

HISTORY

The Central Broward Water Control District was originally created as the Central Broward Drainage District by the Florida Legislature in 1961 by Chapter 61-1439, Laws of Florida, as the successor of the Napoleon B. Broward Drainage District. It was later amended by Chapters 65-1006, 67-1002, 69-528, 70-479, 71-388, 72-486, 79-432, 80-462, 82-268, 85-388, 86-363, 87-506, 88-523, 91-350, 94-426, and 96-536, Laws of Florida. The name change to Central Broward Water Control District was done by Chapter 96-536, Laws of Florida.

In the 1998 Legislative Session the charter was re-codified under a special act of the Florida Legislature requiring re-codification of the charters of all special districts in the State of Florida. This re-codification was accomplished by Chapter 98-501, Laws of Florida (HB 4099) which amended and re-adopted the charter and repealed all prior special acts relating to the district.

In the 2002 Legislative Session, the charter was revised by Chapter 2002-362, Laws of Florida (HB 0985) relating to the Central Broward Water Control District. The reviser bill provided for the election of commissioners; the redistricting of commissioners' zones; provided qualifying dates; and revised the provisions relating to terms of office. The bill was approved by the Governor and became effective on May 13, 2002.

In the 2009 Legislative Session, the charter was revised by Chapter 98-501, Laws of Florida. The reviser bill included flood protection services among the services to be performed by the District and revised the powers of the district with respect to construction; deleted or updated obsolete language. It once again revised the geographical boundaries of the district and the geographical boundaries of district zones for the election of commissioners. The bill further amended the residency requirements for commissioner qualification; revised requirements for the filling of vacancies on the board of commissioners; revised provisions relating to filing fees and oath of office; provided the procedure for selection of chair and vice chair in the event of a deadlock; revised quorum requirements; and required certain commissioners to preside over meetings of the board in the absence of the chair and vice chair. The bill also deleted provisions relating to a special warrant for the collection of drainage taxes; revised powers of the board in carrying out the state comprehensive water management plan; revised rulemaking authority of the board; revised eminent domain provisions; revised language relating to obstruction of certain district facilities; and clarified language relating to the adoption of certain subdivision regulations. The bill was approved by the Governor and became effective on June 1, 2009.

In the 2017 Legislative Session, the charter was revised by Chapter 2017-208, Laws of Florida. The bill removed the requirement that the Commission may only act on all matters by Resolution thereby enabling the Board to approve matters by motion. The bill was approved by the Governor and became effective on June 6, 2017.

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**CHARTER OF THE
CENTRAL BROWARD WATER CONTROL DISTRICT**

Section 1. Napoleon B. Broward Drainage District abolished.

Napoleon B. Broward Drainage District, a drainage district situate in Broward County is hereby abolished and all laws and parts of laws relating thereto are hereby repealed. The easements, rights-of-way, dikes, ditches, facilities, equipment, files, papers, plans, and all other assets, real or personal, of whatever description and wherever situate of the Napoleon B. Broward Drainage District, are hereby directed to be surrendered to the board of commissioners of the Central Broward Water Control District and such easements, rights-of-way, dikes, ditches, facilities, equipment, files, papers, plans, and all other assets of the Napoleon B. Broward Drainage District shall, by operation of the provisions of this section of this charter, become and remain the easements, rights-of-way, dikes, ditches, facilities, equipment, files, papers, plans, and assets of the Central Broward Water Control District. All taxes heretofore assessed and levied, including taxes for the year 1961, shall be due and payable to the Central Broward Water Control District as if such district were a continuing body of the Napoleon B. Broward Drainage District.

Section 2. District created and boundaries thereof.

The creation of the Central Broward Water Control District with the powers herein vested in it by this act is to further the best interests of the public, health, safety, and welfare inasmuch as proper drainage, flood protection, and water management are necessary to protect said lands hereinafter described. That for the purpose of providing drainage, flood protection, and water management services conducted pursuant to this section for the lands hereinafter described and for other purposes stated in this act, a drainage and water management district is hereby created

and established in Broward County, to be known as the Central Broward Water Control District, an independent special district, the geographical boundaries of which shall include the following land lying, being, and situate in Broward County, Florida, to wit:

Begin at the intersection of the east right-of-way line of State Road #7 and its intersection with the south line of Tier 1; as shown by the Plat of NEWMAN'S SURVEY, as recorded in Plat Book 2, Page 26, of the Public Records of Miami-Dade County, Florida, (All subsequent references to Tract and Tier number refer to this plat); thence westerly, along the south line of Tiers 1, 3, 5, 7, and 9, and their prolongations thereof, to an intersection with the northerly extension of the east line of Tract 7, Section 25, Township 50 South, Range 41 East, as shown on said plat of NEWMAN'S SURVEY; thence southerly, along said northerly extension and said east line, to the southeast corner of said Tract 7; thence westerly, along the south line of said Tract 7 and its westerly prolongation, to the northeast corner of Tract 9 of said Section 25; thence southerly, along the east line of said Tract 9, to the southeast corner of said Tract 9; thence westerly, along the south line of said Tract 9, to the southwest corner of said Tract 9; thence northerly, along the west line of Tracts 9 and 8, and their northerly prolongation to an intersection with the south line of Tier 13; thence westerly, along the south line of Tiers 13, 15, 17, 19, 23, 25, 27, and 29, and their prolongations thereof, to the southwest corner of Tract 8, Tier 29; thence northerly, along the west line of Tier 29, to the southwest corner of Tract 4, Tier 29; thence westerly, along the south line of Tract 4, Tiers 31, 33, 35 and 37 and their prolongations thereof, to the Southwest corner of Tract 4, Tier 37; thence northerly, along the west line of said Tier 37, to the intersection with the centerline of the right-of-way of the North New River Canal; thence northwesterly, along said centerline, to the intersection with the west line of Section 4, Township 50 South, Range 40 East; thence southerly, along the west lines of Sections 4, 9, 16, 21 and 28, of Township 50 South, Range 40 East, to the physical centerline of the South New River Canal; thence meandering easterly, northeasterly, northerly, northwesterly, northeasterly, southeasterly and easterly along said physical centerline, to its intersection with the west line of Section 27, Township 50 South, Range 40 East; thence southerly, along the west line of Sections 27 and 34, Township 50 South, Range 40 East, and continuing southerly, along the west line of Section 3, Township 51 South, Range 40 East to the southwest corner of said Section 3; thence easterly, along the south line of Sections 3, 2, and 1, Township 51 South, Range 40 East and continuing easterly, along the south line of Sections 6, 5 and 4, Township 51 South, Range 41 east, to the northwest corner of Section 10, Township 51 South, Range 41 East; thence, southerly, along the west line of said Section 10, to the west one-quarter (W 1/4) corner of said Section 10; thence, easterly, along the south line of the north one-half (N1/2) of Sections 10, 11 and 12, Township 51 South, Range 41 East, to an intersection with a line 80 feet east of, as measured at right angles to, and parallel with the west right-of-way line of Florida's Turnpike; thence, northerly, along said parallel line, and continuing 80 feet east of said right-of-

way, to an intersection with the south line of Section 36, Township 50 South, Range 41 East; thence, easterly, along said south line, to an intersection with the east right-of-way line of State Road #7; thence northerly, along said east right of way, to the Point of Beginning.

Section 3. Powers.

The district is hereby granted and shall have full power and authority as follows:

- a. To contract and be contracted with.
- b. To sue and be sued.
- c. To plead and to be impleaded in all courts.
- d. To acquire by purchase, gift, devise, condemnation, eminent domain, or otherwise, property, real or personal, or any estate therein, within or without the district, to be used for any purpose necessary or to meet the needs of any of the purposes of this act.
- e. To establish, construct, operate, and maintain a system of main and lateral canals, drains, ditches, levees, dikes, dams, sluices, locks, revetments, reservoirs, holding basins, floodways, pumping stations, syphons, culverts, and storm sewers, and to connect some or any of them as within the judgment of the board of commissioners is deemed advisable to drain and provide water management services conducted pursuant to this section for the lands within the district created.
- f. To acquire and maintain appropriate sites for storage and maintenance of the equipment of the district.
- g. To acquire and maintain and/or construct a suitable building to house the offices and records of the district.
- h. To have all the powers and rights of a body corporate and to adopt and use a seal and to alter the same at the pleasure of a majority of the board of commissioners.
- i. To clean out, straighten, widen, open up or change the course and flow, alter, or deepen any canal, ditch, drain, river, water course, or natural stream as within the judgment of the

board of commissioners is deemed advisable to drain and provide water management services conducted pursuant to this section for the lands within the said district hereby created.

- j. To acquire, purchase, operate, and maintain pumps, plants, and pumping systems for drainage purposes.
- k. To construct, operate, and maintain irrigation works and machinery in connection with the purposes herein set forth.
- l. To construct, improve, pave, and maintain roadways, rights-of-ways, easements, and roads necessary and convenient for the exercise of the powers and duties herein set forth.
- m. To regulate and set forth by appropriate order the drainage requirements and other auxiliary conditions to be met for plats to be entitled to record on any land within the district, including authority to require as a condition precedent for any platting that good and sufficient bond be posted to assure proper drainage and water management for the area to be platted.
- n. To borrow money for periods over 1 year and issue negotiable paper or other bonds of the district as hereinafter provided.
- o. To borrow money from time to time for periods under 1 year and issue negotiable notes or other notes of said district as provided in this act.
- p. To build and construct any other works and improvements deemed necessary to preserve and maintain the works in or out of said district.
- q. To acquire, construct, operate, maintain, use, sell, convey, transfer, or otherwise provide for pumping stations, including pumping machinery, motive equipment, electric lines, and all appurtenant or auxiliary machines, devices, or equipment for the purpose of drainage and water management services conducted pursuant to this section.

- r. To contract for the purchase, construction, operation, maintenance, use, sale, conveyance, and transfer of the said pumping stations, machinery, motive equipment, electric lines, and appurtenant equipment, including the purchase of electric power and energy for the operation of the same.
- s. To construct or enlarge, or cause to be constructed or enlarged, any and all bridges or culverts that may be needed in or out of the district, across any drain, ditch, canal, floodway, holding basin, excavation, public highway, railroad right-of-way, tract, grade, fill, or cut.
- t. To construct roadways over levees and embankments.
- u. To construct any and all of said works and improvements across, through, or over any public highway, railroad right-of-way, track, grade, fill, or cut in or out of the district.
- v. To remove any fence, building, or other improvements, in or out of the district for purposes of drainage and water management services conducted pursuant to this section.
- w. To hold, control, and acquire by donation or purchase, condemnation, easement, railroad right- of-way, sluice, reservation, holding basin, or franchise in or out of said district for right-of-way, holding basin, for any of the purposes herein provided, or for material to be used in constructing and maintaining said works and improvements for drainage, protecting, and providing water management services conducted pursuant to this section for the lands in said district.
- x. To condemn or acquire, by purchase or grant, or by exercise of the right of eminent domain, for use in the district, any land or property within or without said district and acquire or condemn any other property within or without said district and shall follow in connection therewith the procedure set out in chapter 73, Florida Statutes, (Eminent Domain) which shall be construed so as to be applicable to the district created hereby.

- y. To assess and impose upon all of the lands in the district an annual tax as provided in this act.
- z. To impose and foreclose special assessment liens as provided in this act.
- aa. To prohibit, regulate, and restrict by appropriate resolution of the board of commissioners all structures, materials, and things, whether solid, liquid, or gas, whether permanent or temporary in nature, which come upon, come into, connect to, or be a part of any of the main or lateral drains, ditches, canals, levees, dikes, dams, sluices, revetments, reservoirs, holding basins, floodways, pumping stations, and syphons which may have been heretofore created or which may be hereafter created or which may be hereafter constructed.
- bb. To administer and provide for the enforcement of all the provisions herein, including the making, adopting, promulgating, amending, and repealing of all rules and regulations necessary or convenient for the carrying out of the duties, obligations, and powers conferred on the district created hereby and further for the proper administration and enforcement hereof.
- cc. To cooperate with or contract with other drainage districts or governmental agencies as may be necessary, convenient, incidental, or proper in connection with any of the powers, duties, or purposes of the district as stated in this charter.
- dd. To employ engineers, attorneys, agents, employees, and representatives as the board of commissioners may from time to time determine necessary and to fix their compensation and duties.
- ee. To exercise all of the powers necessary, convenient, incidental, or proper in connection with any of the powers, duties, or purposes of the district as stated in this act; however, none of the powers contained herein shall apply to the works of the South Florida Water Management District.

Section 4. Board of commissioners.

- a. The governing board of the district shall be designated as the board of commissioners of the Central Broward Water Control District and shall be composed of six members who shall be known as commissioners.
- b. All commissioners shall be elected on an at-large nonpartisan basis, by the qualified electors residing within the district zone that the election is for, in accordance with the procedure provided in this act. The individual receiving the most votes who has qualified to run as commissioner for a specific zone shall be elected commissioner of that zone.
- c. The board of commissioners of the Central Broward Water Control District shall hereafter be elected on a basis of each of the six commissioners representing one of the six respective geographical zones of the entire district as provided herein. In qualifying for such office, each candidate shall designate the zone he or she is qualifying for.
- d. The six zones of the entire district are as follows:

Zone 1: Begin at the intersection of the centerline right-of-way of the North New River Canal with the west line of Section 3, Township 50 South, Range 40 East, Broward County, Florida; thence southeasterly, along said centerline, to the intersection with the east line of Section 12, Township 50 South, Range 40 East; thence southerly, along said east line, to the southeast corner of said Section 12; thence westerly, along the south line of said Section 12, to the southwest corner of said Section 12; thence southerly, along the east line of Sections 14, 23 and 26, Township 50 South, Range 40 East, to the intersection with the physical centerline of the South New River Canal; thence westerly, along said centerline, to the intersection with the west line of the east one-half (E 1/2) of Section 27, Township 50 South, Range 40 East; thence northerly, along the west line of the east one-half (E 1/2) of Sections 27 and 22, Township 50 South, Range 40 East, to the north one-half (E 1/2) of Sections 27 and 22, Township 50 South, Range 40 East, to the north one-quarter (N 1/4) corner of said Section 22; thence westerly, along the south line of Sections 15 and 16, Township 50 South, Range 40 East, to the south one-quarter (S 1/4) corner of said Section 16; thence northerly, along the west line of the east one-half (E 1/2) of said Section 16, to the north one-quarter (N 1/4) corner of said Section 16; thence easterly along the north line of said Section 16, to the northeast corner of said Section 16; thence

northerly, along the west line of Sections 10 and 3, Township 50 South, Range 40 East, to the Point of Beginning.

Zone 2: Begin at the intersection of the centerline right-of-way of the North New River Canal with the east line of Section 12, Township 50 South, Range 40 East, Broward County, Florida; thence southeasterly, along said centerline to the intersection with the east line of Section 16, Township 50 South, Range 41 East; thence southerly, along said east line, to the southeast corner of said Section 16; thence westerly, along the south line of said Section 16, to the southwest corner of said Section 16; thence southerly, along the east line of Section 20, Township 50 South, Range 41 East, to the southeast corner of said Section 20; thence westerly, along the south line of Sections 20 and 19, Township 50 South, Range 41 East, to the southwest corner of said Section 19; thence continue westerly, along the extension of the south line of said Section 19, across the Hiatus between the west line of said Section 19 and the east line of Section 24, Township 50 South, Range 40 East, to a point on the east line of said Section 24; thence southerly, along the east line of Sections 24 and 25, Township 50 South, Range 40 East, to the intersection with the physical centerline of the South New River Canal; thence westerly, along said centerline, to the intersection with the west line of Section 25, Township 50 South, Range 40 East; thence northerly, along the west line of Sections 25, 24 and 13, Township 50 South, Range 40 East to the southwest corner of Section 12, Township 50 South, Range 40 East; thence easterly, along the south line of said Section 12, to the southeast corner of said Section 12; thence northerly, along the east line of said Section 12, to the Point of Beginning.

Zone 3: Begin at the intersection of the physical centerline of the South New River Canal and the east right-of-way line of State Road No. 7; thence northerly, along the east right of way line to intersection with the south line of Tier 1; as shown by the Plat of NEWMAN'S SURVEY, as recorded in Plat Book 2, Page 26, of the Public Records of Miami-Dade County, Florida, (All subsequent references to Tract and Tier number refer to this plat); thence westerly, along the south line of Tiers 1, 3, 5, 7, and 9, and their prolongations thereof, to an intersection with the northerly extension of the east line of Tract 7, Section 25, Township 50 South, Range 41 East, as shown on said plat of NEWMAN'S SURVEY; thence southerly, along said northerly extension and said east line, to the southeast corner of said Tract 7; thence westerly, along the south line of said Tract 7 and its westerly prolongation, to the northeast corner of Tract 9 of said Section 25; thence southerly, along the east line of said Tract 9, to the southeast corner of said Tract 9; thence westerly, along the south line of said Tract 9, to the southwest corner of said Tract 9; thence northerly, along the west line of Tracts 9 and 8, and their northerly prolongation to an intersection with the south line of Tier 13; thence westerly, along the south line of Tiers 13, 15, 17, 19, 23, 25, 27, and 29, and their prolongations thereof, to the southwest corner of Tract 8, Tier 29; thence northerly, along the west line of Tier 29, to the southwest corner of Tract 4, Tier 29; thence westerly, along the south line of Tract 4, Tiers 31, 33, 35 and 37 and their prolongations thereof, to the Southwest corner of Tract 4, Tier

37; thence northerly, along the west line of said Tier 37, to the intersection with the centerline of the right-of-way of the North New River Canal; thence northwesterly, along said centerline, to the intersection with the west line of Section 15, Township 50 South, Range 41 East; thence southerly, along the east line of Section 16, Township 50 South, Range 41 East to the southeast corner of said Section 16; thence westerly, along the south line of said Section 16, to southwest corner of said Section 16; thence southerly, along the east line of Section 20, Township 50 South, Range 41 East, to the southeast corner of said Section 20; thence westerly, along the south line of Sections 20 and 19, Township 50 South, Range 41 East to the southwest corner of said Section 19; thence continue westerly, along the extension of the south line of said Section 19, across the Hiatus between the west line of said Section 19 and the east line of Section 24, Township 50 South, Range 40 East to a point on the east line of said Section 24; thence southerly, along the east line of Sections 24 and 25, Township 50 South, Range 40 East, to the intersection with the physical centerline of the South New River Canal; thence easterly, along said centerline, to the Point of Beginning.

Zone 4: Begin at the intersection of the east right-of-way line of State Road No. 7 and the physical centerline of the South New River Canal; thence southerly, along said right-of way line, to the intersection with the south line of Section 36, Township 50 South, Range 41 East; thence westerly, along the south line of Sections 36, 35, 34, 33 and 32 in Township 50 South, Range 41 East, to the northeast corner of Section 5, Township 51 South, Range 41 East; thence southerly, along the east line of said Section 5, to the southeast corner of said Section 5; thence westerly, along the south line of Sections 5 and 6, Township 51 South, Range 41 East, to the southwest corner of said Section 6; thence northerly, along the west line of said Section 6, to the northwest corner of said Section 6; thence easterly, along the north line of Sections 6 and 5, Township 51 South, Range 41 East to the southwest corner of Section 32, Township 50 South, Range 41 East; thence northerly, along the west line of Sections 32 and 29, Township 50 South, Range 41 East to the physical centerline of the South New River Canal; thence easterly, along said physical centerline, to the Point of Beginning.

Zone 5: Begin at the northwest corner of Section 4, Township 51 South, Range 41 East; thence southerly, along the west line of said Section 4, to the southwest corner of said Section 4; thence easterly, along the south line of said Section 4, to the northwest corner of Section 10, Township 51 South, Range 41 East; thence southerly, along the west line of said Section 10, to the west one-quarter (W 1/4) corner of said Section 10; thence easterly, along the south line of the north one-half (N 1/2) of Sections 10, 11 and 12, Township 51 South, Range 41 East, to an intersection with a line 80 feet east of, as measured at right angles to, and parallel with the west right-of-way line of Florida's Turnpike; thence northerly, along said parallel line, and continuing 80 feet east of said right-of-way, to an intersection with the north line of Section 1, Township 51 South, Range 41 East; thence westerly, along the north line of Sections 1, 2, 3 and 4, Township 51 South, Range 41 East, to the Point of Beginning.

Zone 6: Begin at the southwest corner of Section 3, Township 51 South, Range 40 East, Broward County, Florida; thence northerly, along the west line of said Section 3, to the northwest corner of said Section 3; thence northerly, along the west line of Sections 34 and 27, Township 50 South, Range 40 East, to the intersection with the physical centerline of the South New River Canal; thence meandering westerly, northwesterly, southwesterly, southeasterly, southerly, southwesterly and westerly, along said centerline, to the intersection with the west line of Section 28, Township 50 South, Range 40 East; thence northerly, along the west line of Sections 28, 21, 16, 9 and 4, Township 50 South, Range 40 East, to the intersection with the centerline right-of-way of the North New River Canal; thence southeasterly, along said centerline, to the intersection with the west line of Section 3, Township 50 South, Range 40 East; thence southerly, along the west line of Sections 3 and 10, Township 50 South, Range 40 East, to the northeast corner of Section 16, Township 50 South, Range 40 East; thence westerly, along the north line of said Section 16, to the north one-quarter (N 1/4) corner of said Section 16; thence southerly, along the west line of the east one-half (E 1/2) of said Section 16, to the south one-quarter (S 1/4) corner of said Section 16; thence easterly, along the south line of Sections 16 and 15, Township 50 South, Range 40 East, to the north one-quarter (N 1/4) corner of Section 22, Township 50 South, Range 40 East; thence southerly, along the west line of the east one-half (E 1/2) of Sections 22 and 27, Township 50 South, Range 40 East, to the intersection with the physical centerline of the South New River Canal; thence easterly, along said centerline, to the intersection with the east line of Section 30, Township 50 South, Range 41 East; thence southerly, along the east line of Sections 30 and 31, Township 50 South, Range 41 East, to the north line of Section 5, Township 51 South, Range 41 East; thence westerly, along the north line of Sections 5 and 6, Township 51 South, Range 41 East, to the northeast corner of Section 1, Township 51 South, Range 40 East; thence southerly, along the east line of said Section 1, to the southeast corner of said Section 1; thence westerly, along the south line of Sections 1, 2, and 3, Township 51 South, Range 40 East, to the Point of Beginning.

- e. All commissioners shall serve a term of 4 years. An election shall be held every 2 years to elect successors for that group of commission seats up for election. The terms of the six commissioners shall be staggered. Elections for zones 1, 2, and 6 shall be held in the 2010 general election and every 4 years thereafter. Elections for zones 3, 4, and 5 shall be held in the 2012 general election and every 4 years thereafter.
- f. A commissioner shall, at the time of qualification for office, be a resident of the respective zone that he or she desires to represent for the 90 days immediately preceding

the date of qualifying for nomination to office. Qualifying dates shall be the same as the qualifying dates for County Commission for the general election. A commissioner at the time of his or her qualification for office shall be a qualified voter in Broward County.

- g. The compensation of each commissioner shall be set by appropriate resolution of the board of commissioners, but shall not exceed \$400 dollars per month. Expenses shall be reimbursed pursuant to Florida Statutes pertaining to per diem and travel expenses of public officers, employees, and authorized persons, and any subsequent amendments thereto.
- h. Whenever a commissioner shall be absent from every commission meeting held in 2 consecutive calendar months, such commissioner shall at the discretion of the board of commissioners receive no compensation nor reimbursement of expenses for the next succeeding 2-month period. Such period shall be cumulative.
- i. In the event that a vacancy should occur in the office of a commissioner, the remaining commissioners shall forthwith appoint by a majority vote a successor commissioner having the same qualifications, including zone resident requirements, as prescribed herein for the office vacated, for the unexpired term. If the commissioners shall fail to appoint a successor commissioner within 30 days after a vacancy should occur, the Governor shall appoint a successor commissioner for the unexpired term. There is no prohibition on a commissioner succeeding himself or herself in term of office.
- j. A vacancy shall be deemed to occur if an elected commissioner moves from his or her zone prior to the expiration of the term to which he or she was elected. In that event, the commission shall appoint a successor commissioner in accordance with subsection i.

Elected commissioners shall assume office and shall be installed at the first regularly scheduled meeting following their election.

Section 5. Elections.

- a. All general district elections and primaries for same, unless otherwise provided in this charter, shall be in accordance with the Florida Election Code and revisions thereto.
- b. Only such qualified persons for the respective offices shall be eligible to become candidates for such respective offices. The names of all candidates who qualify for an election shall be printed upon the election ballot. Every candidate for nomination for office shall pay to the Supervisor of Elections of Broward County the filing fee for the office and shall designate the office for which he or she has qualified. Each candidate for nomination for an office shall also take, sign, and subscribe to an oath or affirmation as may be required by law.
- c. Candidates for office shall be required to file their qualification oath, fee, and designation of office with the Supervisor of Elections of Broward County as prescribed by law. If a candidate fails to comply with the provisions herein, that candidate's name shall not appear on the ballot. A candidate who has filed the required oath and has paid the qualifying fee and otherwise complied with the provisions herein shall be entitled to have his or her name printed on the official ballot.
- d. If only two persons qualify for any one particular zone, then there shall be no primary election, and those candidates shall appear on the general election ballot. If more than two candidates qualify for any one particular zone, then the names of those candidates shall be placed on the ballot at the first primary election. The two candidates receiving the

highest number of votes of the electors for each zone in the first primary election shall have their names printed on the ballot for the general district election.

- e. The candidate receiving the highest number of votes cast by the electors in the general district election shall be declared elected, as certified by the board of county canvassers of Broward County.
- f. The name of an unopposed candidate for the office of commissioner shall not appear on any ballot, and such candidate shall be deemed to have voted for himself or herself at the general district election.
- g. Upon receipt of the certificate of the county canvassers board, the district secretary shall transmit such returns to the board of commissioners at the next regularly scheduled meeting.
- h. The general district election shall be held on the first Tuesday after the first Monday in November of each even-numbered year. Each person to be allowed to vote in any election must be a qualified elector of the State of Florida, must be a permanent resident of the district and zone which the election of commissioner is for, and must be registered as a voter of Broward County. All elections shall be conducted on the principles adopted for state and county elections.
- i. In all elections, the regular registration books of Broward County covering an area of the district shall be used, and only those persons who are shown thereon as qualified electors and residing within the district and zone which the election of commissioner is for shall be entitled to vote in said election.

Section 6. Recall.

- a. Whenever 50 percent of the electors qualified to vote as prescribed herein from each and every zone of the district created hereby shall sign a petition addressed to the board of commissioners demanding that a recall election be held, the board of commissioners shall take the following action:
 - (1) Said petition shall be referred to and handed over to the secretary not later than 10 days after the board of commissioners has been presented with the petition.
 - (2) Order the secretary to, and the secretary shall, check the persons' names and eligibility signing the petition. The secretary shall have 10 days in which to return same to the board of commissioners along with his or her certification as to whether or not the petition contains the proper percentage of registered freeholders as prescribed herein.
 - (3) If the petition is valid as to the percentage of petitioners, then the board of commissioners shall issue its resolution proclaiming a recall election of those commissioners whom the petition shall name. The resolution shall contain all information required by this charter as set forth herein.
- b. The recall petition shall state the name or names of the elected commissioners desired to be recalled. No reason or reasons for such recall shall be required to be stated in the petition.
- c. In addition to proclaiming the recall election of the commissioner, the resolution shall state the date for the holding of the election, which shall be not more than 60 days after the date of the resolution. Further, the resolution shall set the date of qualifying of

candidates for the election, which date shall be not more than 20 days from the passage of the resolution.

- d. The elected commissioner sought to be recalled shall remain in office and carry on his or her regular duties until his or her successor, if any there be, is elected and takes office. In the event the commissioner sought to be recalled desires to stand for election in the recall election, he or she shall qualify in the same manner as any other candidate.
- e. The recall election shall be held as any other general election of commissioners. The offices sought to be vacated shall be treated as though the term of the offices filling that post were expiring.
- f. In the event that more than two persons qualify for each office sought to be vacated, then a primary election shall be held and the time of holding such primary election shall be not more than 35 days after the date of the recall resolution.
- g. The person elected to the office vacated or sought to be vacated shall take the oath of office and assume the duties of the office not later than 7 days after the final election.

Section 7. Organization of board of commissioners.

At the first regularly scheduled meeting following the first Tuesday after the first Monday in November each year, the board of commissioners shall assemble and organize by choosing one of their members chair of the board, and choosing another one of their members vice chair. In the event of a deadlock in selecting a new chair or vice chair, the existing chair and vice chair shall remain in office until a new chair or vice chair is selected. The chair shall preside at all meetings. In the chair's absence, the vice chair shall preside and have the same powers and be subject to the same limitations as the chair. Four members of the board shall constitute a quorum for all purposes. In the absence of both the chair and vice chair, if a quorum

is otherwise present, the commissioner with the most seniority shall be chair of such meeting and shall preside over the meeting and have the same powers as the chair. The board shall establish its own rules of procedure. In all matters, the board shall act by the affirmative votes of a majority, but not less than three of the members of the board that are present at district meetings shall be required to make any determination or effect any action.

Section 8. Principal office.

The principal office of the board of commissioners shall be located within the district and the board shall hold general business meetings at such place or places within the district not less than once per month. The board shall have the right to transact business or hold special meetings at such other place or places within the district as may be deemed necessary by a majority of the commissioners.

Section 9. Secretary.

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

Section 10. Treasurer.

The board shall employ some competent person or some bank or trust company as treasurer of the district. The treasurer shall execute a bond to the district in such sum as shall be

fixed by the board with a surety company as surety. The same person may act as secretary and treasurer of district at the discretion of the board.

Section 11. Appointment and duties of district manager.

For the purpose of maintaining and preserving any ditch, road, drain, dike, levee, or other works constructed or erected within the district under the provisions of this charter, for maintaining facilities and equipment owned by the district, and the maintenance of canals and other works of the district, including the removal of obstructions from the same, and such other duties as may be prescribed by the board, the board may employ a district manager who shall have charge and supervision of the works and operations of the district. The same person may act as secretary, treasurer, and manager of the district at the discretion of the board. In the event more than one person is employed by the board as secretary, treasurer, and/or manager, the person appointed manager shall be the person who shall act as the chief operating employee of the district.

Section 12. Taxation.

- a. The board of commissioners of the district is authorized to levy taxes on land only and not upon any improvements thereon within the district up to and including 5 mills per dollar of assessed valuation. In the absence of any contrary action of the board of commissioners acting as a budget commission as herein provided, the tax rate of each calendar year shall be at the maximum provided herein.
- b. Such taxes as provided herein and as may be determined to be necessary by the board of commissioners, acting as budget commission for the district for the operation of the affairs of the district, shall be certified to the Property Appraiser of Broward County, by the board of commissioners of Central Broward Water Control District, and shall be

placed upon the tax rolls of Broward County, by the property appraiser, and shall be collected by the Revenue Collector of Broward County, as now provided by law, and such taxes so levied shall become a lien under the law against the property within the boundaries of the Central Broward Water Control District and enforceable under the laws of the State of Florida pertaining to the Central Broward Water Control District.

Section 13. Special assessments.

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

- a. Special assessments against property deemed to be benefited by such improvements, as provided in this subsection, shall be assessed upon the property specially benefited by the improvement in proportion to the benefits to be derived therefrom, the special benefits to be determined and prorated according to the front footage or square footage of the respective properties specially benefited by the improvement, or by such other method as the board of commissioners may prescribe.
- b. Whenever the board of commissioners shall determine that it is wise and expedient to make any of the local improvements herein specified, the cost of which, or any part thereof, is to be assessed against property benefited, it shall adopt a resolution declaring a necessity for the proposed improvement, describing the nature and extent of the work, the

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

- c. At the meeting for hearing objections, or at a time and place to which the same may be adjourned, any person aggrieved may appear in person, by attorney, or by petition, and may object to or protest against said improvements. The board of commissioners shall consider the objections and protests, if any, and may confirm, amend, modify, or rescind the resolution of necessity, and shall determine whether the improvement shall be made, and how the cost thereof shall be paid. The determination of the board of commissioners shall be final and conclusive. If the board of commissioners determines to proceed with such improvements as originally proposed or in an amended or modified form, it shall adopt a resolution determined to proceed, as hereinafter set out.
- d. The owner of any lot or land bounding and abutting upon a proposed special improvement, who claims that he or she will sustain damage by reason of the improvement, shall present such claim to the board of commissioners at the time of its meeting on the question of whether it should proceed with the improvement as provided

in the preceding subsection. Such claim shall be in writing and shall set forth the amount of damages claimed, with a general description of the property with respect to which it is claimed the damage will accrue. Any owner who fails so to do shall be deemed to have waived such damage and shall be barred from thereafter filing a claim or receiving damages therefor. This provision shall apply to all damage which will obviously result from the improvement, but shall not deprive the owner of his or her right to recover damages arising without his or her fault from acts of the district or its agents.

- e. If, after hearing the objections and protests, if any, the board of commissioners determines that it is expedient to proceed with such improvement in the original or modified form, the board of commissioners shall adopt a resolution determining to proceed with such improvement, which resolution shall disclose what part of the total cost and expenses of the improvement shall be chargeable against and assessed against the property benefited by the improvement, and what part of proportion of the total cost shall be paid by the board of commissioners from its general fund or any special fund on hand for such purposes. The resolution may direct that the whole or any part of the cost and expenses thereof be assessed against the property abutting upon the improvement; or may provide that all property benefited by the improvement may be assessed for such improvement in the manner set out therein.
- f. The board of commissioners shall have the power to pay out of its general fund, or out of any special fund that may be provided for the purpose, such portion of the cost of the proposed improvement as it may deem to be the proper portion to be borne by the district. Interest accrued while an improvement is under construction, and for 6 months thereafter, shall be deemed part of the cost of the improvement. All engineering and inspection costs

and legal and advertising costs, including a proper proportion of the compensation, salaries, and expenses of the engineering staff, properly chargeable to any improvement, shall be deemed a part of the cost of the improvement. When revenue bonds or certificates are issued in order to obtain money with which to make the improvement, all costs and estimated costs incurred in issuing such revenue bonds or certificates and obtaining such funds shall be deemed a part of the cost of the improvement. When local improvements are made by the district, all legal charges, advertising costs, engineering costs, payroll, materials, equipment rental at the prevailing rates, plus not more than 15 percent of the total of payroll, material, and equipment rental cost for general overhead expense, may be included in the cost of the improvement. When the improvement has been completed, the board of commissioners shall ascertain and determine the total cost of the improvement.

- g. When a majority of the recorded owners of the lands liable to be assessed for any special local improvement shall petition the board of commissioners for any such improvement, the board of commissioners may order such improvement to be made. Other public improvement shall be made at the discretion of the board of commissioners.
- h. Upon the completion of any improvement hereunder, the board of commissioners shall cause to be prepared a roll or list to be called the assessment list, showing the improvement number, the number of the assessment lien, a description of each lot or parcel of land proposed to be assessed, the amount to be charged against each lot or parcel of land, and the name of each owner as shown on the tax roll or records of the district. Such list shall be a public record constituting notice to the public of the lien against the land so assessed, and no other record or notice thereof shall be necessary to

any person or corporation for that purpose. No errors, omissions, or mistakes in regard to description of property shall be held to invalidate any assessment appearing upon such assessment list, where the description given is sufficient to identify the property. After the completion of said assessment list, it shall be delivered to the secretary, who shall thereupon give notice by publication once a week for 2 weeks in some newspaper of general circulation in Broward County that the assessment list has been delivered to him or her and is open for inspection at his or her office, and that at the time and place therein mentioned, not less than 15 days after the first publication. The board of commissioners will meet to hear and determine any objections or defenses that may be filed to such assessment or the amount thereof. The notice shall state the number of the improvement, the general character of the work which has been performed, the name by which the improvement is generally known, and the location in which the improvement has been constructed.

- i. At the time fixed in the notice, or at an adjourned meeting, the board of commissioners shall hear objections to the amount of such assessment which may be made by the owners of real property assessed for such improvement, or by parties having an interest therein, and the board of commissioners shall determine and hear all objections and protests to the proposed assessments under such rules and regulations as it may adopt. The board shall have a right to change or adjust any assessment appearing upon the assessment list, at such meeting, or at any adjourned meeting thereof. When the assessment list has been finally corrected and adjusted, the board of commissioners shall adopt a resolution approving and confirming the assessment list. All assessments as finally fixed and adjusted at the hearing shall, from the date of confirmation of the resolution, constitute a

lien on the respective lots or parcels of land, or other real property upon which they are levied, superior to all other liens, except those for district and county taxes. All persons who fail to object to the proposed assessments in the manner herein provided shall be deemed to have consented to and approved the same. All persons who appear at such hearing and whose objections were overruled or denied shall be deemed to be bound by the action of the board of commissioners after 30 days from the adoption of the resolution approving and confirming the assessment list, unless suit challenging the assessment be filed, after which time no suit, action, writ, or special proceedings in any manner questioning the legality of the special assessment shall lie for any cause whatsoever. Substantial compliance with the procedure outlined shall be all that is necessary to render the assessment liens valid and incontestable, it being the express intent of the Legislature that the requirements are directory rather than mandatory.

- j. If any special assessment made hereunder to defray the whole or part of the expense of any local improvement shall be either in whole or in part annulled, vacated, or set aside by the judgment of any court or if the board of commissioners shall be satisfied that any assessment is so irregular or defective that the same cannot be enforced and collected, or if the board of commissioners shall have omitted to make such assessment when it might have done so, it is hereby authorized to take all steps to cause a new assessment for the whole or any part of any improvement or against any property benefited by any improvement, following, as near as may be under the circumstances, the provisions of this charter; and in case such second assessment shall be annulled, the board of commissioners may obtain and make other assessments until a valid assessment is made. No omission, informality, or irregularity in the proceedings preliminary to the making of

any special assessment shall affect the validity of the same when the assessment list has been confirmed by the board of commissioners, and the assessment list and the record thereof kept by the district secretary shall be competent and sufficient evidence that the assessment was duly levied and the assessment list duly made and adopted, and that all other proceedings necessary for the adoption of said assessment list were duly had, taken, and performed as required by this law, and no variance from the direction herein contained as to the form and manner of any of the proceedings shall be held material, unless it is clearly shown that the party objecting was materially injured thereby. In case any special assessment shall, in any suit in which its validity is questioned, be adjudged invalid, the board of commissioners may in its discretion notify the district treasurer and collector to cease the collection of the same, if it shall have been transmitted to him or her for collection, and may proceed anew by proceedings either as in case of an original special assessment for the same purpose or by taking up the previous proceedings at any point, and may make and levy a new assessment in the place and stead of the assessment which was adjudged invalid. The district secretary, before delivering such new assessments to the district treasurer and collector for collection, shall ascertain and note thereon payments which have been made on the invalid assessment for the same purpose, which notation shall cancel the assessments as to the parcels and lots on which the payments were made to the extent of the payments. The new assessments shall be collected in the same manner as original special assessments.

- k. The assessments shall be payable at the time and in the manner stipulated in the resolution providing for the improvements, and the special assessments shall remain liens, coequal with the liens of other taxes, superior in dignity to all other liens, titles, and

claims, until paid, and shall bear interest at the rate of 12 percent per annum from the date of the acceptance of the improvement and may, if so provided by the resolution, be made payable in not more than 10 equal yearly installments, to which, if not paid when due, there shall be added a penalty at the rate of 1.5 percent per month, until paid, provided that the assessments may be paid without interest at any time within 30 days after the improvement is completed, and a resolution accepting the same has been adopted by the board of commissioners. The owner of the property desiring to pay his or her assessment in installments, if it shall be permitted, shall, within the 30-day period, file with the district secretary a written application to pay the assessments in installments, which application shall state that the applicant and property owner waives all irregularities or defects, constitutional, jurisdictional, or otherwise, in the proceedings for the improvement for which the assessments are levied, and in the apportionment of the cost thereof; and, thereafter, the validity of the assessments shall not be called in question. The payment of an assessment, in whole or in part, shall constitute a waiver of all defects, constitutional, jurisdictional, or otherwise, in the proceedings. Said application shall also contain an agreement that the applicant and property owner shall pay the special assessment in installments at the date fixed by the resolution with interest at the rates specified in the resolution. The application shall also make a reference to the number of the improvement, and shall contain a description of the lots or parcel or of property of the applicant assessed for the improvement.

1. Each annual installment provided for in subsection k. shall be paid upon the dates specified in the resolution, with interest upon all deferred payments until the entire amount of the assessment has been paid, and upon the failure of any property owner to

pay any annual installment due, or any part thereof, or any annual interest upon deferred payments, the board of commissioners shall cause to be brought the necessary legal proceedings by a bill in chancery to enforce payment thereof with all accrued interest and penalties, together with all legal costs incurred, including a reasonable attorney's fee, to be assessed as part of the costs and in the event of default in the payment of any installment of an assessment, or any accrued interest on said assessment, the whole assessment, with the interest and penalties thereon, shall immediately become due and payable and subject to foreclosure. In the foreclosure of any special assessment, service of process against unknown or nonresident defendants may be had by publication, as now provided by law in other chancery suits. The foreclosure proceedings shall be prosecuted to a sale and conveyance of the property involved in said proceedings as now provided by law in suits to foreclose mortgages; or in the alternative, said proceedings may be instituted and prosecuted under Chapter 173, Florida Statutes, Foreclosure of Municipal Tax and Special Assessment Liens.

- m. After the equalization, approval, and confirmation of the levying of the special assessments for improvements as herein provided and as soon as a contract for the improvement has been finally effected, the board of commissioners may by resolution authorize a loan or authorize the issuance of bonds, to be designated “improvement bond series no. _____” in an amount not in excess of the aggregate amount of the liens levied for the improvements. The loans or bonds shall be payable from a special and separate fund to be known as the “improvement fund, series no. _____,” which shall be used solely for the payment of the principal and interest of said loans or bonds and for no other purpose. The fund shall be deposited in a separate bank account and all the proceeds

collected by the district from the principal, interest, and penalties of the liens shall be deposited and held in the fund. The loans or bonds so issued shall never exceed the amount of the liens assessed, and the loans or bonds shall mature not later than 6 months after the maturity of the last installment of the liens. The loans or bonds shall bear certificates signed by the board of commissioners certifying that the amount of liens levied, the proceeds of which are pledged to the payment of the loans or bonds, are equal to the amount of the loans or bonds issued. Said loans or bonds shall not be a charge on, or payable out of, the general revenues of the district, but shall be payable solely out of the assessments, installments, interest, and penalties. Any surplus remaining after payment of all bonds and interest thereon shall revert to the district and be used for any district purpose.

Section 14. Annual district budget.

The Board of Commissioners of the Central Broward Water Control District shall sit as a budget commission to pass and approve a budget for the operation of the affairs of the Central Broward Water Control District. The fiscal and budget year of the district shall begin on the first day of October and shall end on the last day of September of the following year, unless the board of commissioners, by resolution, establishes a different fiscal year. The annual budget shall be a complete financial plan for the ensuing budget year and shall be based upon an operating budget and a capital budget. The capital budget shall provide for the acquisition of real estate and other fixed assets and long term liability accounting. The operating budget shall provide for all other classes of expenditure. The proposed budget submitted by the board of commissioners shall include the following:

- a. A budget message in which the board of commissioners shall:
 - (1) Report on the district's financial condition and prospects.
 - (2) Explain in both terms of money and work programs the important features of the operating budget.
 - (3) Identify the major projects in the capital budget.
 - (4) Outline the financial policies proposed for the ensuing budget year.
- b. Appropriate statements showing for each fund the estimated transactions and balances for the ensuing year and comparative data for the current year and the immediate past budget year.
- c. Detailed schedules of all estimated revenues for the ensuing budget year and comparative data for the current year and the immediate past budget year.
- d. Operating budget schedules showing by activity or program the proposed operating expenditures for the ensuing budget year. Comparative expenditure data and information on work programs for the current year and the immediate past budget year should also be presented.
- e. Capital budget schedule showing the total proposed expenditures on each capital project during the ensuing budget year and a detailed project breakdown of the sources of funds showing the funds available and the amounts to be appropriated, borrowed, or derived from other sources.

Section 15. Formulation and submission of budget.

The procedure for the formulation and submission of the annual budget shall be as follows:

- a. On or before a date specified by the board of commissioners, the district manager shall transmit to the board of commissioners estimates for the ensuing fiscal year of operating expenditures for the district, containing the following information:
 - (1) Detailed estimates of the expenses of conducting the program of the district for the next ensuing fiscal year.
 - (2) Expenditures for corresponding items for the immediate past fiscal year.
 - (3) Expenditures for corresponding items for the current fiscal year, including adjustments to or transfers between appropriations, plus an estimate of the necessary expenditures to complete the current fiscal year.
 - (4) Value of supplies and materials on hand at the date of preparation of the estimate.
 - (5) Increases or decreases of requests compared with corresponding appropriations for the current year, with reasons for such requested increases or decreases.
 - (6) Other works program information and supporting data as the board of commissioners may require.
- b. On or before a date specified by the board of commissioners, the district manager shall transmit to the board of commissioners his or her financial report comprising the operating estimates of the following:
 - (1) An itemization of all assessable property and all probable income or revenues from fixed sources for the ensuing fiscal year.
 - (2) An itemization of the outstanding district debt with a schedule of maturities of such obligations.

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

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

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

Section 16. Consideration and adoption of the budget by the board of commissioners.

The board of commissioners shall determine the time and place at which it will hold public hearings on the budget. The public hearings shall be scheduled and notice published in accordance with the requirements of the Florida Department of Revenue and Broward County Property Appraiser's Office. Additional public hearings on the budget may be scheduled by the board. At the first public hearing required by the Florida Department of Revenue and Broward County Property Appraiser's Office, the district board of commissioners shall, after reviewing and discussing the budget, approve a tentative budget and tentative assessment rate for taxation of all assessable land located within the boundaries of the district. At the second and final public hearing required by the Florida Department of Revenue and Broward County Property Appraiser's Office, the district board of commissioners, after reviewing and discussing the budget, shall, by majority vote, adopt the budget, set the assessment rate for taxation of all assessable land located within the boundaries of the district, and authorize appropriations for the ensuing budget year. The adopted budget shall be printed and copies shall be made available for distribution. After the budget is adopted, the board of commissioners may revise the expenditures of the budget by increasing, decreasing, inserting, or deleting appropriation items, except that it shall not reduce appropriations for debt service. The board of commissioners may

revise revenue estimates if such revision is concurred in by a majority, but not less than three of its members.

Section 17. Tax roll.

- a. The county Property Appraiser of Broward County shall certify to the board of commissioners of the Central Broward Water Control District the total assessed value of real property located within the boundaries of the district, on or before the first day of July of each year, said certification to be prepared from the tax roll of Broward County.
- b. It shall be the duty of the Property Appraiser of Broward County to enter upon the tax roll of the county the taxes or assessments levied by the district, upon certification of the same by the chair or secretary of the board, which certification shall be delivered on or before September 1 of each year. The tax or assessment shall be entered upon the tax roll in a proper column under the head of "Central Broward Water Control District" opposite the name of the person or persons or corporation owning such land in the manner provided by law for making up the tax roll for state and county taxes, or in case the ownership of such land is not shown upon such tax roll, then opposite the word "unknown."
- c. The tax or assessment levied by this charter shall constitute a lien upon the lands so assessed as of the first day of January of each year in which the entries are made in the tax rolls pursuant to subsection b., which lien shall be superior in dignity to all other liens upon said lands, except the lien for state and county taxes and other taxes of equal dignity, as to which taxes the said lien shall be coordinate.
- d. The Revenue Collector of Broward County shall make returns and remittances of money collected by him or her for Central Broward Water Control District in the manner and

time provided by law. Central Broward Water Control District may, from time to time, make audits or checks of the tax assessment roll at the property appraiser's office, and the revenue collector shall furnish all that is required by law.

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

Section 18. Tax due date and sale of lands for nonpayment.

All drainage taxes or assessments levied by this charter shall be payable on the first Monday in November of the year for which the same are assessed, and the collector shall collect the same on or before the first day of April following. The tax collector is authorized to receive the taxes and issue receipts therefor without requiring the payment of any other taxes. If the tax shall not be paid on any parcel or parcels of land on or before the first day of April in the year following that for which such assessment is made, the tax collector shall advertise and sell such lands in the manner as is now provided by law for the sale of lands for the nonpayment of state and county taxes. The said collector shall advertise and sell such lands for sale by publishing notice thereof, or by posting in the same manner as is now provided by law for the sale of lands for nonpayment of state and county taxes, except as otherwise provided herein, but no lands which have previously been sold for the nonpayment of such taxes or assessments, and for which unredeemed certificates are outstanding in the name of Central Broward Water Control District shall be again advertised and sold for the nonpayment of such tax, but the tax or assessment for every year subsequent to such sale shall continue as a lien upon such land superior in dignity to all other liens and coordinate with the lien for state and county taxes and other taxes of equal dignity, until paid. The board of commissioners may select the newspaper in which the advertisement of sale shall be published, which shall be a newspaper as might legally be selected

for the publication of notice of sale for state and county taxes; however, if the board shall not select such newspaper and notify the collector of such selection or before the first day of April of any year, the advertisement shall be published in the newspaper selected by the board of county commissioners for the advertisement of state and county taxes. The charges for the publication of such notice shall be the same as provided for sale for state and county taxes.

Section 19. Publication of notice of tax sales.

Proof of the publication of such advertisement of sale shall be filed by the tax collector as provided in case of state and county tax sales, except that no copy of the newspaper containing such advertisement need be furnished the comptroller, and that one copy shall be filed in the office of the secretary of the district. All such sales for taxes levied under this act shall take place at the time and place provided for state and county tax sales and may continue from day to day until finished.

Section 20. Minimum sales price at tax sales.

At the time and place fixed for the sale, after advertisement as required in this charter, the collector shall publicly offer the lands for sale to realize the amount of the tax, interest, penalties, and costs. If the amount of the tax, interest, penalties, and costs is not bid for any tract, piece, or parcel of land, it shall be the duty of the collector making such sale to bid the whole amount thereof as aforesaid in the name of Central Broward Water Control District, and to sell the same to the said district, and to execute his or her certificate therefor in the same manner as if the Central Broward Water Control District had purchased the same at the sale.

Section 21. Immediate payment at tax sales.

The tax collector shall require immediate payment by any person to whom any parcel of such land may be struck off, and, in all cases where payment is not made within 1 hour, he or she may declare the bid canceled and sell the land again.

Section 22. Tax certificate.

As soon as practicable after the sale, the collector shall issue the purchaser or purchasers a certificate of sale for the land purchased, which certificate shall contain the name and address of the purchaser as given to him or her by the purchaser or his or her agent, a description of the land, the amount bid therefor, and the date of such sale, which certificate shall be signed by the collector.

Section 23. Compensation for tax assessor and tax collector.

Each property appraiser placing the assessments herein provided for upon the tax roll shall receive the same compensation therefor as had been heretofore and is now provided by law for the performance of like duties in connection with taxes and assessments of the Napoleon B. Broward Drainage District, and each collector shall receive the same compensation for collecting the taxes hereby levied and for making of sales hereunder and issuing of certificates and the performance of other duties in connection therewith as had been heretofore and is now provided by law for like duties in connection with Napoleon B. Broward Drainage District. All fees and commissions provided for herein shall be paid in the first instance by the board of commissioners, but shall be considered as part of the costs of sale when such lands are redeemed or sold by the district.

Section 24. Triplicate list of certificates.

Immediately after any sale for the nonpayment of drainage taxes levied hereunder, the tax collector shall make a list in triplicate of all lands sold for such taxes, showing the date of sale and number of certificate, the name of the owner as shown on the tax roll, a description of the land sold, the name of the purchaser, and the amount for which the sale was made, and each collector shall append to each of the lists a certificate stating further that such sale was made according to law. One of the lists shall be filed in the office of the board of commissioners of said district, one shall be retained by the collector, and the third shall be filed in the office of the clerk of the circuit court, who shall enter the same in a book to be provided by the board for that purpose and the clerk shall receive the same fee for such recording as is paid for other recording, each five figures to be counted as one word. Such fees shall be paid by the board. Such book shall be in substantially the same form as had been heretofore and is now provided by law in connection with Napoleon B. Broward Drainage District taxes, and shall have like force and effect.

Section 25. Redemption of tax certificates.

- a. Any tax certificate issued under the provisions of this charter may be redeemed by the owner of the lands covered by the certificate, or any person claiming to be the owner thereof, or his or her agent or attorney, by paying to the clerk of the circuit court for the county wherein such lands may lie, on or before 2 years after the date of such certificate, the amount of taxes provided for under this charter for such year and all costs and charges as shown by the certificate, together with the principal amount of the certificate and penalty on the amount from the first day of April preceding the sale at the rate of 2 percent per month on the amount of the taxes from date of delinquency until paid,

together with all subsequent omitted taxes or assessments imposed under this charter due and payable thereon. In computing the penalty, each fractional part of a month shall be counted as a full month.

- b. In the event any certificate is not redeemed as provided for herein, the holder thereof may apply to the clerk of the circuit court of the county for a deed to the lands described in the certificate. The clerk shall thereupon cause to be published, at the expense of the applicant in a newspaper published in the county once each week for 4 consecutive weeks, a notice of the application for a deed to the lands and of his or her intention to execute the deed, and during that time the owner of the lands, or anyone claiming the ownership thereof, or his or her agent or attorney, may redeem the certificate by paying to the clerk the amounts required to be paid for redemption and the publication charge for the notice, but, if at the expiration of the time fixed in the notice for the making of said deed such certificate is not redeemed as provided herein, the clerk shall execute a deed to the holder of the certificate for the lands therein described. Such deed shall be in substantially the same form as now provided for state and county tax deeds, and shall vest in the grantee the fee simple title to the lands therein described, free from all liens, except for state and county taxes and other taxes of equal dignity, and the deed shall be entitled to record in the same manner as state and county tax deeds. Before being entitled to receive such deed, the grantee named therein, or his or her agent or attorney, shall pay to the clerk of the court all fees and charges that are now required to be paid upon the application for a tax deed in cases where lands have been sold for unpaid state and county taxes. Whenever any tax certificate is redeemed or deed issued thereon, the clerk shall enter that fact opposite the description of said lands in the book herein required to be filed

in his or her office, and shall enter the date when deed was executed, and by whom redeemed or to whom deeded, and the amount paid therefor. If the certificate so redeemed is held by Central Broward Water Control District, the clerk shall transmit to the treasurer of the district the amount paid for the redemption of such certificate, and the treasurer shall forward to the clerk the certificate for cancellation. If the certificate is held by an individual or corporation other than the district, the clerk shall pay the sum received for the redemption of such certificate to the holder thereof, or his or her attorney, upon delivery of the certificate to the clerk for cancellation.

- c. No such tax deeds shall be set aside or deemed ineffectual to convey title because of any defect in description of the premises in the tax rolls, or collector's warrant, or advertisement of sale, or certificate of sale or tax deed or other document, notice, or paper prescribed herein, provided the description given is sufficient to describe the premises with reasonable certainty, nor because of any defect in the form or execution of the tax rolls or collector's warrant or advertisement of sale or certificate of sale or the notice of the application shall have been made, or because the taxes were assessed, extended, or sold without giving the correct name or any name of the owner of the premises, or because of any other matter or thing whether herein expressly enumerated or not, save and except that the premises sold were not liable to the tax or that the tax thereon had been paid at the date of sale. If any deed or deeds be invalid for either of the reasons last given, the board of commissioners shall on application therefor refund to the purchaser, or his or her assigns, of the lands so sold, the amount of drainage taxes received in connection therewith, with interest at 6 percent per annum. All tax deeds and deeds issued by the board of commissioners pursuant to this charter shall be and are hereby

declared to be prima facie evidence of the regularity of the proceedings from the date hereof to the date of the issuance of the deed or deeds, and such deed or deeds shall be permitted thereto, except the two defenses last herein mentioned and the defense that no notice of application for the tax deed was at any time either posted or published as herein required.

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

- a. When land is bid off by the tax collector for the Central Broward Water Control District, the certificate shall be issued by the tax collector as of the date of sale in the name of "Central Broward Water Control District" and if the land is not redeemed on or before 2 years after the date of such certificate as herein provided, the title of the same shall immediately vest in the Central Broward Water Control District without the issuance of any deed as provided in other cases, and the certificate held by the district shall be evidence of the title of the district. The board may sell and convey the lands by deed at the best price obtainable therefor, provided such price shall not be less than the amount of all drainage taxes upon the lands which shall have become due and payable thereon pursuant to the provisions of this charter; and, provided further, that the lands shall not be sold by the board until notice of the board's intention to make such sale shall have been published once each week for 4 consecutive weeks in a newspaper published in Broward County, Florida, the first publication of which shall be not less than 30 nor more than 45 days prior to any sale, which notice shall set forth the time and place of sale and a description of the lands to be offered for sale. The board may reject any and all bids offered for the lands, and may thereafter sell the lands at any time without further publication.

- b. It shall be the further duty of the board to send by registered mail at least 15 days before the date of sale a copy of such proposed notice to the last known address of the person, firm, or corporation to whom the lands described in the notice were last assessed. However, the failure of the person, firm, or corporation to whom the land was last assessed to receive such notice shall not invalidate the sale or affect the rights of the purchaser thereunder, nor shall the failure of the board to give such notice by mail invalidate the sale or affect the rights of the purchaser thereunder, it being the intention that this provision for mailing of the notice shall be directory only.
- c. However, the district or its board of commissioners may before any tax sale certificates held by said district or its board of commissioners becomes 2 years old, foreclose the lien established by such certificate by an action in chancery. The pleadings, process, proceedings, practice, and sales, in cases brought for the foreclosure of such lien shall be the same as in action for the enforcement of mortgages upon real estate. One or more parcels of land may be included in one suit.
- d. Further, the provisions hereof shall not be construed to invalidate county or other taxes against the property of equal dignity and provided further that any amount paid by the district for any such other taxes shall operate to transfer the lien of the taxes to the district and the lien may be included and enforced and foreclosed in any suit or proceeding instituted by the district or its board of commissioners for the enforcement or foreclosure of any district tax lien against the same land. The deeds of conveyance executed by the board to such lands shall be signed by the chair of the board, and attested by the secretary of the district under the seal of the district, and shall vest in the grantee of such deed the fee simple estate to such lands, free from all liens of any character except such liens as

may exist for state and county and Central Broward Water Control District taxes thereon, and such deeds shall be incontestable.

Section 27. Tax certificates held by treasurer and sales proceeds treated as taxes collected.

All tax certificates issued in the name of the district under the provisions of this charter shall be held by the treasurer of the district. The proceeds of the sales of any lands under the provisions of the preceding section shall be held and disposed of by the board in like manner as taxes collected are required to be held and disposed of by the board under the provisions of this charter.

Section 28. Short-term indebtedness.

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

Section 29. Long-term indebtedness.

The board is hereby authorized and empowered, in order to provide for the work to be performed by the board, to borrow money on loans for periods over 1 year and to incur obligations from time to time on such terms and at such rates of interest as they deem proper, not to exceed 18 percent or as provided for in state statutes, for the purpose of raising funds to conduct and prosecute to final completion the canals, drains, dikes, dams, locks, and reservoirs now in process of construction in the territory embraced in the district, and to build and construct other canals, drains, dikes, dams, locks, and reservoirs and other works as the board may deem advantageous to the territory embraced in the district, and to provide the expenses incident to such work and all expenses necessary or needful to be incurred in carrying out the purposes of this charter. In order to facilitate the board in borrowing the money necessary to carry out the purposes aforesaid, the board is hereby authorized and empowered to issue in the corporate name of the district negotiable coupon bonds of the Central Broward Water Control District.

Section 30. Bonds.

- a. All bonds authorized by this charter to be issued shall be signed by the chair of the board and such other member of the board designated by the board, under the seal of the board. The bonds shall be in such form as shall be prescribed by the board, shall recite that they are issued under the authority of this charter, and shall pledge the faith and credit of the board of commissioners of Central Broward Water Control District for the prompt payment of the principal and interest thereof. The bonds shall be numbered consecutively in the order of their issuance. Interest coupons shall be attached to the bonds and the 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 chair or such other member of the board as the board shall designate.

- b. It shall be the duty of the board of commissioners, in making the annual tax levy as herein provided, to take into account the maturing bonds and interest on all bonds and expenses, and to make provision in advance for the payment of the same.
- c. After the bonds have been executed and sealed and examined as herein provided, they shall be delivered to the treasurer who shall give his or her receipt to the board therefor, and the treasurer shall enter in a book to be kept by him or her, the number of each bond, the rate of interest, the time it becomes due, the date of sale, the person to whom sold, and his or her post office address. The treasurer shall hold the bonds and be the legal custodian thereof, and shall deliver the same to the purchasers upon resolution of the board duly recorded in the minutes of the board.
- d. The treasurer shall, at the time of the receipt by him or her of the bonds, execute and deliver to the chair of the board of the district a bond with good and sufficient surety to be approved by the board, conditioned that he or she shall account for and pay over, as required by law and as ordered by said board of commissioners, any and all moneys received by him or her on the sale of such bonds, or any of them, and that he or she will only sell and deliver the bonds to the purchaser or purchasers thereof under and according to the terms herein prescribed, and that he or she will return to the board of commissioners and duly cancel any and all bonds not sold when ordered by the board to do so. The bonds when so returned shall remain in the custody of the chair of the board of commissioners, who shall produce the same for inspection or for use as evidence

whenever and wherever legally requested to do so. The treasurer shall promptly report all sales of bonds to the board of commissioners.

- e. In case any officer whose signature, countersignature, and certificate appears upon 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 the officer had remained in office until the delivery of the bonds.

Section 31. Payee of bonds.

Any bonds issued under the provisions of this charter shall be payable to bearer only, unless the same shall be registered in conformity with the resolution of the board authorizing such bonds, in which event the bonds shall be payable to the registered owner thereof only, and the resolution shall fully provide the manner and condition of such registration.

Section 32. Bonds negotiable.

- a. This charter shall, without reference to any other act of the Legislature of Florida, be full authority for the issuance and sale of the bonds authorized in this charter, which 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 issuance and sale thereof; and shall be incontestable in the hands of bona fide purchasers or holders thereof. No proceedings in respect to the issuance of any such bonds shall be necessary, except such as are required by this charter. The provisions of this charter shall constitute an irrevocable contract between the board of commissioners and the Central Broward Water Control District and the holders of any bonds and the coupons thereof issued pursuant to the provisions thereof. Any holder of any of the bonds or coupons may, either in law or in

equity by suit, action, or mandamus, enforce and compel the performance of the duties required by this charter of any of the officers or persons mentioned in this charter in relation to the bonds, or to the correct enforcement and application of the taxes for the payment thereof.

- b. All bonds issued hereunder regardless of the time of sale shall be of equal rank each with the other, and without priority one over the other, except as to time of payment therein stated.
- c. After the several bonds and coupons are paid and retired as herein provided, they shall be returned to the treasurer and they shall be canceled and an appropriate record thereof made in a book to be kept for that purpose, which record of paid and canceled bonds shall be kept at the office of the treasurer and shall be open to inspection of any bondholder at any time.

Section 33. Powers of commissioners to carry out plan.

The board of commissioners of the district created hereby shall have full power and authority to put out requests for proposals or bids for contracts and to build, construct, excavate, and complete any and all works and improvements which may be needed to carry out, maintain, and protect “the state comprehensive water management plan.” To accomplish that end the board of commissioners may employ persons and teams and purchase machinery, employ persons to operate same, and directly have charge of and construct the works and improvements in such manner or by use of other or more efficient means than provided for in the plans adopted. The board of commissioners may, at its discretion, award the contract for such works and improvements, either as a whole or in sections, and when such contracts are awarded they shall be advertised and awarded to the lowest qualified, responsible bidder, as determined by the

board, which bidder shall give a good and approved bond, with ample security, conditioned that he or she will promptly carry out the contract for such work and improvements under such terms and conditions as the board of commissioners deems necessary; which contract shall be in writing and to which shall be attached, and made a part thereof, complete plans and specifications of the work to be done and improvements to be made under such contract, which plans and specifications shall be prepared by the district's engineer and shall be incorporated in, and attached to, the contract; and such contract shall be prepared by the attorney for the district and approved by the board of commissioners and signed by its chair or vice chair and the contractor and executed in duplicate. The district manager shall be the superintendent of all the works and improvements, and shall, at least once each year and when required, make a full report to the board of all work done and improvements made, and make suggestions and recommendations to the board as he or she may deem proper.

Section 34. Rules and regulations.

The board of commissioners is hereby authorized to adopt, promulgate, and enforce all rules and regulations necessary and appropriate for the administration and enforcement of this charter. No such action shall be taken by the board of commissioners until after the holding by this board of commissioners of a public hearing on the proposed rules and regulations. The provisions of chapter 120, Florida Statutes (Administrative Procedure Act), shall apply to all such rules and regulations. As soon as practicable and as necessary, from time to time, the board of commissioners shall effect appropriate rules and regulations as deemed necessary, including, but not limited to, the following:

- a. Conditions precedent to be met for land to be platted in the public records of the appropriate governmental authority to assure provisions for proper drainage and water

management, the dedication of proper easements or rights-of-way to the district, and the procedures to be followed in connection therewith including the posting of such bonds in such amounts on such conditions as are deemed necessary in such plats to ensure the proper and timely completion of such drainage and water management provisions. No plat for the subdivision of any land within the district shall be entitled to be recorded without the approval of the board of commissioners.

- b. Code of regulations, standards, procedures, and design criteria for the obtainment of a permit and for hearings in connection therewith before the board of commissioners for approval of plans for all drainage improvements within the district, including structural improvements coming into, over, onto, or through any of the waterways of the district.
- c. Code of regulations, standards, procedures, and design criteria as to content of discharge and effluents coming into the waterways of the district.

Section 35. Commissioners authorized to obtain consent of United States.

In case the comprehensive water management plan of the district organized and incorporated under this charter and the improvement provided thereunder be of such a nature as requires the permission or consent of the government of the United States, or any department or officer of the government of the United States, the board of commissioners may obtain the required permission or consent of the government of the United States or any proper officer or department thereof; and to that end the board of commissioners may bind the district to comply with any conditions that may be attached to such permissions or consent, including the giving of any bond or other obligation for the faithful performance of such conditions.

Section 36. Sureties on bonds may be bonding company; payable to district; provisions, etc.

The sureties required on any or all bonds required to be given by this charter may be a surety or bonding company approved by the board of commissioners, and shall be made payable to the district by its corporate name, in which name all suits shall be instituted and prosecuted. All penalties herein named shall be payable to and recoverable by the district. All bonds required by this charter shall cover defaults of deputies, clerks, or assistants of the officers appointing them.

Section 37. Eminent domain.

The district created hereby may acquire, by gift, purchase, exchange, donation, dedication, or condemnation, any lands within or without the said district for canal rights-of-way or easements, or for other general purposes of the said district, and, if acquired by condemnation, the procedure shall be as prescribed in chapter 73, Florida Statutes, Eminent Domain.

Section 38. Obstructions, damage, and destruction prohibited; damages; penalties.

No person may willfully or otherwise obstruct any canal, drain, ditch, or watercourse or damage or destroy any drainage works constructed in the drainage district.

- a. Any person who shall willfully obstruct any canal, drain, ditch, or other watercourse, or shall damage or destroy any drainage works constructed by the drainage district, shall be liable to any person injured thereby for the full amount of the injury occasioned to any land or crops or other property by such misconduct and shall be liable to the drainage district constructing the work for double the cost of removing such obstruction or repairing such damage. The costs shall include all labor, materials, equipment, and supplies necessary to effect such removal or repair, and all costs and expenses, including

reasonable attorney's fees, necessary to make any person injured or the drainage district whole.

- b. Any person who willfully or otherwise obstructs any canal, drain, ditch, or watercourse, or impedes or obstructs the flow of water thereof, or damages or destroys any drainage works constructed by any drainage district is guilty of a misdemeanor of the first degree, punishable as provided by general law.
- c. If the board of commissioners finds and determines that any dike, culvert, bridge, crossing, or any other device in any canal, drain, ditch, or watercourse which is used for servicing any property or providing access thereto constitutes an obstruction or impediment to the free flow of water or drainage or access to maintenance of any district facility, whether the same has been so placed in or near any canal, drain, ditch, or watercourse under permit by the district or otherwise, the record owner of the property provided access or service shall be notified in writing of such obstruction with a demand therein that such owner cause the condition to be remedied. The notice shall be given by registered mail, addressed to the owner or owners of the property described, as their names and addresses are shown upon the records of the county property appraiser, and shall be deemed complete and sufficient when so addressed and deposited in the United States mail with proper postage prepaid. In the event that such notice is returned by postal authorities, the district shall cause a copy of the notice to be served by any officers, commissioners, or agents of the district, an affidavit of such service by such officer, commissioner, or agent filed in the minutes of the district shall be proof of service thereof, upon the occupant of the property or upon any agent of the owner thereof. In the event that personal service upon the occupant of the property or upon any agent of the

owner thereof cannot be performed after a reasonable search, the notice shall be accomplished by physical posting on the property.

The notice shall be in substantially the following form:

Name of Owner: _____

Address of Owner: _____

Our records indicate you are the owner(s) of the following property located in the Central Broward Water Control District, Broward County, Florida:

(describe property)

An inspection of this property and the abutting canal, drain, ditch or watercourse discloses, and the Board of Commissioners of the Central Broward Water Control District has found and determined, that an obstruction in said canal, drain, ditch, or watercourse exists thereby impeding the free flow of water or drainage or access to maintenance of a district facility and constituting a hazard and danger to the inhabitants within the Central Broward Water Control District so as to constitute a violation of the charter and regulations of the Central Broward Water Control District in that:

(describe the condition which places the property in violation.)

You are hereby notified that unless the condition above described is remedied so as to make it nonviolative of the charter and regulations of the Central Broward Water Control District within 20 days from the date hereof, the Central Broward Water Control District will proceed to remedy this condition and the cost of the work, including advertising costs and all other expenses, will be imposed as lien on the property if not otherwise paid within 30 days after receipt of billing.

Central Broward Water Control District

BY _____

- d. Within 20 days after the mailing of the notice to him or her, the owner of the property may make written request to the board of commissioners for a hearing before that body to show that the condition alleged in the notice does not exist or that such condition does not constitute an obstruction or impediment to the drainage and free flow of water in any

canal, ditch, drain, or watercourse of the district. At the hearing, the district and the property owner may introduce such evidence as is deemed necessary.

- e. If within 20 days after mailing of the notice no hearing has been requested and the condition described in the notice has not been remedied, the district shall cause the condition to be remedied by the district at the expense of the property owner. If a hearing has been held and has concluded adversely to the property owner, the district may cause the condition to be remedied at the expense of the property owner, by appropriate resolution, and may order the removal of the same, including any appurtenances thereto, and may provide for the payment of all or any part of the cost of any such removal by levying and collecting a special assessment on the property affected or afforded service by such bridge, culvert, etc.
- f. After causing the condition to be remedied, the secretary of the district shall certify to the board the expenses incurred in remedying the condition. Upon the receipt of such certificate, the board of commissioners shall review the same and determine the amount to be assessed against such property by resolution. Upon adoption of the resolution, the assessment shall constitute a lien on the respective lots or parcels of land or other real property upon which they are levied, superior to all other liens, except those for district and county taxes.
- g. The board of commissioners shall cause to be recorded in the office of the clerk of the circuit court, in and for Broward County, a copy of the resolution within 10 days after the adoption thereof. The assessment shall be payable at the time and in the manner stipulated in the resolution and the assessment shall remain a lien coequal with the lien of

other taxes, superior in dignity to all other liens, titles, and claims, until paid and shall bear interest at a rate not to exceed 18 percent per annum from the date of the resolution.

- h. Upon the failure of any property owner to pay the assessment or any installment thereof or any part thereof as provided for in the resolution, the board of commissioners shall cause to be brought the necessary legal proceedings to enforce payment thereof with all the accrued interest and penalties, together with all legal costs incurred, including reasonable attorneys' fees, to be assessed as a part of the cost; and in the event of default in the payment of any installment of an assessment, or any accrued interest on said assessment, the whole assessment with the interest and penalties thereon shall immediately become due and payable and subject to foreclosure. In the foreclosure of any assessment, service of process against unknown or nonresident defendants may be had by publication, as provided by law. Foreclosure proceedings shall be prosecuted to the sale and conveyance of the property involved in said proceedings as provided by law in suits to foreclose mortgages; or, in the alternative, said proceedings may be instituted and prosecuted under chapter 173, Florida Statutes, Foreclosure of Municipal Tax and Special Assessment Liens.
- i. The remedies provided in subsections c. through h. are in addition to and not in lieu of other remedies provided for in this charter or otherwise.

Section 39. Extensions of boundaries.

The boundary line of the district as defined in this act may be extended to include additional adjacent land at any time in the discretion of the board of commissioners upon such conditions as the board of commissioners of the district may prescribe upon petition of the landowners owning 51 percent or more of the land in the area sought to be included in this

district by such boundary extension. The petition of such landowners shall be directed to the board of commissioners of this district, and shall be in writing and duly signed and acknowledged by each of the landowners seeking to include such area in the extended boundaries of this district. The area included in this district shall be defined and the inclusion thereof shall be affirmed by an appropriate resolution of the board of commissioners of this district at a regular or special meeting called for that purpose, which resolution shall be preserved in the minutes of such meeting, and shall be recorded in the public records of Broward County, Florida. The board of commissioners of this district shall thereafter have jurisdiction and hold and be entitled to exercise all of the right, power, and authority for the drainage, water management services conducted pursuant to this section, and improvement of the land or area so included in this district as is granted such board of commissioners by this charter with respect to the lands within the boundaries of this district as hereinabove set forth, it being the intention of the Legislature to confer upon the board of commissioners for the drainage and water control district hereby created the same rights, powers and authorities, duties, responsibilities, and obligations over the lands so included in this district as is by this charter conferred upon them with reference to the lands within the boundaries of this district as hereby created and established.

Section 40. Subdivision regulation.

- a. It is the intent and purpose of this charter to promote and provide for the public health, safety, comfort, convenience, and welfare necessary and required to promote the harmonious, orderly, and progressive development of land within the district. It is the further intent of this charter to secure the establishment of standards of subdivision

designs, which will encourage the development of sound and economically stable communities, and the creation of healthful living environments.

- b. A subdivision for the purpose of this charter is hereby defined as: The division of a parcel of land, whether improved or unimproved, into three or more lots, or other divisions of land for the purpose, whether immediate or future, of transfer of ownership, or, if the establishment of any new street is involved, any division of such parcel; provided that the division of land into parcels of more than 5 acres not involving any changes in street lines or public easements shall not be deemed to be a subdivision within the meaning of this charter. The term includes a re-subdivision and, when appropriate to context, shall relate to the process of subdivision or to land subdivided. The singular usage includes the plural and the plural the singular.
- c. Any division of a parcel of land as a subdivision shall be subject to such plat and subdivision regulations heretofore adopted or hereafter adopted, amended, or modified by the district under authority of law. Such regulations may provide for streets in the subdivision, to be of such width, grade, and location as to facilitate drainage; provide that adequate easements and rights-of-way be provided for drainage purposes and that the layout of the subdivision conform to the comprehensive plan for drainage for the area; and provide that the Central Broward Water Control District's drainage requirements be met. The district shall not approve any subdivision plats unless the land included within the subdivision is suitable or shall be made suitable to the various purposes for which it is intended to be used, and in particular, unless all land intended for building sites can be used safely for building purposes, without the danger from flood or other inundation, or from any such menace to health, safety, or public welfare. It shall be unlawful for anyone

being an owner, or agent of an owner, of any land to transfer, sell, agree to sell, or negotiate to sell such land by reference to, or exhibition of, or by any other use of a plat or subdivision of such land, without having submitted a plat of such subdivision to the district and obtaining its approval as required by this charter. If such unlawful use be made of a plat before it is properly approved by the district, the owner, or the agent of the owner, of such land shall be guilty of a misdemeanor, punishable as provided by general law. The description by metes and bounds in the instrument of transfer or other documents used in the process of transferring shall not exempt the transaction from such penalties. It shall be unlawful to transfer lots or units of lots by metes and bounds description in order to circumvent the provisions of this charter. The district, through its legal representatives, may enjoin such transfers or sales or agreements by injunction or other appropriate action.

Section 41. Contracts by commissioners with district.

No member of the Board of Commissioners of the Central Broward Water Control District shall directly or indirectly contract with the district for the furnishing of any goods or services to the district. Any member of the board of commissioners violating this provision of this charter shall be guilty of a misdemeanor and subject to immediate removal from office by the Governor.

Section 42. Procurement of contractual services and purchase of goods, supplies, and materials.

The Board of Commissioners of the Central Broward Water Control District in Broward County may procure contractual services and purchase goods, supplies, and materials as provided in this section.

- a. All contracts let by the board of commissioners for professional architectural, engineering, landscape architectural, or land surveying services for any project authorized by this charter must comply with s. 287.055, Florida Statutes, Consultants Competitive Negotiation Act.
- b. Except as stated herein and as provided in subsections c., d., and e. and in s. 287.055, Florida Statutes, the board of commissioners may not enter into a contract for the construction or maintenance of any improvements authorized under this charter, and goods, supplies, or materials may not be purchased if the amount to be paid by the district under the contract or for the goods, supplies, or materials exceeds \$10,000, unless notice of bids is advertised in a newspaper of general circulation in Broward County. The bid of the lowest responsible, acceptable bidder must be accepted, unless all bids are rejected. The board of commissioners may require the bidders to furnish a bond or letter of credit with responsible surety to be approved by the board of commissioners. This section does not prevent the board of commissioners from undertaking and performing the construction, operation, and maintenance of any project, facility, or improvement authorized under this charter, by the employment of labor, material, and machinery.
- c. Notwithstanding subsection b., if the board of commissioners finds, by resolution, that the use of competitive bidding is not practicable, contractual services and purchases of goods, supplies, or materials may be procured by competitive sealed proposals. The request for proposals must include a statement of the services sought or the goods, supplies, or materials requested and all contractual terms and conditions applicable to the procurement of the contractual services or of the goods, supplies, or materials requested. The contract must be awarded to the responsive offeror whose proposal is determined to

be the most advantageous to the district, taking into consideration price and other evaluation criteria set forth in the request for proposals.

- d. If the board of commissioners finds, by resolution, that an immediate danger to the public health, safety, or welfare or substantial loss to the district or property owners in the district requires emergency action, the board of commissioners may procure contractual services necessitated by the immediate danger or substantial loss without competition. However, such emergency procurement shall be made with such competition as is practicable under the circumstances.
- e. If competitive bids or proposals for contractual services or for purchases of goods, supplies, or materials are not received, the board of commissioners may negotiate and determine the best terms and conditions.

Section 43. Severability.

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