

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

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

Became a law without the Governor's approval.

Filed in Office Secretary of State June 22, 1961.

CHAPTER 61-1969

HOUSE BILL NO. 3141

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

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

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

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

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

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

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

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

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

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

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

- (a) ascertain the views of the residents of the county regarding water resource needs and problems and possible solutions;
- (b) recommend general policies relative to the county's water resources, and specific policies to be incorporated in the county's comprehensive water resources management plan;
- (c) act for the board of county commissioners in such matters regarding water resources as the board may authorize, including, without limiting the foregoing, its function as a board of equalization under section 20 of this act.

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

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

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

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

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

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

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

Section 14. *Same: Governing Board.*—

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

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

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

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

- (1) To sue and be sued; to make contracts, to adopt and use a common seal and to alter the same as may be deemed expedient; to buy, acquire, sell, own, use, control, operate, improve, and lease all land and personal property as the governing board may deem necessary or proper in carrying out the provisions of this act; to pay all necessary costs and expenses incident to the administration and operation of the district, and to pay all other costs and expenses reasonably necessary or expedient in carrying out and accomplishing the purposes of this act; to do any and all other acts and things hereinafter authorized or required to be done; and to do any and all things, whether or not included in the enumerated powers of this act, necessary to accomplish the purposes of this act.
- (2) To acquire by purchase, gift, lease, condemnation or eminent domain or any other manner, such lands as may be reasonably necessary for constructing and maintaining the works and making the improvements required to carry out the intent of this act, including, without limiting the meaning of the foregoing general terms, the right to acquire by condemnation or eminent domain such lands and any interest therein, reasonably necessary for any such purpose that may already be devoted to public use for county, municipal, district, railroad or public utility purposes where and to the extent that the same may cross, intersect or be situate upon or within the area of such land hereinbefore referred to; and the district shall also have the right to acquire by purchase, gift, lease, condemnation or eminent domain, or in any other manner, land, timber, earth, rock and other materials or property, and property rights, including riparian rights, in such amounts as may be reasonably necessary or useful in the development of the works or improvements before referred to. Condemnation or eminent domain proceedings shall be maintained by and in the name of the district, and the procedure shall be, except in so far as is altered hereby, that prescribed for use by counties in Florida.
- (3) To take, exclusively occupy, use and possess, but only with the express consent of the trustees of the internal improvement fund, and only in so far as may be necessary for carrying out the

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

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

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

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

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

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

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

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

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

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

Section 20. *Same: Taxing Procedure.*—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(Date, giving month, year and day.)

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

.....
Treasurer

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

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

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

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

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

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

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

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

Section 28. Same: Amendment of District Boundaries.—

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

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

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

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

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

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

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

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

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

Became a law without the Governor's approval.

Filed in Office Secretary of State June 22, 1961.