

ORDINANCE NO. C-23-06

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, RELATING TO THE LAUDERDALE ISLES WATER MANAGEMENT DISTRICT RATIFYING AND APPROVING THE CREATION AND TRANSFER OF THE DISTRICT; PROVIDING FOR A CHARTER OF THE DISTRICT; AMENDING THE SERVICE AREA; PROVIDING FOR RECITALS, AUTHORITY, AND MODIFICATION OF THE DISTRICT BOUNDARIES; PROVIDING FOR CODIFICATION AND SCRIVENER'S ERRORS, MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING, SEVERABILITY, REPEAL OF CONFLICTING ORDINANCE PROVISIONS, AND AN EFFECTIVE DATE.

WHEREAS, the Lauderdale Isles Water Management District was first created in 1970, by the adoption of a resolution by Broward County Board of County Commissioners pursuant to the Water Resources Act, Chapter 61-1969, Laws of Florida, Special Acts of 1961 as amended by Chapter 63-1168, Laws of Florida, Special Acts of 1963, as amended by Chapter 65-1337, Laws of Florida, Special Acts of 1965; and

WHEREAS, the Broward County became a charter county on January 1, 1975, pursuant to a vote of the electorate on November 5, 1974; and

WHEREAS, the Broward County Charter contained the following provision:

“Section 8.17. BROWARD COUNTY ENVIRONMENTAL QUALITY CONTROL BOARD.

D. The functions, responsibilities, duties and obligations of the Water Resources Development Act as provided in Chapter 61-1969, Laws of Florida, Special Acts of 1961, as amended, are hereby transferred and vested in the Charter Government; and said duties, responsibilities and obligations shall continue to exist within the Environmental Quality Control Board; and said Act is hereby repealed. The Water Resources Advisory Board shall continue to be appointed by the County Commission and shall serve as an advisory body to the Environmental Quality Control board.”; and

WHEREAS, the Florida Legislature enacted Chapter 77-518, Laws of Florida ratifying Section 8.17.D of the Broward County Charter and repealed Chapter 61-1969, Laws of Florida, Special Acts of 1961, as amended; and

WHEREAS, the Florida Legislature enacted Chapter 78-482, Laws of Florida authorizes Broward County to transfer all powers, duties, responsibilities, obligations and functions of the water management districts created pursuant Chapter 61-1969, Laws of Florida to itself or a municipality, if the district is located totally within the boundaries of one municipality.

WHEREAS, the Broward County Board of County Commissioners adopted Ordinance No. 79-33 incorporating the provisions of Chapter 61-1969, Laws of Florida into the Broward County Code of Ordinances in Chapter 36; and

WHEREAS, Chapter 36 of the Broward County Code of Ordinance defines District to mean water control district, however, continues to use the term water management district in reference to the district; and

WHEREAS, Section 36-11 of the Broward County Code of Ordinance provides that: "Water management districts existing prior to the effective date of this section [October 2, 1979] shall not be affected except as provided by subsection (a) of section 36-14.5 hereof."; and

WHEREAS, Section 36-14.5(a) of the Broward County Code of Ordinance states that the governing bodies of any water management district created pursuant to chapter 61-169 (sic), Laws of Florida, as amended, may elect to dissolve or abolish the district and transfer the powers, duties, obligations and functions thereof to the board of county commissioners; and

WHEREAS, the governing body of the Lauderdale Isles Water Management District opted not to elect to exercise the provisions of Section 36-14.5(a), of the Broward County Code of Ordinance and remained the governing board of the District as a dependent district of Broward County pursuant to Section 189.403, Florida Statutes; and

WHEREAS, in 2002, all of the properties within the boundaries of the District were annexed into the City of Fort Lauderdale, Florida; and

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WHEREAS, pursuant to the applicable provisions of Chapter 78-482, Laws of Florida, the Broward County Board of County Commissioners adopted Resolution 2003-483 transferring the district to the jurisdiction of the City of Fort Lauderdale; and

WHEREAS, as a Dependent Special District, the City Commission of the City of Fort Lauderdale, has the legal authority to revise, amend or repeal, by local ordinance, the provisions of the District's charter, including the boundaries of the District; and

WHEREAS, a review and evaluation of the areas intended to benefit from the District has identified the need to modify the District boundary to more accurately reflect the properties receiving and benefitting from the services provided by the District and to more effectively provide services to the properties within the District;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA:

SECTION 1. RECITALS. The above recitals are hereby incorporated into this Ordinance as if restated herein.

SECTION 2. AUTHORITY. Florida Statutes Chapter 189; and other applicable law, authorizes the City to adopt the Charter of the District.

SECTION 3. That Chapter 28 - "Water, Wastewater and Stormwater" be amended to establish a new Article VI entitled "Lauderdale Isles Water Management District" set forth as follows:

Article VI. – Lauderdale Isles Water Management District

Section 28-300 - Creation of the District Ratified and Approved; Change of the Name of the District to Lauderdale Isles Water Management District.

The November 17, 1970 Resolution adopted by the Broward County Board of County Commissioners, establishing the Lauderdale Isles Water Management District pursuant to the provisions of the Water Resources Act, Chapter 61-1969, Laws of Florida, Special Acts of 1963, as amended by Chapter 65-1337, Laws of Florida, Special Acts of 1965, Resolution 2003-483 adopted by the Broward County Board of County Commissioners transferring the Lauderdale Isles Water Management District to the Jurisdiction of the City of Fort Lauderdale in accordance with the provisions of Chapter 78-482, Laws of Florida, and all subsequent proceedings are hereby ratified, confirmed and approved, except that the boundaries of said district shall be as hereinafter

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described in Section 28-301. The Lauderdale Isles Water Management District shall continue to be a public corporation of the state and have perpetual existence as it is deemed to be the best alternative for water management. All lawful debts, bonds, obligations, contracts, franchises, promissory notes, audits, minutes, resolutions, and other takings of the Lauderdale Isles Water Management District are hereby validated and hereby shall continue to be valid and binding in accordance with their respective terms, conditions, covenants and tenor. Any procedure heretofore done by the Lauderdale Isles Water Management District under the Florida Statutes or any other law, for the construction of any improvements, works or facilities, for the assessment of benefits and damages or for the borrowing of money shall not be impaired or avoided by this article.

There is hereby adopted, pursuant to Florida Statutes Section 189.02, a charter for the dependent special district to be known as Lauderdale Isles Water Management District.

Section 28-301 - Boundaries

The boundaries of the district shall be:

BEGINNING (P.O.B 1) AT THE NORTHWEST CORNER OF LOT 22, "BLOCK 12 OF LAUDERDALE ISLES, NO. 2", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 37, PAGE 48 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA; THENCE EAST ALONG THE NORTH LINE OF SAID LOT 22 TO THE EAST LINE THEREOF AND BEING A POINT ON THE WEST RIGHT OF WAY LINE OF WHALE HARBOR LANE; THENCE NORTH ALONG SAID WEST RIGHT OF WAY LINE TO INTERSECT THE SOUTH RIGHT-OF-WAY LINE OF RIVERLAND ROAD; THENCE EASTERLY ALONG SAID 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, A DISTANCE OF 4026.08 FEET TO THE NORTHWEST CORNER OF LOT 1, "BLOCK 1 OF LAUDERDALE ISLES, NO. 2", RECORDED IN PLAT BOOK 33, PAGE 20 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA AND BEING A POINT ON THE EAST RIGHT-OF-WAY LINE OF ANDROS LANE; THENCE SOUTH ALONG SAID EAST RIGHT-OF-WAY LINE TO THE NORTHWEST CORNER OF LOT 21 OF SAID PLAT; THENCE EAST ALONG THE NORTH LINE OF SAID LOT 21 TO THE SOUTHEAST CORNER THEREOF AND BEING A POINT ON THE EAST LINE OF SAID PLAT; THENCE SOUTH ALONG THE EAST BOUNDARY OF SAID PLAT AND THE SOUTHERLY PROLONGATION THEREOF TO THE INTERSECTION OF THE SOUTH BANK OF THE NORTH NEW RIVER CANAL, SAID POINT ALSO BEING A POINT ON THE CITY OF FORT LAUDERDALE MUNICIPAL BOUNDARY LINE; THENCE MEANDERING WESTERLY ALONG THE SOUTH BANK OF SAID NORTH NEW RIVER CANAL AND MUNICIPAL

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BOUNDARY LINE TO THE INTERSECTION OF THE EAST LINE OF THE SOUTHWEST ONE-QUARTER (SW¼) OF THE NORTHEAST ONE-QUARTER (NE¼) OF SECTION 19, TOWNSHIP 50 SOUTH, RANGE 42 EAST; THENCE NORTHERLY ALONG SAID EAST LINE AND SAID MUNICIPAL BOUNDARY LINE TO THE INTERSECTION OF THE CENTERLINE OF THE NORTH NEW RIVER CANAL; THENCE MEANDERING SOUTHWESTERLY AND NORTHWESTERLY ALONG SAID CENTERLINE AND MUNICIPAL BOUNDARY LINE TO A POINT OF INTERSECTION OF THE SOUTHERLY PROLONGATION OF THE WEST BOUNDARY OF LOT 22, BLOCK 12 OF LAUDERDALE ISLES NO. 2; THENCE NORTHERLY ALONG SAID EXTENSION AND WEST BOUNDARY OF SAID LOT 22 TO THE NORTHWEST CORNER THEREOF AND BEING THE POINT OF BEGINNING.

TOGETHER WITH:

A PORTION OF LOTS 20 AND 21, "LYNN BROOK", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 44, PAGE 24 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA; BEGINNING (P.O.B 2) AT THE SOUTHWEST CORNER OF SAID LOT 21; THENCE N 03°33'27" W ALONG THE WEST LINE OF SAID LOTS 20 AND 21, A DISTANCE OF 85.47 FEET; THENCE S 79°07'18" E, A DISTANCE OF 10.63 FEET; THENCE S 00°10'37" W ALONG THE WETFACE OF A CONCRETE SEAWALL, A DISTANCE OF 82.56 FEET; THENCE S 81°17'59" W ALONG THE SOUTH LINE OF SAID LOT 21, A DISTANCE OF 4.94 FEET TO THE POINT OF BEGINNING.

LESS:

BEGINNING (P.O.B 3) AT THE NORTHWEST CORNER OF LOT 1, "BLOCK 4, OF LAUDERDALE ISLES, NO. 2", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 35, PAGE 32 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, SAID POINT BEING A POINT ON 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; THENCE EASTERLY ALONG SAID SOUTH RIGHT-OF-WAY LINE TO THE NORTHEAST CORNER OF LOT 47, "BLOCK 3 OF LAUDERDALE ISLES, NO. 2", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 35, PAGE 2 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, SAID POINT BEING ON THE WEST RIGHT-OF-WAY LINE OF CAT CAY LANE; THENCE SOUTH ALONG SAID WEST RIGHT-OF-WAY LINE TO THE SOUTHEAST CORNER OF LOT 26 OF SAID PLAT; THENCE SOUTHWESTERLY ALONG THE SOUTHERLY LINE OF SAID LOT 26 TO THE SOUTHWEST CORNER THEREOF; THENCE NORTH ALONG THE WEST LINE OF SAID PLAT TO THE SOUTHEAST CORNER OF LOT "E", "NEW RIVER GROVES 2ND/ ADDITION", ACCORDING

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TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 50, PAGE 7 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA; THENCE WEST ALONG THE SOUTH LINE OF SAID LOT "E" AND THE WESTERLY PROLONGATION THEREOF TO THE WEST RIGHT-OF-WAY LINE OF NEW RIVER DRIVE; THENCE WESTERLY ALONG SAID RIGHT-OF-WAY LINE TO THE MOST EAST, SOUTHWEST CORNER OF LOT "J" OF SAID PLAT; THENCE WEST ALONG THE SOUTH LINE OF SAID LOT "J" TO THE MOST WEST, SOUTHWEST CORNER THEREOF, SAID POINT ALSO BEING A POINT ON THE EAST LINE OF LOT 23, "BLOCK 4, OF LAUDERDALE ISLES, NO. 2"; THENCE SOUTH ALONG THE EAST LINE OF SAID LOT 23 AND LOT 24 TO THE SOUTHEAST CORNER THEREOF; THENCE WEST ALONG THE SOUTH LINE OF SAID LOT 24 TO THE EAST RIGHT-OF-WAY LINE OF FLAMINGO LANE; THENCE NORTH ALONG SAID EAST RIGHT-OF-WAY LINE TO THE POINT OF BEGINNING.

ALL SAID LANDS SITUATE, LYING AND BEING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

Section 28-302. - Definitions.

- (a) Department means the city's Public Works Department.
- (b) District means the Lauderdale Isles Water Management District as ratified and approved by section 28-300 of this chapter.
- (c) Electors. Whenever the word "electors" is used in this chapter it shall be deemed to mean those persons qualified to vote under the general election laws of the State of Florida in state and county elections.
- (d) Freeholder means a person who possesses an estate in land held in fee simple, in fee tail, or for term of life.
- (e) Governing board means the duly constituted governing board of a water management district established in accordance with the provisions of this chapter.
- (f) Internal Improvement Trust Fund means the fund established in accordance with Section 253.01, Florida Statutes.
- (g) Water management works means any work of man designed or contrived to alter, regulate, control, or in any way affect or modify the natural flow or level of water, whether surface or

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subterranean in occurrence or origin, and including without limiting the generality thereof: Canals, dams, levees, spillways, locks, culverts, bridges, reservoirs, sluiceways, streams, pumping stations, structures, embankments, roadways, causeways, lakes, dikes, holding basins, floodways, navigation and conservation works and other works and facilities, within the territorial limits of Broward County, Florida. The definition of water management works shall be construed to include the control, use and maintenance of such works as defined hereinbefore.

Section 28-303. - Water management districts - Governing board.

- (a) The governing board of the district shall consist of three (3) persons, including a chairperson, who shall be so designated by the governing board. The governing board shall be known as the Board of Commissioners of the Lauderdale Isles Water Management District.
- (b) One commissioner of the governing board shall be the member of the City Commission of the City of Fort Lauderdale within whose commission district all or the greatest part of the water management district lies.
- (c) The other two commissioners of the governing board shall reside or own real property within the district and shall be elected as provided hereinafter. Each commissioner who is currently serving in an elective capacity shall continue to serve for the remaining term of her or his office. Thereafter, the governing board shall cause to be held such elections as are necessary to fill expired terms on the governing board. The elected commissioners 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 commissioners 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 city commission 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.

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- (e) The director of the City Public Works Department or her or his designee shall be ex officio executive secretary to the governing board.
- (f) The commissioners 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.
- (h) If any vacancy occurs in a seat occupied by a governing board commissioner which is not filled by a vote of the electors pursuant to the provisions of this section shall be selected by the majority vote of the remaining commissioners of the governing body within 45 days after the vacancy occurs. The commissioner so appointed shall fill such vacancy until the next election for the unexpired portion of the term.

Section 28-304. - Powers and duties of district and governing board.

- (a) General. The water management district established under the provisions of this article 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 other granted in other sections of this article provided, however, that in the exercise of any of the powers and duties authorized under this article, the district may undertake only such activities as are consistent with the City of Fort Lauderdale comprehensive plan adopted by the city:
 - (1) To protect and improve the waterways of the district through aquatic weed and algae control, water quality monitoring, ensuring safe navigation, community involvement and education, and any other activity beneficial to the waterways of the district.
 - (2) 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

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as the governing board may deem necessary or proper in carrying out the provisions of this article; 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 article; 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 article, necessary to accomplish the purposes of this article.

- (3) 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 article, 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 insofar as is altered hereby, that prescribed for use by counties in Florida.
- (4) To take, exclusively occupy, use and possess, but only with the express consent of the trustees of the internal improvement fund as established in Florida Statutes § 253.01 (2022), and only insofar as may be necessary for carrying out the provisions of this article, 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

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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.

- (5) 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 article; 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 or 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 article). 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.
- (6) To operate and maintain any and all works and improvements of the district.
- (7) To cooperate with other public agencies to make the most efficient use of their powers pursuant to the Florida Interlocal Cooperation Act of 1969.

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- (8) To coordinate activities that may be exercised by the district pursuant to this Section 28-304, when necessary, with the City of Fort Lauderdale, Broward County, the State of Florida, Federal government or any of their agencies or any other entity.
- (b) Assessable improvements; levy and payment of special assessments; assessment bonds and certificates. The district may provide for the construction or reconstruction of assessable improvements, and for the levying of special assessments upon benefited property for the payment thereof, as is provided for in Chapter 170, F.S., and amendments thereto; and the provisions of that chapter shall be applicable with the same force and effect as if said provisions were expressly set forth in this article. Any act required to be done by or on behalf of the city under Chapter 170, F.S. may be performed by such officer or agent of the district as the board may designate.

Section 28-305. - Agreements and operations with other governmental agencies.

(a) All counties, municipalities, districts, governmental bodies and governmental subdivisions of the State of Florida are severally authorized by applicable law 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 chapter.

(b) 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 chapter.

(c) The district may permit governing bodies of water management districts, 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.

(d) 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

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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.

(e) 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 28-306. - Rules and regulations; enforcement.

In administering this article, 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 28-307. - Financing; district budget.

- (a) The city commission shall annually adopt a budget for the district in accordance with the procedures prescribed by Chapter 189, Florida Statutes, and any and all other statutes for the adoption of budgets by municipalities.
- (b) The district shall comply with applicable financial disclosure, noticing, and reporting requirements in accordance with Chapter 189, Florida Statutes, and any and all other statutes applicable to the operations of a special district.

Section 28-308. - 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 or non ad valorem assessment on the property benefited by the district's works in proportion to the benefits received, as determined under the provisions of this chapter. The procedure for determining and obtaining such taxes shall be as provided hereinafter; provided that failure on the part of a state or local officer, other than the commissioners of the governing board, to comply with the provisions of this chapter shall not prevent the governing board from levying the taxes as set forth herein.

Section 28-309. - Taxing procedure.

(a) The county tax assessor shall annually, immediately after the tax assessment roll of the city has been reviewed and equalized by the City Commission, 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,

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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 chapter.

(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 insofar 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.

- (1) 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.
- (2) 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 city commission 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

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purposes.

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

(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 city.

(g) The tax officers of the county are hereby authorized and directed to perform the duties evolving upon them under this chapter, 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 28-310. - 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 chapter 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 28-311. - Land held by trustees of the internal improvement fund; areas not taxed.

(a) Land held by the trustees of the internal improvement fund shall be subject to the taxes imposed under authority of this chapter, 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

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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.

(b) 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.

(c) 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 28-312. - 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. Disbursement of funds in excess of \$500.00 shall be by require the authorization of the treasurer and 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 28-313. - Investment of funds.

The governing board of the district may, in its discretion, invest funds of the district as provided for below or as consistent with Chapter 189, Florida Statutes.

(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

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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 28-314. - Borrowing money; issuance of bonds.

(1) In order to provide for the works described by this chapter, 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 chapter.

(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 (6) per cent 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 chapter; 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 chapter 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 chapter, 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

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forgery; and shall be incontestable in the hands of bona fide purchasers or holders thereof for value. The provisions of this chapter 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 chapter of any of the officers or persons mentioned in this chapter 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 (90) per cent 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 (6) per cent 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 chapter shall be in denominations of not less than one hundred dollars (\$100.00) bearing interest from date at a rate not to exceed six (6) per cent per annum, payable semiannually, 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

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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 electors and 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 chapter, 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 (\$0.95) 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 chapter 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

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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 chapter 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.

(16) 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 chapter 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 (6) per cent 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.

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Section 28-315. - 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) nor 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 (30) 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 (3) insertions being sufficient), the first publication of which shall be not less than thirty (30) nor more than forty-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.

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(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 chapter 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 28-316. - 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 28-317. - Transfer of assets, books and liabilities.

(a) The governing body of any water management district created pursuant to chapter 61-169, Laws of Florida, as amended, may elect to dissolve or abolish the district and transfer the powers, duties, obligations and functions thereof to the city commission. The city commission shall, upon resolution of the governing body of a water management district, transfer to the City of Fort Lauderdale any or all powers, duties, responsibilities, obligations and functions to be performed by the City on behalf of the district. Any water management district electing to transfer as provided hereunder shall give to the city commission one hundred twenty (120) days notice of said election. Any district electing to transfer as provided by this subsection shall be structured or altered to, and shall, comply with provisions of this article.

(b) All of the personal assets, books and records belonging to the district, including but not limited to all personal property, and all rights and interests therein, belonging to said district shall be transferred to the city commission as the governing board of the district. All assets, including real property, and all rights and interests therein, including all easements and rights-of-way belonging

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to said district, shall continue and be under the jurisdiction of the city commission as the governing board of each district. The district shall pay over any moneys of said district to the city commission to be held in a separate fund for the operation of the district.

(c) All contracts and agreements entered into, to which the district or its former governing board are parties, shall remain in force and effect. The city commission, as governing board, shall be substituted for the former governing board as party to such contracts and agreements. The board shall be entitled to all benefits and subject to all liabilities under such contracts and agreements and shall have the same right and liability to perform, to require performance, and to modify or terminate such contracts and agreements, by mutual consent or otherwise, as the prior substituted party would have had.

(d) The transfer accomplished hereunder shall not affect the lien of any judgment entered under the provisions of this chapter, nor the pendency of any action instituted under the provisions of this chapter; and the board shall acquire all the rights and obligations of the district or former governing board as to such liens and actions.

(e) In no event shall any indebtedness of the district be paid from or become the liability of funds or moneys of City.

Section 28-318. - Declaration of Consistent with the Comprehensive Plan.

The City Commission of the City of Fort Lauderdale, Florida hereby finds and declares that the creation of the Lauderdale Isles Water Management District is consistent with the approved City of Fort Lauderdale Comprehensive Plan.

SECTION 4. SEVERABILITY. If any section, subsection, sentence, clause, phrase, or if any portion of this Ordinance is found for any reason to be inoperative, invalid, void or unconstitutional by any court of competent jurisdiction, such portion of the Ordinance shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of any remaining portions hereof.

SECTION 5. CODIFICATION AND SCRIVENER'S ERRORS. The City intends that this Ordinance will be made part of the Code of Ordinance; and that sections of this Ordinance can be re-numbered or re-lettered and that the word "ordinance" can be changed to "section", "article" or some other appropriate word or phrase to accomplish codification and, regardless of whether this Ordinance is ever codified, the Ordinance can be re-numbered or re-lettered and typographical

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errors that do not affect the intent can be corrected with the authorization of the City Manager, or his designee, without the need for a public hearing.

SECTION 6. MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT A PUBLIC HEARING. It is the intent of the City Commission of the City of Fort Lauderdale, Florida that the provisions of this Ordinance may be modified as a result of considerations that may arise during the public hearing. Such modifications will be incorporated into the final version.

SECTION 7. That if any clause, section, or other part of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby, but shall remain in full force and effect.

SECTION 8. That all ordinances or parts of ordinances in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

SECTION 9. That this Ordinance shall be in full force and effect upon final passage.

PASSED FIRST READING this 7th day of February, 2023.

PASSED SECOND READING this ____ day of _____, 2023.

Mayor
DEAN J. TRANTALIS

ATTEST:

City Clerk
DAVID R. SOLOMAN

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