district because of lack of funds in the treasury, such fact shall be endorsed on the back of such

warrant, and such warrant shall draw interest thereafter at a rate not exceeding six per cent (6%) per annum, until such time as there is money on hand to pay the amount of such warrant and the interest then accumulated; but no interest shall be allowed on warrants after notice to the holder or holders thereof that sufficient funds are in the treasury to pay said endorsed warrants and interest.

Section 26. *Same: Disposition of Lands and Interest in Lands; Execution of Instruments.*—The governing board of the district may dispose of lands to which the district has acquired title or to which it may hereafter acquire title in the following manner:

(1) Any lands determined by the governing board to be surplus may be sold by the district, at any time for the highest price obtainable.

(2) All sales of land shall be for cash or upon terms and security to be approved by the governing board, but a deed therefor shall not be executed and delivered until full payment is made.

(3) Before selling any land, except as provided in subsection (5) hereof, it shall be the duty of the district to cause a notice of intention to sell to be published in a newspaper published in the county once each week for three (3) successive weeks (three insertions being sufficient), the first publication of which shall be not less than thirty (30) not more than forty-five (45) days prior to any sale, which notice shall set forth the time and place of the sale and a description of lands to be offered for sale.

(4) All sales shall be conducted at the county courthouse on any day of the week except Sunday and at any time specified in the notice between the hours of 11:00 a.m. and 2:00 p.m.

(5) Public sale shall not be required where surplus lands are being resold to the then owner of that adjacent parcel from which the surplus land was originally parted; provided such sale is made within one year from the time the land is declared surplus; and the owner of the adjacent parcel shall be notified by registered mail to the address shown on the county tax roll within thirty days after the land is declared surplus.

(6) The governing board of the district may lease any lands or interest in land, including but not limited to oil and mineral

rights, to which the district has acquired title, or to which it may hereafter acquire title, for the best price and terms obtainable, to be determined by the governing board.

(7) Before leasing any land, or interest in land including but not limited to oil and mineral rights, the district shall cause a notice of intention to lease to be published in a newspaper published in the county and such other places as the board may determine once each week for three (3) successive weeks (three insertions being sufficient), the first publication of which shall be not less than thirty (30) nor more than forth-five (45) days prior to any lease, which said notice shall set forth the time and place of leasing and a description of the lands to be leased.

(8) It shall not be necessary to publish the notice as provided by subsection (7) where the lease is made to a person in connection with land acquisition by the district and the lease results in a diminution of the cost to the district in the acquisition of the land.

(9) The governing board of the district may release any canal easement, reservation or right-of-way interests, conveyed to it for which it has no present or apparent future use under terms and conditions determined by the board.

(10) Any instruments of sale, lease, release or conveyance executed pursuant to the provisions of this act shall be executed in the name of the district by its governing board acting by the chairman or vice-chairman of said governing board and shall have the corporate seal of the governing board affixed thereto attested by its secretary and any such instrument shall be effective to pass the title or interest of the district in the property conveyed; provided, the district shall not warrant the title to any property sold, leased, released, or conveyed.

Section 27. *Same: District Property Exempt.*—All real and personal property owned, leased, controlled or used by the district shall be exempt from all county, municipal, taxing district, and other ad valorem taxes and special assessments for benefits.

Section 28. *Same: Amendment of District Boundaries.*—

(a) Any time after three (3) years from the establishment of a district under this act, the board of county commissioners, on its

own initiative or upon petition by one or more affected landowners, may amend the boundaries of such district in the manner provided for hereinafter.

(b) The board shall cause to be made such studies and investigations as in its discretion will permit a determination of the necessity or desirability of such boundary amendments, and may conduct such hearings on the matter as it deems appropriate.

(c) If the board determines that amendment to the existing boundaries is necessary or desirable, and is feasible, and would further the purposes of this act, it shall order a referendum to be held within the affected area in the manner provided for hereinafter. Such order shall:

- (1) designate the proposed new boundaries;
- (2) designate a reasonable time and place for the holding of the referendum;
- (3) provide for giving of adequate public notice of the forthcoming referendum, its purpose, and eligibility requirements for voting therein, as provided hereinafter;
- (4) contain such other information or provisions as the board shall deem appropriate, not inconsistent with the provisions of this act.

(d) At the time and place designated in its order, the board shall cause to be held a referendum on the question of amending the district boundaries. All freeholders within the existing district and owners of any land proposed to be added to the district shall be eligible to vote. An affirmative vote of a majority of those voting in such referendum shall constitute approval of the proposed amendment, and upon such approval the district boundaries shall be deemed to be the boundaries as amended. A copy of the order for referendum and the results of the election as certified by the board shall be transmitted to the clerk of circuit court for filing in an appropriate book of record.

(e) Appropriate provision shall be made by the board of county commissioners and the governing board to reconcile the functions, obligations and assets of the district as such may pertain to lands added to or removed from the district by amendment of boundaries.

Section 29. *Same: Discontinuance of Districts; Referendum.*—Any time after five (5) years from the organization of a district under the provisions of this act, any freeholder within the district may file a petition with the board of county commissioners praying that the operations of the district be terminated and the existence of the district discontinued. Upon the filing of such petition, or at any time upon its own initiative, the board may conduct such public meetings and public hearings upon the question as may be necessary to assist it in the consideration thereof. If the board concludes that a referendum should be held on the question, the board shall give due notice of the holding of such referendum, issue appropriate regulations governing the conduct thereof, and shall cause to be held a referendum on the question of whether the operations of the district should be terminated and the existence of the district discontinued. All freeholders in the district shall be eligible to vote in the referendum. No informalities in the conduct of the referendum or in any matters relating thereto shall invalidate the referendum or the result thereof if notice thereof shall have been given substantially as herein provided and the referendum shall have been fairly conducted. If two-thirds (2/3) or more of the qualified voters voting in the referendum shall have voted for the discontinuance of the district, and if the board of county commissioners concurs in the discontinuance, the board shall certify to the governing board of the district the result of the referendum and shall order the operations of the district be terminated.

Section 30. *Same: Certification of Results of Referendum; Dissolution.*—Upon receipt from the board of county commissioners of an order that the operations of the district are to be terminated, pursuant to the provisions of this act, the governing board shall forthwith proceed to terminate the affairs of the district. The governing board shall dispose of all property belonging to the district at public auction and shall pay over the proceeds of such sale to be converted into the general county fund, which amount shall be placed to the credit of the board of county commissioners for the purpose of liquidating any legal obligations the district may have at the time of its discontinuance; provided that any real property which has been acquired or obtained in any manner from any unit of government or governmental subdivision or agency, federal, state or local, shall first be offered to such prior owner, and upon receipt from such prior owner of the consideration

originally paid by the district for such property, the district shall convey such property, including all improvements thereon, to such prior owner. Provided further, that land which has been obtained from the trustees of the internal improvement fund under the provisions of Section 14 (3) shall be reconveyed to the trustees. The governing board shall thereupon file an application, duly verified, with the clerk of the circuit court for the discontinuance of the district, and shall transmit with the application the board of county commissioners' order of termination and its certification of the results of the referendum. The application shall recite that the property of the district has been disposed of and the proceeds, if any, paid over as in this section provided, and shall set forth a full accounting of such properties and proceeds of the sale. The clerk of the circuit court shall issue to the governing board a certificate of dissolution and shall record such certificate in the appropriate book of record in his office.

Section 31. *Same: Continuance of Existing Contracts, etc.*—Upon issuance of a certificate of dissolution all rules and regulations theretofore adopted and in force within the district shall be of no further force and effect. All contracts theretofore entered into, to which the district or governing board are parties, shall remain in force and effect for the period provided in such contracts. The board of county commissioners shall be substituted for the district or governing board as party to such contracts. The board of county commissioners shall be entitled to all benefits and subject to all liabilities under such contracts and shall have the same right and liability to perform, to require performance, and to modify or terminate such contracts by mutual consent or otherwise, as the governing board of the district would have had. Such dissolution shall not affect the lien of any judgment entered under the provisions of this act, nor the pendency of any action instituted under the provisions of this act, and the board shall succeed to all the rights and obligations of the district or governing board as to such liens and actions.

Section 32. *Exemption of Certain Existing Drainage Districts.*—The provisions of this act shall not apply in any respect to certain existing drainage districts and to the lands now within said districts, namely: Hollywood Reclamation District, Napoleon B. Broward Drainage District, Old Plantation Water Control District, Lauderdale Middle River Reclamation District, Tindall Hammock

Irrigation and Soil Conservation District, and/or their successors, except that any such existing drainage district may, by resolution of its governing board concurred in by resolution of the board of county commissioners, elect to be subject to all or any part of such provisions of this act.

Section 33. *Intention of the Legislature.*—It is the intention of the Legislature that the provisions of this act shall be liberally construed to accomplish the purposes provided for herein.

Section 34. *Divisibility of Sections.*—If any section, subsection, paragraph, subparagraph, sentence, clause, phrase or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the validity of the remaining portions of the act, the Legislature hereby declaring that it would have passed this act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases or words thereof may be declared to be unconstitutional or otherwise ineffective.

Section 35. *Notice for Passage of Act.*—Notice for the passage of this act has been published as required by section 21 of article III of the constitution, and affidavit of proof of such publication, together with a true copy of the notice, was duly attached to this act when the bill therefor was introduced in the Legislature, and accompanied said bill throughout the Legislature, as required by law.

Section 36. *Conflicting Laws Repealed.*—All laws and parts of laws in conflict with the provisions of this act are hereby repealed. The provisions of Chapter 378, Florida Statutes, and Chapter 298, Florida Statutes, are hereby found not to be in conflict with the provisions of this act and may be applied in conjunction therewith in order to better carry out their mutual purposes.

Section 37. *Effective Date.*—This act shall take effect upon becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State June 22, 1961.

RESOLUTION

WHEREAS, on November 17, 1970, there was duly filed with the Board of County Commissioners of Broward County, Florida, a Petition, requesting the establishment of a Water Management District in Broward County, Florida, to be known as Lauderdale Isles Water Management District, containing the signatures of more than a majority of the freeholders and the owners of more than fifty percent (50%) of the land area designated in said Petition and hereinafter described; and

WHEREAS, the proposed Water Management District, operating in accordance with the applicable law, would be of benefit to the County and to the area to be included in the district, and would further the purpose of the Act of the Florida Legislature hereinafter specified; and

WHEREAS, all of the land hereinafter described in this Resolution is within the confines of Broward County, Florida, and none of the land described herein is within the confines of any municipality; and

WHEREAS, the Board of County Commissioners of Broward County may, by Resolution, establish the Water Management District requested by the Petition;

NOW, THEREFORE,

BE IT RESOLVED by the Board of County Commissioners of Broward County, Florida, as follows:

1. Pursuant to the provisions of the Water Resources Act, Chapter 61-1969, Laws of Florida, Special Acts of 1961, as amended by Chapter 63-1168, ^{YOK for fire Dept calls by munic} Laws of Florida, Special Acts of 1963, as amended by Chapter 65-1337, ^{tax for salinity abatement district} Laws of Florida, Special Acts of 1965, a Water Management District known as Lauderdale Isles Water Management District be, and the same is hereby, established;
2. That the Lauderdale Isles Water Management District shall encompass the following described land, situate and being in

Broward County, State of Florida, to wit:

Commencing at the Northwest corner of Tract "A", Block 12, Lauderdale Isles No. 2 as recorded in Plat Book 37, Page 48 of the Public Records of Broward County, Florida.

Thence Easterly for a distance of 4,389.53 feet along the South right-of-way line of Riverland Road which is 35 feet South of and parallel to the North line of Section 19, Township 50 South, Range 42 East, to the Northeast corner of Lot 1, Block 1, Lauderdale Isles No. 2 as recorded in Plat Book 33, Page 20 of said county.

Thence Southerly along the East boundary of Block 1 extended across the North New River Canal to a point on the South bank of said canal.

Thence meandering Westerly along the South bank of said canal to a point being the Southerly extension of the Western boundary of Lot 22, Block 12 of Lauderdale Isles No. 2.

Thence Northerly across the canal and along the West boundary of Lot 22 to the Northwest corner of said lot.

Thence Easterly to the Southwest corner of Lot 23.

Thence Northerly to the Northwest corner of Lot 34.

Thence Westerly to the Southwest corner of Tract "A", Block 12.

Thence Northerly along the West boundary of said Tract "A" to the point of commencement.

3. That an election shall be held for the elected members of the First Governing Board of the Lauderdale Isles Water Management District on the 29th day of December, 1970, for terms of office which shall commence on the first day of January, 1971, and the polling place for said election shall be the Lauderdale Isles Yacht Club, located at 2637 Whale Harbor Lane, Fort Lauderdale, Florida, and the polls shall be open from 7:00 o'clock, A.M., until 7:00 o'clock, P.M.;

4. That nomination of candidates for the elected members of the First Governing Board may be made by any freeholder in the above-described District, and such nominations shall be in writing and shall be signed by the freeholder making the nomination and the candidate acknowledging his consent to such nomination

and shall be filed with the Clerk of the Circuit Court in and for Broward County, Florida, at the Broward County Court House, Fort Lauderdale, Florida, before 5:00 o'clock, P.M., on the 18th day of December, 1970;

5. That all freeholders, qualified to vote in General Elections, within the area included in the Lauderdale Isles Water Management District, as described above, shall be eligible to vote in the election of the First Governing Board;

6. Upon conclusion of the election, the election officials shall certify the results of said election to the Board of County Commissioners of Broward County, Florida, and transmit said results to the Clerk of the Circuit Court of Broward County, Florida, for filing with the appropriate records;

7. A Notice of said election shall be published once each week for four (4) consecutive weeks in a newspaper of general circulation in Broward County, Florida, commencing the 24th day of November, 1970.

ADOPTED this 17th day of November, A.D. 1970.

Done
Jenni Clark
City Ft. LAUD
Create
Reso
LI WCD
Fax # 762-4990
" " 8974

Post-it® Fax Note	7671	Date	2-26-02	# of pages	3
To	Jenni Clark	From	Hal Priest		
Co./Dept.		Co.	BC WMD		
Phone #		Phone #	831-0753		
Fax #	762-8974	Fax #			

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PUBLIC NOTICE OF ELECTION AND
NOMINATING PROCEDURES

Notice is hereby given that an Election shall be held for the elected members of the First Governing Board of the Lauderdale Isles Water Management District, on the 29th day of December, 1970, for terms of office which shall commence on the first day of January, 1971, and the polling place for said Election shall be the Lauderdale Isles Yacht Club, located at 2637 Whale Harbor Lane, Fort Lauderdale, Florida, and the polls shall be open from 7:00 o'clock, A.M., until 7:00 o'clock, P.M.

All freeholders, qualified to vote in General Elections and being freeholders within the area included in the Lauderdale Isles Water Management District, as described in the Resolution adopted the 17th day of November, A.D., 1970, by the Board of County Commissioners of Broward County, Florida, establishing the Lauderdale Isles Water Management District, shall be eligible to vote.

The nomination of candidates for the elected members of the First Governing Board of the Lauderdale Isles Water Management District, may be made by any freeholder within the Lauderdale Isles Water Management District, and such nominations shall be in writing and shall be signed by the freeholders making the nomination and the candidate acknowledging his consent to such nomination, and shall be filed with the Clerk of the Circuit Court in and for Broward County, Florida, at the Broward County Court House, Fort Lauderdale, Florida, before 5:00 o'clock, P.M., on the 18th day of December, 1970.

At such Election, the candidate in the District receiving the highest number of votes, shall be elected for a term of four (4) years, and the candidate receiving the second highest number of votes, shall be elected for a term

of two (2) years.

BOARD OF COUNTY COMMISSIONERS
BROWARD COUNTY, FLORIDA

BY: /s/ JACK WHEELER
Clerk of the Circuit Court and Ex-Officio
Clerk of the Board of County Commissioners

Publish November 24, December 1,
December 8, and December 15, 1970.

Furnish six (6) proofs and bill to:

BOARD OF COUNTY COMMISSIONERS
Room 132 - Broward County Court House
Fort Lauderdale, Florida 33301

INSTRUCTIONS FOR AFFIXING SIGNATURES TO
PETITION FOR ESTABLISHMENT OF A
WATER-MANAGEMENT DISTRICT

1. All signatures must be legible in order that each Petitioner may be identified as a property owner by comparing the names on the Petition with County Records.

2. Each Petitioner must affix his signatures on the attached Plat directly on the Lot owned by him or, in the alternative, clearly indicate the Lot associated with the signature by an arrow.

3. Only Lot owners may affix signatures. For example:

- a. If the home is owned in the names of both husband and wife, both should affix their signatures to the Petition on the appropriate Lot;
- b. If the home is solely in the name of the husband, only the husband may sign;
- c. If the home is solely in the name of the wife, only the wife may sign.

4. Unauthorized signatures could serve to disqualify the Petition.

PETITION FOR THE ESTABLISHMENT OF A
WATER MANAGEMENT DISTRICT TO BE KNOWN
AS LAUDERDALE ISLES WATER MANAGEMENT
DISTRICT.

The undersigned, jointly and severally, respectfully petition the Board of County Commissioners of Broward County, Florida, to establish a Water Management District in Broward County, Florida, pursuant to the provisions of the Water Resources Act, Chapter 61-1969, Laws of Florida, Special Acts of 1961, as amended by Chapter 63-1186, Laws of Florida, Special Acts of 1963, as amended by Chapter 65-1337, Laws of Florida, Special Acts of 1965, to be known as Lauderdale Isles Water Management District, encompassing the following described land, situate and being in the County of Broward, State of Florida, to wit:

Commencing at the Northwest corner of Tract "A", Block 12, Lauderdale Isles No. 2 as recorded in Plat Book 37, Page 48 of the Public Records of Broward County, Florida.

Thence Easterly for a distance of 4,389.53 feet along the South right-of-way line of Riverland Road which is 35 feet South of and parallel to the North line of Section 19, Township 50 South, Range 42 East, to the Northeast corner of Lot 1, Block 1, Lauderdale Isles No. 2 as recorded in Plat Book 33, Page 20 of said county.

Thence Southerly along the East boundary of Block 1 extended across the North New River Canal to a point on the South bank of said canal.

Thence meandering Westerly along the South bank of said canal to a point being the Southerly extension of the Western boundary of Lot 22, Block 12 of Lauderdale Isles No. 2.

Thence Northerly across the canal and along the West boundary of Lot 22 to the Northwest corner of said lot.

Thence Easterly to the Southwest corner of Lot 23.

Thence Northerly to the Northwest corner of Lot 34..

Thence Westerly to the Southwest corner of Tract "A", Block 12.

Thence Northerly along the West boundary of said Tract "A" to the point of commencement.

Your Petitioners would respectfully show unto this Honorable Commission the requirement for the application of the aforesaid special Act to their particular circumstances as follows:

1. The residents of the above-described land are presently required to depend wholly upon voluntary contributions for the maintenance of waterways existing in the area described;

2. This proposed Water Management District, operating in accordance with the Act cited above, would be of benefit to the County and to the area to be included in the District, and would further the purpose of said Act;

3. A majority of the freeholders, and the owners of at least fifty percent (50%) of the land area within the area designated above, have signed this Petition;

4. That all of the land described herein is within the confines of Broward County, Florida, and none of the land described herein is within the confines of any municipality.

IN WITNESS WHEREOF the Petitioners hereto have set their hands to Plats of the property described herein as recorded in the Public Records of Broward County, Florida, marked Exhibits 1 through 12, and attached hereto. Signatures are affixed in this manner to indicate that portion of the above-described land owned by each Petitioner, and to facilitate the identification of Petitioners and the verification of their status as freeholders.

DATED this 12th day of November, 1970,
at Broward County, Florida.

Florida, of the sum of sixteen thousand five hundred dollars (\$16,500.00) made at the time of said exchange is hereby authorized, ratified, validated, confirmed and approved.

Section 3. This act shall take effect upon becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State June 25, 1965.

CHAPTER 65-1337

SENATE BILL NO. 1153

AN ACT relating to Broward county, amending section 41 of chapter 61-1969, laws of Florida, special acts of 1961, as added by section 3 of chapter 63-1186, laws of Florida, special acts of 1963, providing for the levy and collection of a severance tax for the use of salinity abatement districts within Broward county; including governmental and municipal water utility companies within the utility companies subject to such tax; and providing for an effective date.

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

Section 1. Section 41 of chapter 61-1969, laws of Florida, special acts of 1961, as added by section 3 of chapter 63-1186 laws of Florida, special acts of 1963, is amended to read:

Section 41. Imposition of severance tax. For the purpose of defraying the costs and expenses of any such salinity abatement district or districts, and the costs of construction, operation and maintenance of water management works necessary for the prevention of salt water intrusion into any such district or districts, including the costs and expenses of debt service, if any, and all other reasonable and necessary expenses, the board of county commissioners is given the right, power and authority by resolution duly adopted, to impose, levy and collect for the use of any such district or districts a severance tax on each governmental, municipal and private water utility company severing or extracting water from the ground in any such district or districts; provided any such severance tax shall not exceed twenty-five cents (\$.25) on each twenty-five thousand

(25,000) gallons, or major portion thereof of water severed or extracted from the ground. Any such resolution imposing such severance tax may provide penalties for the violation of such resolution. In every case the tax shall be collected from the utility company or companies, governmental, municipal and private, severing or extracting water from the ground in any such district. It shall be the duty of every such utility company to report and pay over to the board of county commissioners for the use of such salinity abatement district or districts all such taxes imposed and levied by resolution adopted pursuant to this section in accordance with the accounting and other provisions of such resolution.

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

Became a law without the Governor's approval.

Filed in Office Secretary of State June 25, 1965.

CHAPTER 65-1338

SENATE BILL NO. 1267

AN ACT authorizing the board of county commissioners of Broward county to create a pollution control board; providing for the organization of said board, and the qualifications and terms of office of members of said board; establishing the duties and powers of said board; providing for appointment of a pollution control officer and his qualifications; establishing the duties and powers of said pollution control officer; providing for appeals from actions or decisions of the pollution control officer; declaring the intent and purpose of the act; defining certain words and phrases used in the act; providing prohibitions against pollution, air pollution and water pollution; making violation of the act and rules and regulations adopted pursuant to the act a misdemeanor; providing remedies and penalties for violations of the act; authorizing the board of county commissioners to budget and expend funds for air and water pollution control and declaring such budgeting and expenditure of funds a county purpose; providing for severability of invalid portions of the

Became a law without the Governor's approval.

Filed in Office Secretary of State June 16, 1978.

CHAPTER 78-482

House Bill No. 1737

AN ACT relating to Broward County; requiring and providing a method for the transfer of powers, duties, obligations and functions of water management districts created pursuant to Chapter 61-1969, Laws of Florida, as amended, to Broward County, and authorizing such transfer to municipalities; providing a method for the abolishment or dissolution of such water management districts; providing for the disposition of books, records, assets, property and funds of the district upon dissolution; providing for the continuation of existing contracts of the district upon dissolution; providing for severability; providing an effective date.

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

Section 1. The Board of County Commissioners of Broward County, Florida, shall, upon its own resolution transfer water management districts created pursuant to the provisions of Chapter 61-1969, Laws of Florida, as amended, to Broward County and any or all powers, duties, responsibilities, obligations, and functions of the district shall be performed by Broward County on behalf of the district. The Board of County Commissioners may, in the event that such water management district is located totally within the boundaries of one municipality within Broward County, by resolution of the County transfer any or all powers, duties, responsibilities, obligations, and functions of the district to the municipality within which the water management district lies with the consent of said municipality.

Section 2. The Board of County Commissioners of Broward County, Florida, may dissolve or abolish any water management district created pursuant to Chapter 61-1969, Laws of Florida, as amended, upon its own initiative, or upon the petition of any elector or landowner of the district when the Board determines that it is in the best interests of the district to do so. The Board of County Commissioners shall conduct such public meetings and public hearings upon the question of whether the district should be dissolved as may be necessary to assist it in the consideration thereof. If the Board of County Commissioners determines to dissolve or abolish the district, it shall adopt a resolution and order that the operations of the district be terminated effective as provided in the resolution.

Section 3. Except in the event that a district lies totally within the boundaries and jurisdiction of one municipality, the district shall upon termination deliver all books and records of the district and pay over all funds and moneys of the district to Broward County, said funds to be deposited in the general fund of the county if there is no indebtedness of the district; but if said district is indebted in any way or manner, said funds shall be placed in a

special trust fund for the benefit of said district to be used by the county to retire and pay the debts of said district.

Section 4. In the event that a district lies totally within the boundaries and jurisdiction of one municipality as provided in section 1, the district shall upon termination deliver all books and records of the district and pay over all funds and moneys of the district to said municipality, said funds to be deposited in the general fund of the municipality if there is no indebtedness of the district; but if said district is indebted in any way or manner, said funds shall be placed in a special trust fund for the benefit of said district to be used by said municipality to retire and pay the debts of said district.

Section 5. Except in the event that a district lies totally within the boundaries and jurisdiction of one municipality, all assets including real, personal and intangible property belonging to the district and all rights and interests therein and all easements and rights-of-way belonging to the district which are not indebted shall immediately become the assets and property of Broward County. All other property of the district which is indebted shall be held in trust by the Board of County Commissioners for the payment of the debts of the district. An inventory and description of all such assets and property shall be set forth in the resolution dissolving the district, which resolution shall be placed upon the public records of Broward County.

Any such indebted property may in the discretion of the Board of County Commissioners, acting as trustee, be sold and the proceeds placed in said special trust fund to be applied to the payment of the debts of said abolished district. If such property or assets are revenue producing, the Board of County Commissioners, acting as trustee, may either sell the property or assets and apply the proceeds to retirement of any indebtedness existing by placing such proceeds in said special trust fund or retain such property and assets and apply the income and proceeds toward the payment of such indebtedness of said abolished district by depositing same in said trust fund after using so much as is necessary of the income or proceeds for operation, upkeep and maintenance of such revenue producing property.

In no event shall any indebtedness of the district be paid from or become the liability of funds or moneys of Broward County, except as provided above.

Section 6. In the event that a district lies totally within the boundaries and jurisdiction of one municipality as provided in section 1, all assets including real, personal and intangible property belonging to the district and all rights and interests therein and all easements and rights-of-way belonging to the district which are not indebted shall immediately become the assets and property of said municipality. All other property of the district which is indebted shall be held in trust by the municipality for the payment of the debts of the district. An inventory and description of all such assets and property shall be set forth in the resolution dissolving the district, which resolution shall be placed upon the public records of Broward County.

Any such indebted property may in the discretion of the governing board of said municipality, acting as trustee, be sold and the proceeds placed in said special trust fund to be applied to the

payment of the debts of said abolished district. If such property or assets are revenue producing, the governing board of said municipality, acting as trustee, may either sell the property or assets and apply the proceeds to retirement of any indebtedness existing by placing such proceeds in said special trust fund or retain such property and assets and apply the income and proceeds toward the payment of such indebtedness of said abolished district by depositing same in said trust fund after using so much as is necessary of the income or proceeds for operation, upkeep and maintenance of such revenue producing property.

In no event shall any indebtedness of the district be paid from or become the liability of funds or moneys of the municipality, except as provided above.

Section 7. All contracts theretofore entered into, to which the district is a party, shall remain in force and effect for the period provided in the contracts. Except in the event that a district lies totally within the boundaries and jurisdiction of one municipality as provided in section 1, the Board of County Commissioners, as trustee of said district, shall be substituted for the district as a party to such contracts. The Board of County Commissioners as trustee shall be entitled to all benefits and subject to all liabilities under such contracts, and shall have the same right and liability to perform as trustee, to require performance, and to modify or terminate such contracts as the district would have had.

In the event that a district lies totally within the boundaries and jurisdiction of one municipality as provided in section 1, the governing board of said municipality, as trustee of said district, shall be substituted for the district as a party to such contracts. The governing board of said municipality as trustee shall be entitled to all benefits and subject to all liabilities under such contracts, and shall have the same right and liability to perform as trustee, to require performance, and to modify or terminate such contracts as the district would have had.

Section 8. If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by any Court of Competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

Section 9. This act shall take effect upon becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State June 19, 1978.

CHAPTER 78-483

House Bill No. 927

AN ACT relating to the City of Cape Coral, Lee County; prohibiting commercial fishing and collecting of certain marine life in man-made canals in the City of Cape Coral at certain times; providing a penalty; providing for a referendum; providing an effective date.

Resolution 2003-483

1
2 A RESOLUTION OF THE BROWARD COUNTY BOARD OF
3 COUNTY COMMISSIONERS ELECTING TO TRANSFER THE
4 LAUDERDALE ISLES WATER CONTROL DISTRICT, A
5 DEPENDENT DISTRICT, TO THE JURISDICTION OF THE CITY
6 OF FORT LAUDERDALE IN ACCORDANCE WITH THE
7 PROVISIONS OF CHAPTER 78-482, LAWS OF FLORIDA;
8 PROVIDING FOR A LIST OF ASSETS OF THE DISTRICT;
9 PROVIDING FOR A LIST OF MONEYS THAT WILL CONTINUE
10 TO BE HELD BY THE DISTRICT; PROVIDING THAT THE
11 TRANSFER OF JURISDICTION SHALL NOT AFFECT THE LIEN
12 OF ANY JUDGMENT OR THE PENDENCY OF ANY CAUSE OF
13 ACTION; PROVIDING THAT NO INDEBTEDNESS OF THE
14 DISTRICT SHALL BE PAID OR BECOME THE LIABILITY OF
15 FUNDS OR MONEYS OF THE CITY OF FORT LAUDERDALE;
16 AND PROVIDING FOR AN EFFECTIVE DATE.

17 WHEREAS, LAUDERDALE ISLES WATER (MANAGEMENT) CONTROL DISTRICT
18 ("DISTRICT") was duly created in accordance with Chapter 61-1969, Laws of Florida, as
19 amended, by the Broward County Board of County Commissioners by resolution adopted on
20 November 17, 1970, and has performed its functions in providing for the maintenance of
21 waterways within its boundaries; and

22 WHEREAS, Chapter 61-1969, was subsequently incorporated into the Broward County
23 Code of Ordinances as Chapter 36, "Water Resources and Management" ("Chapter 36"); and

24 WHEREAS, the DISTRICT is a dependent special district pursuant to Section 189.403,
Florida Statutes; and

WHEREAS, the DISTRICT has retained its separate Governing Board; and

WHEREAS, the boundaries of the DISTRICT have been annexed into the City of Fort
Lauderdale by Chapter 2001-322, Laws of Florida; and

WHEREAS, pursuant to the applicable provisions of Chapter 78-482, Laws of Florida,
the Broward County Board of County Commissioners wishes to transfer the District to the
jurisdiction of the City of Fort Lauderdale; NOW, THEREFORE,

1 BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF BROWARD
2 COUNTY, FLORIDA:

3 **Section 1.** The recitals set forth above are true and correct and are incorporated into
4 this Resolution.

5 **Section 2.** That the Broward County Board of County Commissioners hereby
6 transfers the DISTRICT, as depicted in Exhibit "A-1" and Exhibit "A-2" to the jurisdiction of the
7 City of Fort Lauderdale pursuant to Chapter 78-482, Laws of Florida.

- 8 1. Exhibit "A-1" is the legal description of the DISTRICT.
- 9 2. Exhibit "A-2" is a map of the boundaries of the DISTRICT.

10 **Section 3.** Exhibit "B" is a certified copy of the resolution creating the Lauderdale
11 Isles Water Management District.

12 **Section 4.** All assets, books, and records belonging to the DISTRICT, including but
13 not limited to all personal and intangible property, and all rights and interests therein, belonging
14 to the DISTRICT shall remain with the DISTRICT, as a dependent district of the City of Fort
15 Lauderdale.

16 **Section 5.** Exhibit "C" contains a list of all moneys of the DISTRICT that will continue
17 to be held in a DISTRICT fund for the operation of the DISTRICT.

18 **Section 6.** To the best knowledge and belief of the Governing Board, there are
19 currently no outstanding contracts and agreements to which the DISTRICT is currently a party.

20 **Section 7.** This transfer of jurisdiction shall not affect the lien of any judgment entered
21 pursuant to Chapter 36, Broward County Code of Ordinances or Chapter 78-482, Laws of
22 Florida, nor the pendency of any action instituted pursuant to the above. To the best knowledge
23 and belief of the Governing Board, there are currently no such liens or actions.

24

1 **Section 8.** In no event shall any indebtedness of the DISTRICT be paid from or
2 become the liability of funds or money of the City of Fort Lauderdale.

3 **Section 9.** That pursuant to this election, the Broward County Board of County
4 Commissioners and the City of Fort Lauderdale are required to do all acts necessary in
5 accordance with any applicable state laws and/or county ordinances to transfer the DISTRICT
6 to the jurisdiction of the City of Fort Lauderdale.

7 **Section 10.** That this Resolution shall take effect upon consent by the City of Fort
8 Lauderdale of the transfer as provided in Chapter 78-482, Laws of Florida.

9 ADOPTED this 1st day of July, 2003. #5

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EXHIBIT "A-1"

Commencing at the Northwest corner of Tract "A", Block 12, Lauderdale Isles No. 2 as recorded in Plat Book 37, Page 48 of the Public Records of Broward County, Florida.

Thence Easterly for a distance of 4,389.53 feet along the South right-of-way line of Riverland Road which is 35 feet South of and parallel to the North line of Section 19, Township 50 South, Range 42 East, to the Northeast corner of Lot 1, Block 1, Lauderdale Isles No. 2 as recorded in Plat Book 33, Page 20 of said county.

Thence Southerly along the East boundary of Block 1 extended across the North New River Canal to a point on the South bank of said canal.

Thence meandering Westerly along the South bank of said canal to a point being the Southerly extension of the Western boundary of Lot 22, Block 12 of Lauderdale Isles No. 2.

Thence Northerly across the canal and along the West boundary of Lot 22 to the Northwest corner of said lot.

Thence Easterly to the Southwest corner of Lot 23.

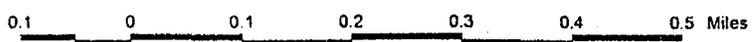
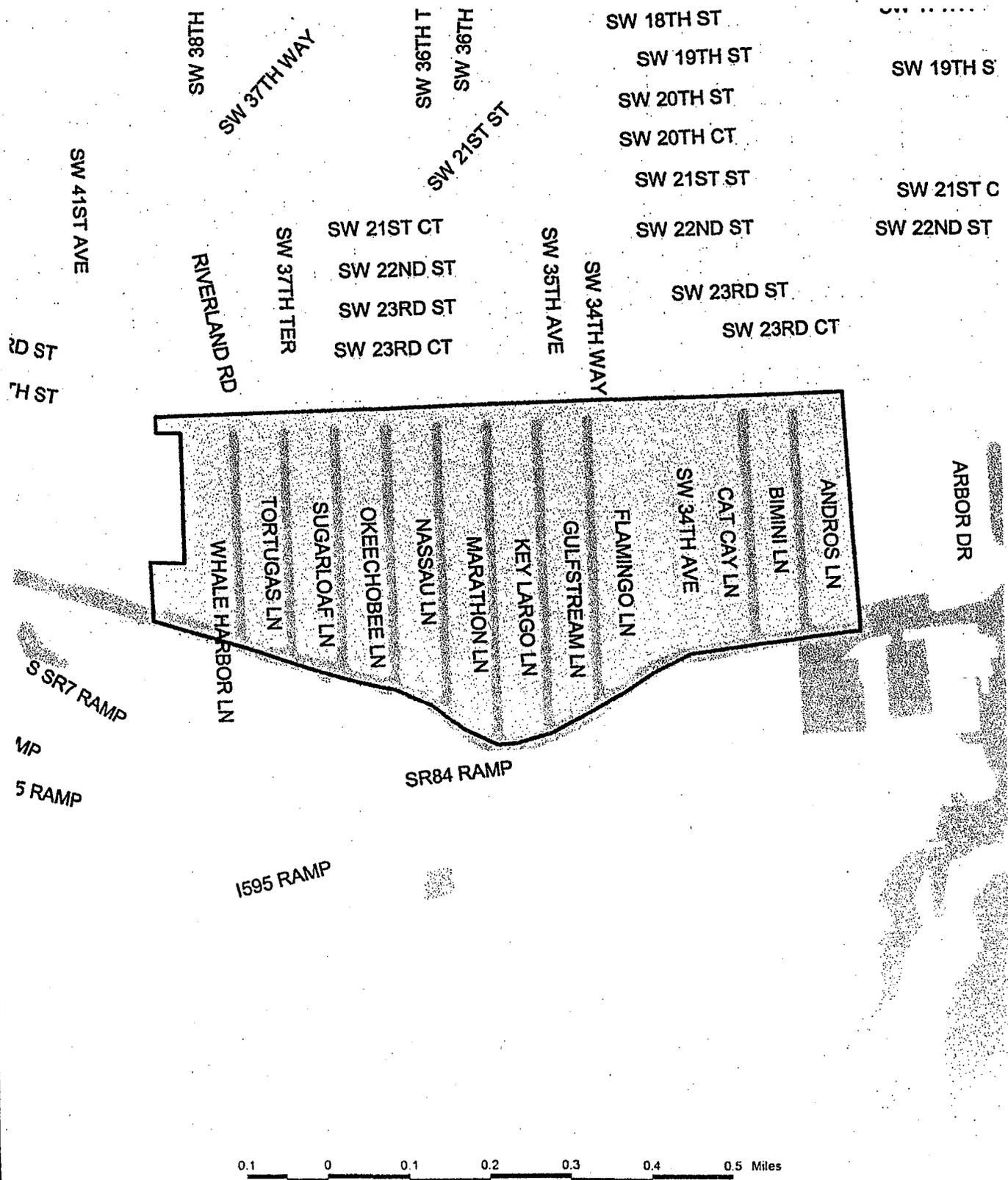
Thence Northerly to the Northwest corner of Lot 34.

Thence Westerly to the Southwest corner of Tract "A", Block 12.

Thence Northerly along the West boundary of said Tract "A" to the point of commencement.

Exhibit "A-2"

Broward County Lauderdale Isles Water Control District



Broward County Office
of Environmental Services
Water Management Division



May 02, 2003
lauderdaleisles_of.apr
PC 445
codeen

CAM # 23-0089

EXHIBIT 3

Exhibit "B"

70-19337

PETITION FOR THE ESTABLISHMENT OF A WATER MANAGEMENT DISTRICT TO BE KNOWN AS LAUDERDALE ISLES WATER MANAGEMENT DISTRICT.

The undersigned, jointly and severally, respectfully petition the Board of County Commissioners of Broward County, Florida, to establish a Water Management District in Broward County, Florida, pursuant to the provisions of the Water Resources Act, Chapter 61-1969, Laws of Florida, Special Acts of 1961, as amended by Chapter 63-1186, Laws of Florida, Special Acts of 1963, as amended by Chapter 65-1337, Laws of Florida, Special Acts of 1965, to be known as Lauderdale Isles Water Management District, encompassing the following described land, situate and being in the County of Broward, State of Florida, to wit:

Commencing at the Northwest corner of Tract "A", Block 12, Lauderdale Isles No. 2 as recorded in Plat Book 37, Page 48 of the Public Records of Broward County, Florida.

Thence Easterly for a distance of 4,389.53 feet along the South right-of-way line of Riverland Road which is 35 feet South of and parallel to the North line of Section 19, Township 50 South, Range 42 East, to the Northeast corner of Lot 1, Block 1, Lauderdale Isles No. 2 as recorded in Plat Book 33, Page 20 of said county.

Thence Southerly along the East boundary of Block 1 extended across the North New River Canal to a point on the South bank of said canal.

Thence meandering Westerly along the South bank of said canal to a point being the Southerly extension of the Western boundary of Lot 22, Block 12 of Lauderdale Isles No. 2.

Thence Northerly across the canal and along the West boundary of Lot 22 to the Northwest corner of said lot.

Thence Easterly to the Southwest corner of Lot 23.

Thence Northerly to the Northwest corner of Lot 34.

Thence Westerly to the Southwest corner of Tract "A", Block 12.

Thence Northerly along the West boundary of said Tract "A" to the point of commencement.

PAGE 18

- 2 -

Your Petitioners would respectfully show unto this Honorable Commission the requirement for the application of the aforesaid special Act to their particular circumstances as follows:

1. The residents of the above-described land are presently required to depend wholly upon voluntary contributions for the maintenance of waterways existing in the area described;

2. This proposed Water Management District, operating in accordance with the Act cited above, would be of benefit to the County and to the area to be included in the District, and would further the purpose of said Act;

3. A majority of the freeholders, and the owners of at least fifty percent (50%) of the land area within the area designated above, have signed this Petition;

4. That all of the land described herein is within the confines of Broward County, Florida, and none of the land described herein is within the confines of any municipality;

IN WITNESS WHEREOF the Petitioners hereto have set their hands to Plats of the property described herein as recorded in the Public Records of Broward County, Florida, marked Exhibits 1 through 121, and attached hereto. Signatures are affixed in this manner to indicate that portion of the above-described land owned by each Petitioner, and to facilitate the identification of Petitioners and the verification of their status as freeholders.

DATED this 12th day of November, 1970,
at Broward County, Florida.

EXHIBIT "C"

LAUDERDALE ISLES WATER CONTROL DISTRICT FINANCIAL ASSETS

Public Funds Checking with Bank of America

Account No. 002223022544 Amount: \$ 7,686.96 as of April 30, 2003

Annual Percentage Yield: 0.20 %

Two-Year Cash Deposit (CD) with Bank of America

Account No. 30000059254787 Amount: \$ 13,266.89 as of January 20, 2002

Annual Percentage Yield: 2.76 % Matures: January 20, 2004

**Bank Address: Bank of America
3030 Riverland Road
Fort Lauderdale, Fl. 33312**