

**SOUTH BROWARD DRAINAGE DISTRICT
GOVERNING BOARD MEETING MINUTES
MAY 30, 2013**

Present:

Scott Hodges, Chairperson
James Ryan, Vice Chairperson
Vicki Minnaugh, Treasurer
Robert E. Goggin, IV, Secretary
Alanna Mersinger, Commissioner
Mercedes Santana-Woodall, Commissioner
Thomas Good, Commissioner

Kevin M. Hart, District Director
Douglas R. Bell, Legal Counsel
Reina Muniz, Recording Secretary
General Public: See Attached List

Absent:

01. CALL TO ORDER/PLEDGE OF ALLEGIANCE

Meeting called to order at 8:04 A.M., followed by the Pledge of Allegiance.

02. PUBLIC COMMENT

None.

03. APPROVAL OF MINUTES

Commissioner Minnaugh moved for approval of the April 25, 2013, South Broward Drainage District (SBDD) Board meeting minutes. Motion was seconded by Commissioner Goggin and it was carried unanimously.

04. DISTRICT DIRECTOR'S REPORT

A. AWARD CONTRACTS:

SBDD CULVERT REPLACEMENT PROJECT LOCATED AT SW 70TH PLACE IN SWR - District Director Hart stated that SBDD advertised for bids for the SBDD Culvert Replacement Project at S.W. 70th Place in Southwest Ranches (SWR). They received a total of eleven (11) bids; the bid amounts ranged in price from \$47,099.70 to \$98,910.00. The lowest bid received was submitted by LCCI Construction, LLC. in the amount of \$47,099.70. SBDD has reviewed the bid submitted by LCCI Construction, LLC. and has determined that the Contractor is qualified to perform the work and that the bid meets all requirements. SBDD also checked references for LCCI Construction, LLC. and all references were positive.

District Director Hart requested Board approval for the contract award of the SBDD Culvert Replacement Project at S.W. 70th Place in SWR to LCCI Construction, LLC in the amount

of \$47,099.70 as the lowest responsive, responsible bidder.

This project is part of the District's 2012-2013 Capital Improvement Plan and funding will come from the SBDD Capital Improvement Committed Account. The Town of SWR has indicated that they intend to cost-share with the project and will contribute an estimated \$10,000 towards this project.

Commissioner Minnaugh moved for approval to award the SBDD Culvert Replacement Project at S.W. 70th Place in SWR to LCCI Construction, LLC. in the amount of \$47,099.70. Motion was seconded by Commissioner Goggin.

Chair Hodges asked if there is a process needed prior to beginning work that the Town of SWR has to accept the price? District Director Hart replied that they do not have to accept the price. He said that he has already submitted the drawings to the Town, and has received a permit from the Town to do the work. He said that he has kept the Town informed as part of the process; and coordinated on the installation of the plates across the roadway. The plates were installed by the Town and they will be removing them as well. He said that he has shared the bid results with the Town.

Commissioner Goggin asked if the roadway had shown signs of premature fatigue/failure or any sign that this was happening? District Director Hart replied yes, the road showed signs of settlement and deterioration which indicate a possible problem with the pipe, and upon further inspection, the pipe was showing signs of failure.

Vice Chair Ryan asked District Director Hart if he had anything in writing regarding the cost-share by the Town? District Director Hart said that there were several emails between himself and the Town's engineer. SWR Councilman Fisikelli commented that this item came up before their council meeting and that it was approved. He commented that there is no way out to the west, and that part of the Town could not get out because of the collapse; and that the Town appreciates SBDD's efforts on this project.

Commissioner Mersinger commented that because SBDD provided all the information needed that there should not be any reason for a change order on this project. District Director Hart said that is correct, but does not mean that something will not come up that was not anticipated.

The question was called and it was carried unanimously.

B. VACATION OF A PORTION OF A 30' DRAINAGE EASEMENT IN NORTH 29 ASSOCIATES PLAT (AKA: SHOPPES OF SILVER ISLES)

South Broward Drainage District (SBDD) received a request to vacate a portion of a 30-foot Drainage Easement in the "North 29 Associates" Plat (aka: Shoppes of Silver Isles).

District Director Hart said that the property is owned by the Shoppes at Silver Isles, Inc. As part of this request, the property owner will be dedicating a new Drainage Easement to SBDD to replace the portion of the drainage easement being vacated. In addition, the applicant will be relocating an existing 48" diameter RCP from the existing easement to the new easement.

The reason for the request is to accommodate the proposed development plan for the property. SBDD staff has no objection to this vacation request. There will be no financial impact to this Agenda Item, other than administrative costs; all other costs will be incurred by the property owner including any legal fees and recording fees.

The request is for approval of SBDD to vacate and release its interest in the North 29 Associates Plat and Country Lakes Northwest Quadrant Lake Interconnect (a portion of a 30' easement located at the North 29 Associates Plat/Silver Isles), subject to the dedication of a new Drainage Easement and relocation of an existing 48" diameter RCP.

Commissioner Minnaugh moved for approval to vacate and release a portion of the 30' Drainage Easements located in North 29 Associates Plat (Aka: Shoppes of Silver Isles) contingent on the dedication of a new Drainage Easement and relocation of an existing 48" diameter RCP. Motion was seconded by Commissioner Goggin.

Commissioner Good asked who will be responsible for the maintenance of the new culvert? District Director Hart replied that the District will be entering into a Maintenance and Indemnification Agreement with the property owner and that the property owner will be responsible for the maintenance of the segment of the culvert within their property.

Commissioner Minnaugh amended the motion to include that the property owner is responsible for any and all maintenance of the new dedicated easement and the culvert. Commissioner Goggin seconded the motion and it was carried unanimously.

05. 8:15 A.M. PUBLIC HEARING TO CONSIDER ADOPTION OF AN AMENDMENT TO THE SBDD FACILITIES REPORT AND WATER CONTROL PLAN

District Director Hart explained the proposed Amendment to the SBDD Facilities Report and Water Control Plan. He said that this is an update to the SBDD Facilities Report and Water Control Plan that has been in place for several years. In accordance with State Statute, in order to adopt the updated report, the District is required to hold a public hearing and to notify the residents within the District by 1st class mailing of the proposed amendment and consideration by the Board to move forward with adoption.

As part of the updates, an assessment of the District's facilities was performed, and it was determined that all of SBDD's facilities are adequate to meet the District's adopted level of service; which is to protect the roads during a 10-year/3-day storm event and to protect building structures during a 100-year/3-day storm event. The District has updated their maps to include all new facilities; which includes culverts, pump stations, control structures, gates, fish-guards, and other facilities that the District deems important as far as their maintenance and operations throughout the District. Also included are summaries for each Basin; the Basin characteristics; the minimum flood/design stages for each Basin; the requirements for any new developments within the District; and recommendations for Basin improvements throughout the District. The recommendations are to improve or enhance what is currently in place. Also, the stormwater model has been updated. Overall, all of SBDD's facilities is in good shape and meet the required level of service for drainage.

District Director Hart stated that there was one written objection to the Facilities Report. He said that he received an e-mail from Mr. John Bavaro, who lives at 17500 S.W. 54th Street at

Southwest Ranches, FL 33331, which stated that according to the plan, on the east side of his property there is a proposal to install a 48" RCP. He said he is opposed to this for the following reasons:

1. On the east side of his property that would create a 15' easement which they do not have currently. They already have a 50' easement on the south side of their property. By doing this, it will reduce the value of their home and restrict further improvements or additions to their home because the ratio to building size will be reduced, and make their home less marketable.
2. Their drainfield for the septic tank is on the east side of their property; and if there is a 15' easement in place and they have to replace the drainfield, they will be faced with certain restrictions and set-backs creating a large expense and burden for them to replace.
3. Connecting the canal across the street from their property to the canal behind their property would create a higher water level in the canal behind them; creating flooding in the back of their property.
4. They have lived on that property for over 20 years and have never had flooding issues. They feel and believe that there are other alternatives to alleviate water problems in the community. Mr. Bavaro suggested that instead of using private property to impose a 15' easement, there are already easements in place on the streets that can be used to run pipes to connect the canals. He says that the whole purpose of having street easements is so that those easements can be used for this type of project, in turn not having to use private property.

District Director Hart said he met with Mr. Bavaro and that he is correct in saying that the proposed report is showing a recommendation in Basin 8 to inter-connect a lateral canal. District Director Hart said that the District does not explicitly say that it will run down the east side of Mr. Bavaro's property, but there have been previous discussions with the property owner regarding obtaining an easement in that area, and as Mr. Bavaro mentions in his e-mail, he is opposed to the easement.

District Director Hart said that there are other alternatives for making the connection and he suggested to the Board of Commissioners that the plan be revised to reword the recommendation it to indicate a hydraulic connection between the two water bodies and not show a pipe as shown on the map. As it is right now, it is not showing that the proposed improvement is limited to a pipe across the property as indicated on the proposed facilities map. There were no other written objections.

Discussion ensued among members of the Commission. Commissioner Mersinger commented on the objection of Mr. Bavaro. She asked District Director Hart if the District does not do what is recommended, how will it affect the bigger picture in terms of the Town of SWR and any negative issues that they might have? District Director Hart replied that this is an improvement that he feels would be a benefit to the area and make things better than they are now, but that their current level of service would remain the same as it has been in that area if the improvement is not completed. Commissioner Mersinger asked District Director Hart, why is the District recommending this? District Director Hart explained that this hydraulic connection will help reduce the duration and lower stages of flooding in that area when the District has

major storms and significant rainfall. He said that the area still meets the level of service that the District provides; this would just make it better.

Commissioner Good asked if a hydraulic connection requires an easement? District Director Hart replied that if a pipe is being installed and it is going through private property where there is no easement currently, then yes, it would require an easement, but there are other lots down SW 54th Place and at the east end of the street, and that the District has not reached out to any of the other property owners about the possibility of acquiring an easement. There may also be right-of-way in place as well, that the District can utilize. He said that further research is needed in this regard. Commissioner Good also asked since this neighborhood seems to be on septic systems, is there any threat to public health in regard to the duration of flooding? District Director Hart replied, none that he is aware of.

Commissioner Goggin clarified and confirmed with District Director Hart that if the wording on the proposed plan is changed to indicate a future hydraulic connection in that vicinity, this should be sufficient. District Director Hart suggested that it would be worded “install hydraulic connection”, and that the connection would probably run down SW 54th Place. Finally, District Director Hart said that if in the future, the District is fortunate enough to obtain the easements, the District will move in a different direction.

Mr. John Bavaro stood before the Board and thanked District Director Hart for taking the time to meet with him and discuss this issue; and for bringing it before the Board. He commented that the canal that District Director Hart was discussing already connects to the main canal on S.W. 172nd Avenue. He reiterated that there are street easements that can hold a pipe to connect to the canal on the north end of his property to the canal that crosses SW 178th Avenue.

Chair Hodges told Mr. Bavaro that this is a future project, and that the District will review all possible drainage improvements before moving forward with this.

District Director Hart then recognized Mr. Luis Ochoa, Assistant District Director. He said that Mr. Ochoa worked hand-in-hand with him in helping to prepare the update to the Facilities Report. Mr. Ochoa spent many hours working on the maps, calculations and stormwater models. It was really a team effort in putting this all together and the District was able to save money in the process.

Attorney Bell explained the next steps needed to adopt the Amendment to the SBDD Facilities Report and Water Control Plan. He said that before the Board takes action to move forward with formal adoption of the plan, District Director Hart needs to present the Board with the Engineer’s Report. Once accepted by the Board, the District Director will be directed to place an advertisement in the newspaper along with the Notice of the Final Hearing.

Commissioner Minnaugh made a motion to direct District Director Hart to prepare the Engineer’s Report in order to move forward with Adopting the Amendment to the SBDD Facilities Report and Water Control Plan, as amended per Mr. Bavaro’s property and subject to any comments that anyone else may have. Commissioner Goggin seconded the motion and it was carried unanimously.

District Director Hart presented the Engineer’s Report in association with the proposed Amendment to the Board for their review, and explained to the Board what was included in the

Engineer's Report. He indicated that this was presented at the last Board meeting in draft form, but there are a few items that he wants to put on record, as indicated in the notice on the proposed amendment. The Engineer's Report covers the following items: cost; the need to acquire any property; and maintenance costs associated with the proposed amendment. He said that based on the Engineer's review of the facilities, results of the modeling, and updates of the Facilities Report, it has been determined that the adopted level of service for the District is in place. Centerlines of roadways are protected up to a 10-year/3-day storm event; and building finish floors are protected up to 100-year/3-day storm event. The District provided recommended improvements for each Basin to improve upon the level of service and facilities currently in place.

As part of the Engineer's report, the District has compiled an estimate for all of the recommendations noted in the report. The District does not feel that there is any need to increase the current assessment rate throughout the District in order to complete the recommendations presented in the report, nor is there any need to acquire any property. In addition, there is no maintenance assessment needed for the implementation of the recommended improvements. A number of recommendations are considered "no cost improvements"; they are simply requirements for any future developments. The remaining recommendations are included within the District 5-year Capital Improvement Plan and those improvements are funded through the CIP. Maintenance for the improvements can be done as part of the District's yearly operation and maintenance activities. All of the Improvements can be completed through the District's CIP or General Operating Funds.

Vice Chair Ryan said that it is his understanding that there will be no assessment increase in the District. District Director Hart replied that the District does not see any need for an increase associated with the update to the Facilities Report. He said that the District will be presenting the preliminary budget for 2013/2014 to the Board come July.

Chair Hodges said that following the state statute, District Director Hart will move forward with the advertisement in the newspaper along with the Notice of the Final Hearing.

Commissioner Mersinger expressed her concern on the way the post cards that were mailed out to the public and the wording, and how confusing it was to the residents. She said that the wording was frightening to some people. Attorney Bell explained to Commissioner Mersinger that the language is directly out of the state statute. She asked how will the next meeting be advertised? Attorney Bell replied that there will be two advertisements in the newspaper. District Director Hart said that he is planning to speak to the attorney for the Florida Association of Special Districts to see if they have an interest in trying to work with the state legislature on amending the statute on this issue.

Commissioner Minnaugh also expressed her concerns on the absurd cost of this process. She said that by the time the dust settles, the District will have spent over \$30,000.00; money that could have been used towards District improvements. In that same note, Chair Hodges and Commissioner Goggin commended District Director Hart, Assistant District Director Ochoa and staff for saving the District money in preparing the report because of what was able to be completed in-house.

The public meeting was adjourned.

C. RELEASE AND VACATION OF SURFACE WATER MANAGEMENT AREA FOR PIO RESIDENCE

At this time, Commissioner Good excused himself from the Board meeting.

District Director Hart said that the owners, of the property located at 4980 SW 192nd Terrace, Southwest Ranches, FL 33332, Mr. and Mrs. Juan J. Pio, is requesting that SBDD vacate the Surface Water Management Area (SWMA) that was previously designated and recorded in the Broward County public records. All properties in the SW Ranches are required to set aside 20% of their property at elevation 5.0' (or an equivalent storage area) as a SWMA. He said that the property owners will dedicate a new SWMA over the property to comply with the 20% SWMA requirement. SBDD staff has reviewed the request and has no objections. There are no financial impacts other than SBDD administrative costs; all other costs will be incurred by the property owner.

District Director Hart said that the request is for SBDD to vacate and release its interest in the SWMA on the property located at 4980 SW 192nd Terrace, Southwest Ranches, FL 33332. This request is subject to the dedication of a new SWMA in accordance with SBDD Criteria.

Commissioner Goggin moved for approval of the vacation of the Surface Water Management Area for the Pio residence as submitted. Motion was seconded by Commissioner Minnaugh and it was carried unanimously.

D. RE-INVESTMENT OF DISTRICT FUNDS

District Director Hart stated that the following investment funds are scheduled to mature over the next three months:

- | | |
|----------------------------------|---------------------------|
| 1. TD Bank CD - \$247,500 | Maturity Date - 6/19/2013 |
| 2. Bank United CD - \$100,000 | Maturity Date – 7/26/12 |
| 3. Stonegate Bank CD - \$247,000 | Maturity Date – 8/8/13 |

Upon maturity of these investments, the District will have approximately \$594,500 of cash-on-hand.

On May 15, 2013, the Finance and Investment Committee met to discuss the District options for re-investing the cash-on-hand that will be available upon the maturity of each individual CD. The recommendation from the Finance and Investment Committee is to re-invest these funds in new 12-month CDs at the highest available interest rate.

A cash flow analysis prepared by SBDD staff indicates that the District will have adequate cash-on-hand during the 12-month periods of the new CDs.

This is to request approval to re-invest the monies that will become available from the three maturing CD investments over the next three months by purchasing new 12-month CDs at the highest available interest rates.

Commissioner Goggin moved for approval for the Re-investment of District Funds. Motion was seconded by Commissioner Mersinger.

Commissioner Minnaugh said that the Finance and Investment Committee also discussed the need for the District to account for the projected interest for each CD to ensure that the principal, even at maturity date, will be less than \$250,000.00. The question was called and it was carried unanimously.

E. SET DATES FOR 2013-2014 BUDGET HEARINGS

The following dates for the SBDD 2013-2014 Fiscal Year Budget Hearings were set as follows:

- Draft Budget Meeting for Fiscal Year 2012-2013 will be held Thursday, July 25th at 8:00 a.m.
- Joint Workshop/Public Hearing for Fiscal Year 2012-2013 will be held on Thursday, September 12TH at 7:00 p.m.
- Final Budget Hearing for Fiscal Year 2012-2013 will be held on Thursday, September 26th at 8:00 a.m.

F. OTHER

- C-51 GOVERNANCE AND FINANCE WORK GROUP
District Director Hart mentioned that Commissioner Mersinger was appointed by the Broward County Surface Water Coordination Committee as its representative to the C-51 Governance and Finance Work Group. A Resolution will follow at the next Board meeting.
- ASSOCIATION OF SPECIAL DISTRICTS ANNUAL CONFERENCE
The Florida Association of Special Districts (FASD) Annual Conference will be held on June 10 through June 14 at the Bonaventure Resort & Spa in Weston.

05. ATTORNEY'S REPORT:

Attorney Bell said that Senate Bill 538 was closed out.

06. APPROVAL OF LEGAL FEES

Commissioner Goggin moved for approval of the legal bills. Motion was seconded by Commissioner Minnaugh and it was carried unanimously.

07. BOARD MEMBER'S QUESTIONS/COMMENTS

Commissioner Minnaugh commented that with all the rain that has fallen, she would like District Director Hart to follow-up with the shopping center owners in Pembroke Pines. She said that there is significant landscape debris that is being illegally blown into manholes and culverts every week, which is clogging the drains and causing flooding. District Director Hart agreed.

08. MEETING DATES

- A. The Next Regular Board Meeting will be held on **Thursday, June 27th at 8:00 a.m.**
- B. Draft Budget Meeting for the SBDD 2013/2014 Fiscal Year Budget will be held **Thursday, July 25th at 8:00 a.m.**
- C. Next Regular Board Meeting will be held on **Thursday, August 29th at 8:00 a.m.**
- D. Joint Workshop/Public Hearing regarding the SBDD 2013/2014 Fiscal Year Budget will be held on **Thursday, September 12th at 7:00 p.m.**
- E. Final Budget Hearing for the SBDD 2013/2014 Fiscal Year Budget will be held on **Thursday, September 26th at 8:00 a.m.**

Adjournment at 9:10 A.M.

Respectfully submitted,

Robert E. Goggin IV, Secretary
South Broward Drainage District

/rim

****MEMORANDUM****

DATE: June 20, 2013

TO: South Broward Drainage District Commissioners

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

Subject: Request to Vacate a Portion of the Surface Water Management Area Previously Designated on the Property Owned by Equestrian Investments, LLC

Comments:

The owner of the property located at 18001 Stirling Road, Southwest Ranches, FL 33331 is requesting that SBDD vacate a portion of the Surface Water Management Area (SWMA) that was previously designated and recorded in the Broward County public records (see attached sketch). All properties in the SW Ranches are required to set aside 20% of their property at elevation 5.0' (or an equivalent storage area) as a SWMA.

SBDD staff has reviewed the request and has no objections.

Financial impacts to this Agenda Item: none, other than SBDD administrative costs; all other costs will be incurred by the property owner.

The request is for SBDD to vacate and release its interest in a portion of the Surface Water Management Area on the property located at 18001 Stirling Road, Southwest Ranches, FL 33331, as described in the attached "Partial Release and Vacation of Surface Water Management Area Designation".

KH
Attachments

Prepared by: South Broward Drainage District
6591 S. W. 160 Avenue
Southwest Ranches, Florida 33331

Return to: South Broward Drainage District
6591 S. W. 160 Avenue
Southwest Ranches, Florida 33331
(954) 680-3337

Folio No.: 5040 3101 0391

**PARTIAL RELEASE AND VACATION OF
SURFACE-WATER MANAGEMENT AREA DESIGNATION**

THIS PARTIAL RELEASE AND VACATION OF SURFACE-WATER MANAGEMENT AREA DESIGNATION executed this ____ day of _____, 2013, by SOUTH BROWARD DRAINAGE DISTRICT, a political subdivision of the State of Florida, having its principal place of business at 6591 Southwest 160 Avenue, Southwest Ranches, Florida, 33331, first party, to EQUESTRIAN INVESTMENTS, LLC, a Florida limited liability company, whose post office address is 18001 Stirling Road, Southwest Ranches, Florida 33331, their successors and assigns as their interest may appear of record, second party:

(Wherever used herein, the term "first party" shall include singular and plural, heirs, legal representatives, assigns of individuals, the successors and assigns of corporations, wherever the context so admits or requires.)

WITNESSETH, that the first said party, for and in consideration of the sum of \$10.00, in hand paid by the said second party, the receipt whereof is hereby acknowledged, does hereby remise, release and quit-claim unto the said second party forever, all the right, title, interest, claim and demand which the said first party has in and to the SURFACE-WATER MANAGEMENT AREA DESIGNATION located on the following described lot, piece or parcel of land situate, lying and being in the County of Broward, State of Florida, to-wit:

The South 65 Feet of the North 150 Feet and the East 20 Feet of the following-described property:

The West 520 Feet of Tracts 39 and 40, Section 31, Township 50 South, Range 40 East, of Florida Fruit Land Subdivision No.1, according to the plat thereof as recorded in Plat book 2, page 17, of the public records of Miami-Dade County, Florida; said land now lying and being in Broward County, Florida. Less and except road right of way for Stirling Road.

(SEE EXHIBIT "A" ATTACHED HERETO)

(This is intended to vacate a portion of the surface-water management area dedication recorded on December 28, 2001, in the Broward County Public Records OR Book 32550, Page 0655.)

The purpose of this Partial Release and Vacation of SURFACE-WATER MANAGEMENT DESIGNATED AREA is to partially release and vacate the first parties interest in and to the SURFACE-WATER MANAGEMENT DESIGNATED AREA located on second parties property as described above. No other interest of the first party is being released or vacated by this document.

TO HAVE AND TO HOLD, the same together with all singular the appurtenances thereunto-belonging or in anywise appertaining, and all the estate, right, title, interest lien, equity and claim whatsoever of the said first party, either in law or equity, to the only proper use, benefit and behoof of the said second party forever.

IN WITNESS WHEREOF, the said first party has caused these presents to be executed in its name, and its seal to be hereunto affixed, by its proper officers thereunto duly authorized the day and year first above written.

Signed, sealed and delivered
in the presence of:

SOUTH BROWARD DRAINAGE DISTRICT

Witness Signature

SCOTT HODGES, Chairperson

Witness Printed Name †

Witness Signature

ROBERT E. GOGGIN, IV, Secretary

Witness Printed Name †

District Seal:

STATE OF FLORIDA)
)§
COUNTY OF BROWARD)

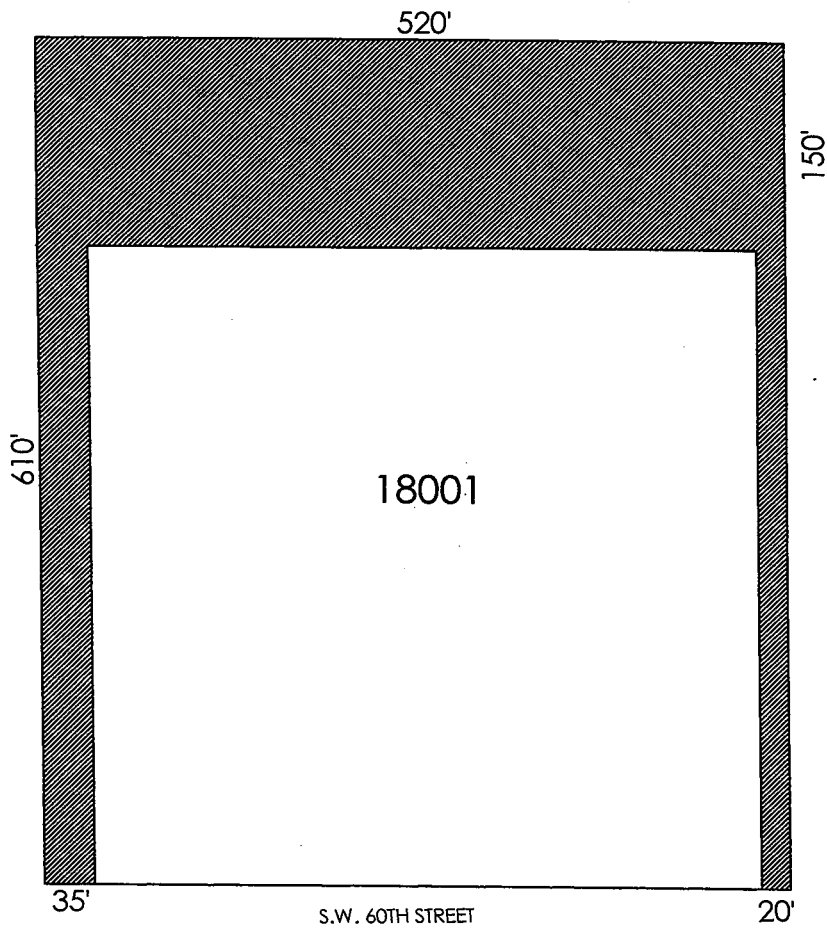
The foregoing instrument was executed before me this ____ of _____, 2013 Scott Hodges and Robert E. Goggin, IV, as Chairperson and Secretary, respectively of the SOUTH BROWARD DRAINAGE DISTRICT, first party. They are personally known to me.

WITNESS my hand and official seal in the County and State lat aforesaid this ____ day of _____, 2013.

(NOTARY SEAL & STAMP)

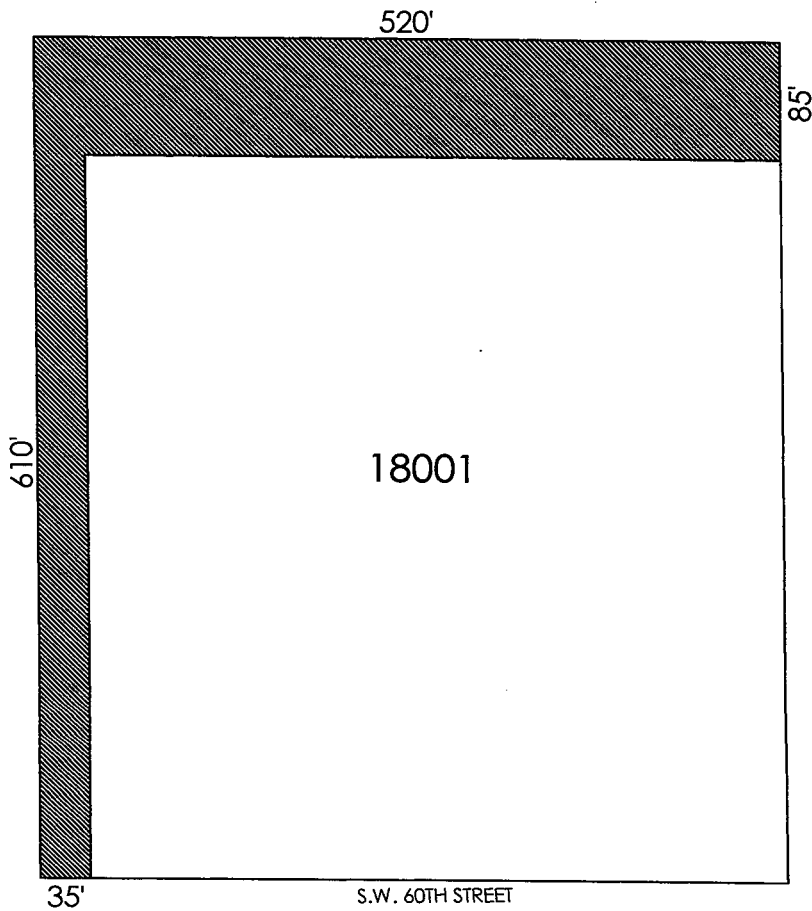
NOTARY PUBLIC: STATE OF FLORIDA AT LARGE

EXISTING S.W.M.A



▨ SURFACE-WATER MANAGEMENT AREA (96,400 SF)

S.W.M.A TO REMAIN



▨ SURFACE-WATER MANAGEMENT AREA (62,230 SF)

THIS DRAWING IS FOR INFORMATIONAL PURPOSES ONLY. THIS IS NEITHER A SURVEY NOR AN ENGINEERING PLAN.

SCALE = N.T.S.
EQUESTRIAN INVESTMENTS
18001 SW 60TH STREET
PROP. ID # 5040 3101 0391



EXHIBIT A

MEMORANDUM

DATE: June 20, 2013
TO: South Broward Drainage District Commissioners
FROM: Kevin M. Hart, P.E.
District Director
Subject: Request to Vacate the Surface Water Management Area Previously Designated on the Property Owned by GG Property Holdings, LLC

Comments:

The owner of the property located at 5500 SW 195th Terrace, Southwest Ranches, FL 33332 is requesting that SBDD vacate the Surface Water Management Area (SWMA) that was previously designated and recorded in the Broward County public records. All properties in the SW Ranches are required to set aside 20% of their property at elevation 5.0' (or an equivalent storage area) as a SWMA.

The property owner, GG Property Holdings, LLC, will dedicate a new SWMA over the property to comply with the 20% SWMA requirement (see attached sketch).

SBDD staff has reviewed the request and has no objections.

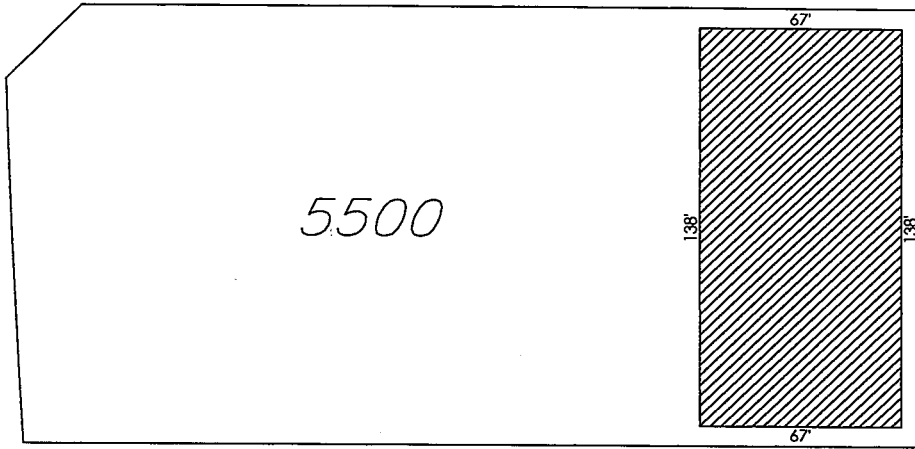
Financial impacts to this Agenda Item: none, other than SBDD administrative costs; all other costs will be incurred by the property owner.

The request is for SBDD to vacate and release its interest in the Surface Water Management Area on the property located at 5500 SW 195th Terrace, Southwest Ranches, FL 33332, as described in the attached "Release and Vacation of Surface Water Management Area Designation". This request is subject to the dedication of a new Surface Water Management Area in accordance with SBDD Criteria.

KH
Attachments

TO BE VACATED

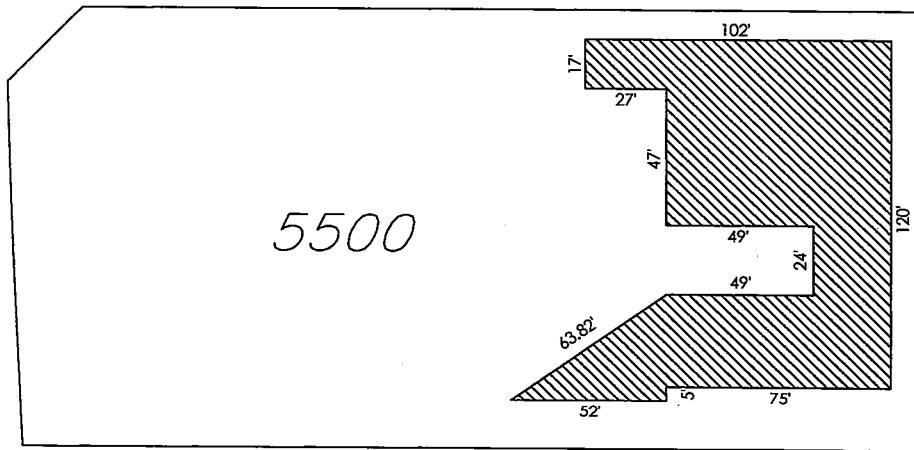
S.W. 195TH TERRACE



 SURFACE-WATER MANAGEMENT AREA (9,246 SF)

TO BE DEDICATED

S.W. 195TH TERRACE



 SURFACE-WATER MANAGEMENT AREA (9,245 SF)

THIS DRAWING IS FOR INFORMATIONAL PURPOSES ONLY. THIS IS NEITHER A SURVEY NOR AN ENGINEERING PLAN.

SCALE = N.T.S.
GG PROPERTY HOLDINGS
5500 SW 195TH TERRACE
PROP. ID # 5039 3607 0720



Prepared by: South Broward Drainage District
6591 S. W. 160 Avenue
Southwest Ranches, Florida 33331

Return to: South Broward Drainage District
6591 S. W. 160 Avenue
Southwest Ranches, Florida 33331
(954) 680-3337

Folio No.: 5039 3607 0720

**RELEASE AND VACATION OF
SURFACE-WATER MANAGEMENT AREA DESIGNATION**

THIS RELEASE AND VACATION OF SURFACE-WATER MANAGEMENT AREA DESIGNATION executed this ____ day of _____, 20013, by SOUTH BROWARD DRAINAGE DISTRICT, a political subdivision of the State of Florida, having its principal place of business at 6591 Southwest 160 Avenue, Southwest Ranches, Florida, 33331, first party, to GG PROPERTY HOLDINGS, LLC, a Florida limited liability company whose address is 5500 S.W. 195th Terrace, Southwest Ranches, Florida 33332, their successors and assigns as their interest may appear of record, second party:

(Wherever used herein, the term "first party" shall include singular and plural, heirs, legal representatives, assigns of individuals, the successors and assigns of corporations, wherever the context so admits or requires.)

WITNESSETH, that the first said party, for and in consideration of the sum of \$10.00, in hand paid by the said second party, the receipt whereof is hereby acknowledged, does hereby remise, release and quit-claim unto the said second party forever, all the right, title, interest, claim and demand which the said first party has in and to the SURFACE-WATER MANAGEMENT AREA DESIGNATION located on the following described lot, piece or parcel of land situate, lying and being in the County of Broward, State of Florida, to-wit:

The West 67 Feet of the East 74 Feet, Less the North 7 Feet and Less the South 7 Feet of the Following-described Property:

Lot 9, Block 8, of "Green Glades South", according to the plat thereof, as recorded in Plat Book 94, Page 46, of the public records of Broward County, Florida.

(SEE EXHIBIT "A" ATTACHED HERETO)

(This is intended to vacate the surface-water management area dedication recorded on January 9, 2012, in the Broward County Public Records OR Book 48431, Pages 1842-1845.)

The purpose of this Release and Vacation of SURFACE-WATER MANAGEMENT DESIGNATED AREA is to release and vacate the first parties interest in and to the SURFACE-WATER MANAGEMENT DESIGNATED AREA located on second parties property as described above. No other interest of the first party is being released or vacated by this document.

TO HAVE AND TO HOLD, the same together with all singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest lien, equity and claim whatsoever of the said first party, either in law or equity, to the only proper use, benefit and behoof of the said second party forever.

N WITNESS WHEREOF, the said first party has caused these presents to be executed in its name, and its seal to be hereunto affixed, by its proper officers thereunto duly authorized the day and year first above written.

Signed, sealed and delivered
in the presence of:

SOUTH BROWARD DRAINAGE DISTRICT

Witness Signature

SCOTT HODGES, Chairperson

Witness Printed Name †

Witness Signature

ROBERT E. GOGGIN, IV, Secretary

Witness Printed Name †

District Seal:

STATE OF FLORIDA)
)§
COUNTY OF BROWARD)

The foregoing instrument was executed before me this ____ of _____, 2013 Scott Hodges and Robert E. Goggin, IV, as Chairperson and Secretary, respectively of the SOUTH BROWARD DRAINAGE DISTRICT, first party. They are personally known to me.

WITNESS my hand and official seal in the County and State lat aforesaid this ____ day of _____, 2013.

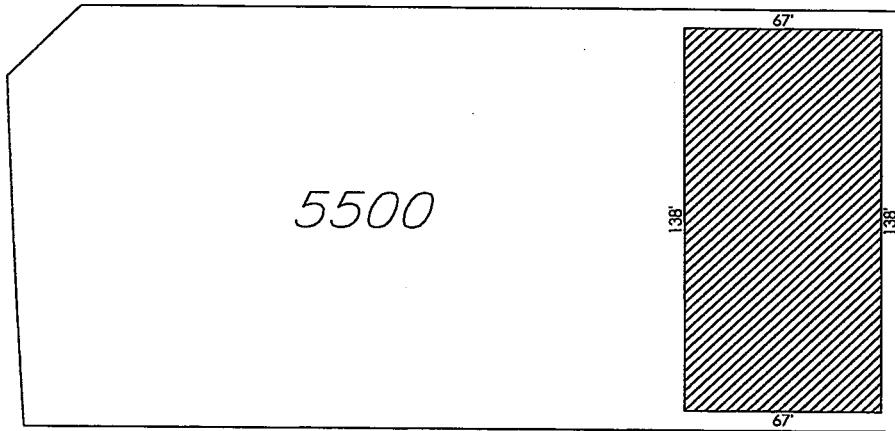
(NOTARY SEAL & STAMP)

NOTARY PUBLIC: STATE OF FLORIDA AT LARGE

SOUTH BROWARD DRAINAGE DISTRICT

TO BE VACATED

S.W. 195TH TERRACE



 SURFACE-WATER MANAGEMENT AREA (9,246 SF)

THIS DRAWING IS FOR INFORMATIONAL
PURPOSES ONLY. THIS IS NEITHER A
SURVEY NOR AN ENGINEERING PLAN.

SCALE = N.T.S.
GG PROPERTY HOLDINGS
5500 SW 195TH TERRACE
PROP. ID # 5039 3607 0720



EXHIBIT A

Prepared by: South Broward Drainage District
6591 S. W. 160 Avenue
Southwest Ranches, Florida 33331

Return to: South Broward Drainage District
6591 S. W. 160 Avenue
Southwest Ranches, Florida 33331
(954) 680-3337

Folio No.: 5039 3607 0720

SURFACE-WATER MANAGEMENT AREA DESIGNATION

THIS SURFACE-WATER MANAGEMENT AREA DESIGNATION is granted this ___ day of _____, 2013, by **GG PROPERTY HOLDINGS, LLC**, whose address is 5500 S.W. 195TH Terrace, Southwest Ranches, Florida 33332, hereinafter referred to as "Grantors", to SOUTH BROWARD DRAINAGE DISTRICT, a political subdivision of the State of Florida, located at 6591 Southwest 160 Avenue, Southwest Ranches, Florida 33331, hereinafter referred to as "District".

W I T N E S S E T H

That the Grantors, for and in consideration of the sum of ten dollars (\$10.00) and other goods and valuable consideration in hand paid by District, the receipt whereof is hereby acknowledged, do hereby grant and convey to District, its successors and assigns, a perpetual and exclusive SURFACE-WATER MANAGEMENT AREA for the storage and flowage of surface water together with any necessary appurtenances incidental and necessary thereto, over, across and through the following described property of Grantors:

SEE EXHIBITS "A" ATTACHED HERETO

of such character and sufficient size as to make a proper and adequate drainage system that District, its successors and assigns may establish.

Together with free ingress, egress and regress across said lands for the purpose of maintaining and repairing the drainage system and appurtenances therein.

The Grantors further acknowledge that the SURFACE-WATER MANAGEMENT AREA shall be used for storage and flowage of storm water, shall not be filled in and shall not be raised to an elevation above normal ground elevation and shall be maintained by the Grantors.

IN WITNESS WHEREOF, we have hereunto set our hands and seals the day and year first above written.

Signed, sealed and delivered
in the presence of:

"GRANTORS"

GG PROPERTY HOLDINGS, LLC

Witness Signature

Grantor Signature

Witness Printed Name 1

GREG GOLDSTEIN, MANAGER
Grantor Printed Name 1

Witness Signature

Witness Printed Name 1

SOUTH BROWARD DRAINAGE DISTRICT

STATE OF FLORIDA)
)§
COUNTY OF BROWARD)

THE FOREGOING SURFACE-WATER MANAGEMENT AREA DESIGNATION WAS ACKNOWLEDGED
BEFORE ME THIS _____ DAY OF _____, 2013, BY **GREG GOLDSTEIN, MANAGER** AS
GRANTOR WHO IS PERSONALLY KNOWN TO ME (OR) HAS PRODUCED _____
_____ (TYPE OF IDENTIFICATION).

WITNESS MY HAND AND OFFICIAL SEAL IN THE COUNTY AND STATE LAST AFORESAID THIS
_____ DAY OF _____, 2013.

NOTARY SEAL AND STAMP
↓

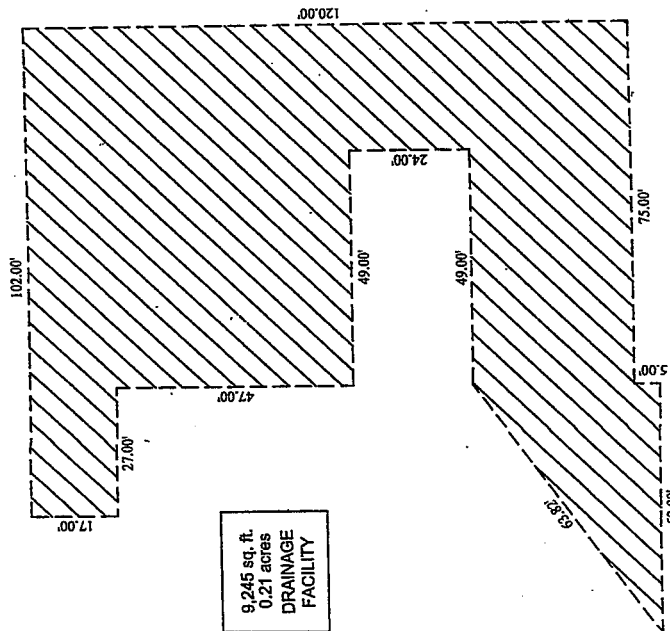
NOTARY PUBLIC

PRINTED OR STAMPED NAME OF NOTARY PUBLIC

LEGAL DESCRIPTION FOR DRAIN FIELD

A PORTION OF LOT 9, BLOCK 8 OF GREEN GLADES SOUTH SUBDIVISION ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 94 AT PAGE 46 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA; MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF LOT 9; THENCE RUN WEST ALONG THE NORTH LINE OF LOT 9 FOR 10.00 FEET TO A POINT; THENCE RUN SOUTH ALONG A LINE PARALLEL TO AND 10.00 FEET WEST OF THE EAST LINE OF LOT 9 FOR 10.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH ALONG SAID LINE FOR 120.00 FEET TO A POINT; THENCE RUN WEST ALONG A LINE PARALLEL TO AND 130.00 FEET SOUTH OF THE NORTH LINE OF LOT 9 FOR 75.00 FEET TO A POINT; THENCE RUN SOUTH ALONG A LINE PARALLEL TO AND 85.00 FEET WEST OF THE EAST LINE OF LOT 9 FOR 5.00 FEET TO A POINT; THENCE RUN WEST ALONG A LINE PARALLEL TO AND 135.00 FEET SOUTH OF THE NORTH LINE OF LOT 9 FOR 52.00 FEET TO A POINT; THENCE RUN NORTHEASTERLY FOR 63.82 FEET TO A POINT 98.00 FEET SOUTH OF THE NORTH LINE OF LOT 9 AND 85.00 FEET WEST OF THE EAST LINE OF LOT 9; THENCE RUN EAST ALONG A LINE PARALLEL TO AND 98.00 FEET SOUTH OF THE NORTH LINE OF LOT 9 FOR 49.00 FEET TO A POINT; THENCE RUN NORTH ALONG A LINE PARALLEL TO AND 36.00 FEET WEST OF THE EAST LINE OF LOT 9 FOR 24.00 FEET TO A POINT; THENCE RUN WEST ALONG A LINE PARALLEL TO AND 74.00 FEET SOUTH OF THE NORTH LINE OF LOT 9 FOR 49.00 FEET TO A POINT; THENCE RUN NORTH ALONG A LINE PARALLEL TO AND 85.00 FEET WEST OF THE EAST LINE OF LOT 9 FOR 47.00 FEET TO A POINT; THENCE RUN WEST ALONG A LINE PARALLEL TO AND 27.00 FEET SOUTH OF THE NORTH LINE OF LOT 9 FOR 27.00 FEET TO A POINT; THENCE RUN NORTH ALONG A LINE PARALLEL TO AND 112.00 FEET WEST OF THE EAST LINE OF LOT 9 FOR 17.00 FEET TO A POINT; THENCE RUN EAST ALONG A LINE PARALLEL TO AND 10.00 FEET SOUTH OF THE NORTH LINE OF LOT 9 FOR 102.00 FEET TO THE POINT OF BEGINNING. CONTAINING MORE OR LESS 9,245 SQUARE FEET OR .21 ACRES.S



SURVEY OF: 5500 S.W. 195TH TERRACE, SOUTHWEST RANCHES, FL. 33332.

I HEREBY CERTIFY That the survey represented thereon meets the minimum technical requirements adopted by the STATE OF FLORIDA Board of Land Surveyors pursuant to Section 472.027 Florida Statutes.

There are no encroachments, overlaps, easements appearing on the plat or visible easements other than as shown hereon.

Adis N. Nunez

ADIS N. NUNEZ
REGISTERED LAND SURVEYOR
STATE OF FLORIDA #5924

SINCE 1987

BLANCO SURVEYORS INC.

Engineers • Land Surveyors • Planners • LB # 0007059

555 NORTH SHORE DRIVE

MIAMI BEACH, FL 33141

(305) 865-1200 Email: blancosurveyorsinc@yahoo.com Fax: (305) 865-7810

FLOOD ZONE: AH	SUFFIX: F	DATE: 10/2/97	BASE: 7'
PANEL: 0280	COMMUNITY #	125093	
DATE: 5-21-13	SCALE: 1" = N/T	DWN. BY: F. Blanco	JOB No: 13-225

EXHIBIT A

MEMORANDUM

DATE: June 20, 2013

TO: South Broward Drainage District Commissioners

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

Subject: Proposed Resolution No. 2013-05

Comments:

Proposed Resolution 2013-05 is a statement of support by South Broward Drainage District for the C-51 Reservoir project as a regional alternative water supply initiative and the creation of a regional C-51 Governance and Finance Work Group (Work Group) to develop governance and finance strategies for the Phase 1 implementation of the proposed C-51 Reservoir project.

The C-51 Reservoir project is contemplated to include 75,000 acre-feet of surface water storage at a site located in central Palm Beach County with the objective of providing an alternative water supply to various Broward County utilities through the conveyance of the C-51 Reservoir water storage to Broward County during the dry season. Preliminary studies estimate the total water availability from the project at 185 million gallons per day (mgd) and the total construction cost at \$760 million. The project will also provide stormwater mitigation and flood control protection during the rainy season.

Phase 1 of the C-51 Reservoir project includes the provision of 14,000 acre-feet of storage capacity in 2.5 years at an estimated construction cost of between \$150.5 million to \$186.5 million.

The C-51 Reservoir Project has been endorsed by the Broward County and Palm Beach County Water Resources Task Forces (Task Forces) and these Task Forces have been actively engaged in the advancement of the project. In addition, many utility agencies and governmental bodies have expressed strong support for the project and the need to move from planning to implementation.

Earlier this year, the joint memberships of the Task Forces voted unanimously to support advancement of the Phase 1 implementation of the C-51 Reservoir project and the convening of a Work Group to develop a draft interlocal Agreement and scope of work, including governance of and finance strategies for project construction and operation. Subsequently, the Broward County Board of Commissioners approved a Resolution which outlined the make-up and objectives of the C-51 Work Group, and on May 22, 2013 the Broward County Surface Water Management Coordination Committee appointed SBDD Commissioner Alanna Mersinger as its appointee to the C-51 Work Group.

Financial impacts to this Agenda Item: there should be no financial impacts associated with the approval of Resolution No. 2013-05, as the Resolution states that the District recognizes and agrees that Commissioner Mersinger's participation as a member of the Work Group is voluntary and that any final report issued by the Work Group shall not be construed or interpreted as imposing any mandates, financial or otherwise, upon the District.

KH
Attachments

**SOUTH BROWARD DRAINAGE DISTRICT
RESOLUTION NO. 2013-05**

RESOLUTION OF THE SOUTH BROWARD DRAINAGE DISTRICT SUPPORTING THE PROPOSED C-51 RESERVOIR PROJECT AS A REGIONAL ALTERNATIVE WATER SUPPLY INITIATIVE AND THE CREATION OF A REGIONAL C-51 GOVERNANCE AND FINANCE WORK GROUP TO DEVELOP GOVERNANCE AND FINANCE STRATEGIES FOR THE PHASE 1 IMPLEMENTATION OF THE PROPOSED C-51 RESERVOIR PROJECT; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the South Broward Drainage District, hereinafter referred to as "District", is a political subdivision of the State of Florida charged with the responsibility of effecting drainage, flood protection, and water management within its geographical boundaries; and

WHEREAS, the District, is committed to protecting its residents and properties against flooding, improving water quality, and providing effective water management for southwest Broward County; and

WHEREAS, the District is also involved in water resources, water supply and water conservation issues that affect both Broward County and Palm Beach County; and

WHEREAS, members of the District's Board of Commissioners, staff, and consultants are active participants in various county and regional committees concerned with water resources issues, including, but not limited to the Broward County Water Advisory Board (WAB), Broward County Technical Advisory Committee (TAC), Broward Water Resources Task Force, Broward Water Resources Task Force Technical Team, Compact Built Environmental Work Group, Broward County Surface Water Coordination Committee (SWCC), Broward Everglades Working Group (BEWG), and Broward Leaders Water Academy; and

WHEREAS, the Broward and Palm Beach Water Resources Task Forces were created for the purpose of identifying and evaluating cost-beneficial and effective regional water supply projects and conservation strategies; and

WHEREAS, in 2006, prior to the convening of the Task Forces, Broward and Palm Beach water providers were beginning to investigate the potential development of a large surface water reservoir project to serve as a regional alternative water supply by capturing stormwater runoff for wet season storage and later distribution and use during the dry season; and

WHEREAS, this project subsequently become known as the C-51 Reservoir, given its proposed siting just north of the C-51 Canal in central Palm Beach County, and is contemplated to include 75,000 acre-feet of surface water storage at a site proximate to the existing L-8 Reservoir where geologic characteristics allow long-term surface water storage without significant seepage losses; and

WHEREAS, both Task Forces have been actively engaged in the advancement of the proposed C-51 Reservoir, having received numerous technical presentations, offered guidance and planning strategies, and conducted a site tour; and

WHEREAS, regional collaboration in the C-51 Reservoir planning effort has expanded beyond the initial seven (7) utilities and in 2010/2011 a Memorandum of Understanding (MOU) was jointly approved by the City of Fort Lauderdale, the South Florida Water Management District, Palm Beach County, and the Lake Worth Drainage District providing for committed support to ongoing planning efforts, and this MOU was subsequently supported by seven (7) local governments, including Broward County; and

WHEREAS, these planning efforts included project cost estimates, analysis of water availability and conveyance options, environmental considerations, economic analyses, hydrologic modeling, geotechnical evaluations, and processes for water supply certification, with the results documented in technical reports; and

WHEREAS, these assessments have substantiated early estimations about the viability of the C-51 Reservoir as an alternative water supply with unique benefits that may include lower capital and operational costs, reduced energy demands, water resource enhancements (via aquifer recharge), wellfield offsets, and better general permissibility relative to other alternative water supply options; and

WHEREAS, most recently, the South Florida Water Management District, Broward County, Palm Beach County, and the Lake Worth Drainage District collaborated in the completion of the C-51 Preliminary Design and Cost Estimate Report dated June 2012, which estimates total water availability from the proposed C-51 Reservoir at 185 million gallons per day (mgd) and total construction costs of \$760 million; and

WHEREAS, while the benefits of the C-51 Reservoir project were originally focused on environmental enhancements and alternative water supply development, there is an increasing appreciation of the benefits the C-51 Reservoir project in the preservation of existing water supplies, especially in light of climate change pressures; and

WHEREAS, climate change and rising sea levels are predicted to increase drought severity and saltwater intrusion into coastal wellfields and storage provided in the C-51 reservoir can help mitigate for these impacts while also providing stormwater mitigation and flood control protection during extreme storm events; and

WHEREAS, on January 18, 2013, a joint meeting of the Task Forces was convened for the purpose of considering the foregoing issues, receiving a C-51 Reservoir project status update, receiving updated cost estimates, evaluating phased implementation, and considering next steps; and

WHEREAS, information presented at this meeting included a phased construction plan that would allow for Phase I construction to provide 14,000 acre-feet (35 mgd) of storage capacity in 2.5 years at an estimated cost between \$150.5 and \$186.5 million; and

WHEREAS, many entities expressed strong support for the project and the need to move from project planning to implementation; and

WHEREAS, having received and considered the foregoing information, the joint

memberships of the Task Forces voted unanimously to support advancement of Phase I Implementation of the C-51 Reservoir project and the convening of a Work Group to develop a draft Interlocal Agreement and scope of work, including governance of and finance strategies for project construction and operation; and

WHEREAS, on May 22, 2013 District Commissioner Alanna Mersinger was appointed to the C-51 Governance and Finance Work Group by the Broward County Surface Water Coordination Committee as its designated appointee; and

WHEREAS, the District wishes to express its support of the C-51 Reservoir project and advancement of Phase I Implementation of the project and the convening of the Work Group to develop a draft Interlocal Agreement and scope of work, including governance of and finance strategies for project construction and operation.

NOW THEREFORE, be it resolved by the Board of Commissioners of the South Broward Drainage District in meeting assembled that:

1. The recitals set forth above are true and correct and are incorporated herein as if set forth verbatim.

2. The District supports the C-51 Reservoir project as an important regional water resources initiative capable of providing an alternative water supply with unique benefits that may include lower capital and operational costs, reduced energy demands, water resource enhancements (via aquifer recharge), wellfield offsets, and better general permittability relative to other alternative water supply options while also providing stormwater mitigation and flood control protection during extreme storm events.

3. The District supports the creation of the C-51 Governance and Finance Work Group ("Work Group") to develop governance of and finance strategies for construction and operation of the C-51 Reservoir project as a regional project. The District also finds that the Work Group is needed to serve the public interest in developing regional alternative water supplies.

4. The District recognizes and agrees that Commissioner Alanna Mersinger's participation as a member of the Work Group is voluntary and that any final report issued by the Work Group shall not be construed or interpreted as imposing any mandates, financial or otherwise, upon the District.

5. It is understood that the Work Group will produce recommendations for local governments, water managers, and water providers as the Broward County and Palm Beach County areas move forward as a region with consideration and decision-making regarding the C-51 Reservoir project as a regional water resource.

6. The District Director or District Attorney shall send a copy of this Resolution to the Director of the Broward County Natural Resources Planning and Management Division.

7. If any one or more of the covenants, agreements or provisions of this Resolution 2013-05, shall be held contrary to any express provision of law or contrary to the policy of express law, though not expressly prohibited, or against public policy or shall for any reason whatsoever be held invalid, then such covenants, agreements or provisions shall be null and void and shall be separate from the remaining covenants, agreements or provisions and shall in no way affect the validity of all other provisions of this Resolution.

8. This Resolution shall take effect immediately upon its adoption.

In witness whereof, The Chairperson of the Board of Commissioners of the SOUTH BROWARD DRAINAGE DISTRICT has hereunto set his hand and the Secretary of the Board of Commissioners of the SOUTH BROWARD DRAINAGE DISTRICT has caused to be set its seal.

ADOPTED AND DATED this _____ day of _____, 2013.

SOUTH BROWARD DRAINAGE DISTRICT

(SEAL)

By: _____
Scott Hodges, Chairperson

Attest:

Robert E. Goggin, IV, Secretary

STATE OF FLORIDA)
)§
COUNTY OF BROWARD)

The foregoing Resolution N° 2013-05 was acknowledged before me this ____ day of _____, 2013 by SCOTT HODGES and ROBERT E. GOGGIN, IV, as Chairperson and Secretary, respectively of the SOUTH BROWARD DRAINAGE DISTRICT, a political subdivision of the State of Florida, on behalf of SOUTH BROWARD DRAINAGE DISTRICT. They are personally known to me.

WITNESS my hand and official seal in the county and state last aforesaid this ____ day of _____, 2013.

(NOTARY SEAL OR STAMP)

Notary Public - State of Florida at Large

MEMORANDUM

DATE: June 20, 2013
TO: South Broward Drainage District Commissioners
FROM: Kevin M. Hart, P.E.
District Director
Subject: Request to Purchase New Vehicles

Comments:

SBDD staff has researched pricing for the purchase of two new vehicles to replace two existing, aging vehicles. The District is in need of replacing a 2003 Ford Escape SUV with 113,117 miles of use and a 2005 Ford Escape SUV with 134,259 miles of use. Both vehicles have exceeded their useful life span for use by District staff.

This is a request to purchase two new 2013 Ford F-150 XL 4x4 trucks with extended cabs and tow package. The lowest price available for the purchase of a new Ford F-150 XL 4x4 truck is through the Florida Sheriff's Association Contract in the amount of \$21,429.00. The Florida Sheriff's Association Contract was awarded through a publically advertised, competitive bid process and therefore, the purchase of a vehicle through this contract does not require SBDD to publically advertise for bids.

SBDD has researched other pricing options for a comparable light duty truck, and determined that the pricing through the Florida Sheriff's Association Contract is the most economical option. Informal pricing obtained from other local car/truck dealers ranged in price from \$22,864.60 to \$23,351.00.

I am requesting approval for the District to purchase two 2013 Ford F-150 XL 4x4 trucks from Duval Ford Fleet Sales under the Florida Sheriff's Association Contract in the amount of \$42,858.00. The vehicles will be outfitted with additional options including LED safety warning lights, toolbox, spray on bed liner, and power windows & locks. The total cost for both vehicles will be \$47,924.00.

Upon acquisition of the new vehicles, SBDD will utilize the on-line public auction site, Public Surplus, to sell the two Ford Escapes, which will become obsolete and whose continued use will serve no useful function to the District. These two vehicles will be sold "as is" to the highest responsible bidder.

Financial impacts to this Agenda Item: The purchase of two new vehicles will be funded through the General Operating Account as part of the District's 2012-2013 budget. It is estimated that the sale of the District's surplus vehicles will generate approximately \$3,000.

This is to request approval for the purchase of two 2013 Ford F-150 XL 4x4 trucks in the total amount of \$47,924.00. Funding for this project will come from the SBDD General Operating Account as part of the 2012-2013 Budget.

KH
Attachments

MEMORANDUM

DATE: June 20, 2013
TO: South Broward Drainage District Commissioners
FROM: Kevin M. Hart, P.E.
District Director
Subject: Authorization to Purchase a 12-Month CD with Broward Bank of Commerce

Comments:

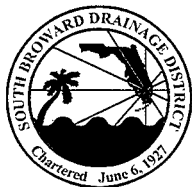
In accordance with the Board's directive, SBDD is proposing to replace the 12-month Certificate of Deposit (CD) that matured on 6/19/13 with a new 12-month CD in the amount of \$247,500 from Broward Bank of Commerce.

Broward Bank of Commerce is a qualified public depository as required under SBDD's Investment Policy. The interest rate for the new CD will be 0.56%, which is the highest rate SBDD was able to obtain.

This is to request approval to provide authorization for the District Director, Kevin Hart, to open an account with Broward Bank of Commerce for a 12-month CD in the amount of \$247,500, and to establish the District Director, Kevin Hart, as an authorized signatory for SBDD on this account.

Financial impacts to this Agenda Item: None; this action is in accordance with a previous directive/approval by the Board.

KH
Attachment



SOUTH BROWARD DRAINAGE DISTRICT

June 27, 2013

Broward Bank of Commerce
101 NE 3rd Avenue, 21st Floor
Ft. Lauderdale, FL 33301

Re: Authorization to Purchase 12 Month Certificate of Deposit

To Whom It May Concern:

This letter is to confirm that South Broward Drainage District (SBDD) is authorized to open an account for a 12 month Certificate of Deposit with Broward Bank of Commerce in the amount of \$247,500.00, at the rate of 0.56%. Authorization to purchase this Certificate of Deposit for SBDD was given to Kevin Hart, District Director by SBDD Board of Commissioners at the June 27, 2013 Board meeting. Kevin Hart, as District Director, is an authorized signatory for SBDD on this account.

South Broward Drainage District's Federal Tax Identification number is: 59-1050746.

Should you have any questions please call Kevin Hart, District Director at (954) 680-3337.

Sincerely,

Stanley Scott Hodges
Chairperson, South Broward Drainage District
Board of Commissioners

/si

MEMORANDUM

DATE: June 20, 2013
TO: South Broward Drainage District Commissioners
FROM: Kevin M. Hart, P.E.
District Director
Subject: Senate Bill 50

Comments:

During the 2013 Legislative Session, the Florida Legislature passed Senate Bill 50 (SB 50), which requires members of the public be given a reasonable opportunity to be heard on a proposition before a board or commission of a local government. A copy of SB 50 is attached along with the Florida Senate Bill Analysis and Fiscal Impact Statement.

It is recommended that SBDD adopt rules and policies by Resolution for providing an opportunity for members of the public to be heard at SBDD Board meetings and/or Public Hearings.

Financial impacts to this Agenda Item: there are no financial impacts associated with this Agenda item.

KH
Attachments

201350er

1
2 An act relating to public meetings; creating s.
3 286.0114, F.S.; defining "board or commission";
4 requiring that a member of the public be given a
5 reasonable opportunity to be heard by a board or
6 commission before it takes official action on a
7 proposition; providing exceptions; establishing
8 requirements for rules or policies adopted by the
9 board or commission; providing that compliance with
10 the requirements of this section is deemed to have
11 occurred under certain circumstances; providing that a
12 circuit court has jurisdiction to issue an injunction
13 under certain circumstances; authorizing a court to
14 assess reasonable attorney fees in actions filed
15 against a board or commission; providing that an
16 action taken by a board or commission which is found
17 in violation of this section is not void; providing
18 that the act fulfills an important state interest;
19 providing an effective date.

20
21 Be It Enacted by the Legislature of the State of Florida:

22
23 Section 1. Section 286.0114, Florida Statutes, is created
24 to read:

25 286.0114 Public meetings; reasonable opportunity to be
26 heard; attorney fees.-

27 (1) For purposes of this section, "board or commission"
28 means a board or commission of any state agency or authority or
29 of any agency or authority of a county, municipal corporation,

201350er

30 or political subdivision.

31 (2) Members of the public shall be given a reasonable
32 opportunity to be heard on a proposition before a board or
33 commission. The opportunity to be heard need not occur at the
34 same meeting at which the board or commission takes official
35 action on the proposition if the opportunity occurs at a meeting
36 that is during the decisionmaking process and is within
37 reasonable proximity in time before the meeting at which the
38 board or commission takes the official action. This section does
39 not prohibit a board or commission from maintaining orderly
40 conduct or proper decorum in a public meeting. The opportunity
41 to be heard is subject to rules or policies adopted by the board
42 or commission, as provided in subsection (4).

43 (3) The requirements in subsection (2) do not apply to:

44 (a) An official act that must be taken to deal with an
45 emergency situation affecting the public health, welfare, or
46 safety, if compliance with the requirements would cause an
47 unreasonable delay in the ability of the board or commission to
48 act;

49 (b) An official act involving no more than a ministerial
50 act, including, but not limited to, approval of minutes and
51 ceremonial proclamations;

52 (c) A meeting that is exempt from s. 286.011; or

53 (d) A meeting during which the board or commission is
54 acting in a quasi-judicial capacity. This paragraph does not
55 affect the right of a person to be heard as otherwise provided
56 by law.

57 (4) Rules or policies of a board or commission which govern
58 the opportunity to be heard are limited to those that:

201350er

59 (a) Provide guidelines regarding the amount of time an
60 individual has to address the board or commission;

61 (b) Prescribe procedures for allowing representatives of
62 groups or factions on a proposition to address the board or
63 commission, rather than all members of such groups or factions,
64 at meetings in which a large number of individuals wish to be
65 heard;

66 (c) Prescribe procedures or forms for an individual to use
67 in order to inform the board or commission of a desire to be
68 heard; to indicate his or her support, opposition, or neutrality
69 on a proposition; and to indicate his or her designation of a
70 representative to speak for him or her or his or her group on a
71 proposition if he or she so chooses; or

72 (d) Designate a specified period of time for public
73 comment.

74 (5) If a board or commission adopts rules or policies in
75 compliance with this section and follows such rules or policies
76 when providing an opportunity for members of the public to be
77 heard, the board or commission is deemed to be acting in
78 compliance with this section.

79 (6) A circuit court has jurisdiction to issue an injunction
80 for the purpose of enforcing this section upon the filing of an
81 application for such injunction by a citizen of this state.

82 (7) (a) Whenever an action is filed against a board or
83 commission to enforce this section, the court shall assess
84 reasonable attorney fees against such board or commission if the
85 court determines that the defendant to such action acted in
86 violation of this section. The court may assess reasonable
87 attorney fees against the individual filing such an action if

201350er

88 the court finds that the action was filed in bad faith or was
89 frivolous. This paragraph does not apply to a state attorney or
90 his or her duly authorized assistants or an officer charged with
91 enforcing this section.

92 (b) Whenever a board or commission appeals a court order
93 that has found the board or commission to have violated this
94 section, and such order is affirmed, the court shall assess
95 reasonable attorney fees for the appeal against such board or
96 commission.

97 (8) An action taken by a board or commission which is found
98 to be in violation of this section is not void as a result of
99 that violation.

100 Section 2. The Legislature finds that a proper and
101 legitimate state purpose is served when members of the public
102 have been given a reasonable opportunity to be heard on a
103 proposition before a board or commission of a state agency or
104 authority, or of an agency or authority of a county, municipal
105 corporation, or political subdivision. Therefore, the
106 Legislature determines and declares that this act fulfills an
107 important state interest.

108 Section 3. This act shall take effect October 1, 2013.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Rules

BILL: CS/CS/SB 50

INTRODUCER: Rules Committee; Governmental Oversight and Accountability Committee; and Senators Negron and Evers

SUBJECT: Public Meetings

DATE: March 8, 2013

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Naf	McVaney	GO	Fav/CS
2.	McSwain	Hansen	AP	Favorable
3.	Naf	Phelps	RC	Fav/CS
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

Please see Section VIII. for Additional Information:

- A. COMMITTEE SUBSTITUTE..... Statement of Substantial Changes
 B. AMENDMENTS..... Technical amendments were recommended
 Amendments were recommended
 Significant amendments were recommended

I. Summary:

CS/CS/SB 50 requires that members of the public be given a reasonable opportunity to be heard on a proposition before a board or commission of a state agency or local government. Such opportunity does not have to occur at the same meeting at which the board or commission takes official action if certain requirements are met. The bill excludes specified meetings and acts from the "right to speak" requirement.

The bill specifies that the section does not prohibit a board or commission from maintaining orderly conduct or proper decorum in a public meeting. It authorizes a board or commission to adopt certain reasonable rules or policies governing the opportunity to be heard. If a board or commission adopts such rules or policies and thereafter complies with them, it is deemed to be acting in compliance with the section.

The bill authorizes a circuit court to issue injunctions for the purpose of enforcing the section upon the filing of an application for such injunction by any citizen of Florida. If an action is filed against a board or commission to enforce the provisions of the section and the court determines that the board or commission violated the section, the bill requires the court to assess reasonable

attorney fees against the appropriate state agency or local government board or commission. However, the bill also authorizes the court to assess reasonable attorney fees against the individual filing the action if the court finds that the action was filed in bad faith or was frivolous. The bill excludes specified public officers from its attorney fee provisions. A court is required by the bill to assess reasonable attorney fees if a board or commission appeals a court order finding that such board or commission violated the section and the order is affirmed.

The bill provides that any action taken by a board or commission that is found to be in violation of the section is not void as a result of such violation.

This bill creates section 286.0114, Florida Statutes.

II. Present Situation:

Florida Constitution: Public Meetings

The Florida Constitution requires all meetings of any collegial public body of the executive branch of state government or of any collegial public body of a county, municipality, school district, or special district, at which official acts are to be taken or at which public business of such body is to be transacted or discussed, to be open and noticed to the public.¹

Government in the Sunshine Law

Access to government meetings is also governed by the Florida Statutes. Section 286.011, F.S., also known as the "Government in the Sunshine Law" or "Sunshine Law," requires all meetings of any board or commission of any state agency or authority or of any agency or authority of any county, municipal corporation, or political subdivision, at which official acts are to be taken to be open to the public at all times. The board or commission must provide reasonable notice of all public meetings. Public meetings may not be held in certain locations that discriminate on the basis of sex, age, race, creed, color, origin, or economic status or which operates in a manner that unreasonably restricts the public's access to the facility.² Minutes of a meeting of any such board or commission of any such state agency or authority shall be promptly recorded and be open to public inspection.³

Right to Speak at Public Meetings

The Florida Constitution and the Florida Statutes are silent concerning whether citizens have a right to be heard at a public meeting. To date, Florida courts have heard two cases directly addressing whether a member of the public has a right to be heard at a meeting when he or she is not a party to the proceedings.

In *Keesler v. Community Maritime Park Associates, Inc.*,⁴ the plaintiffs alleged that the Community Maritime Park Associates, Inc., (CMPA)⁵ violated the Sunshine Law by not

¹ Article I, s. 24(b) of the Florida Constitution.

² Section 286.011(6), F.S.

³ Section 286.011(2), F.S.

⁴ 32 So.3d 659 (Fla. 1st DCA 2010).

providing them the opportunity to speak at a public meeting concerning the development of certain waterfront property. The plaintiffs argued that the Sunshine Law phrase “open to the public” grants citizens the right to speak at public meetings, but the First District Court of Appeal held that no such right exists:

Relying on the language in *Marston*⁶, the trial court determined that, although the Sunshine Law requires that meetings be open to the public, the law does not give the public the right to speak at the meetings. Appellants have failed to point to any case construing the phrase “open to the public” to grant the public the right to speak, and in light of the clear and unambiguous language in *Marston* (albeit dicta), we are not inclined to broadly construe the phrase as granting such a right here.⁷

In the second case, *Kennedy v. St. Johns Water Management District*, the plaintiffs alleged, in part, that the St. Johns Water Management District violated the Sunshine Law by preventing certain people from speaking at a public meeting concerning the proposed approval of a water use permit.⁸ There, the trial court held that, “Because, as clearly articulated in *Keesler*, the Sunshine Law does not require the public be allowed to speak, plaintiffs’ claim ... fails as a matter of law.”⁹ The Fifth District Court of Appeal affirmed the trial court’s ruling.¹⁰

III. Effect of Proposed Changes:

The bill creates s. 286.0114, F.S., providing that members of the public must be given a reasonable opportunity to be heard on a proposition before a board or commission of any state agency or authority or of any agency or authority of any county, municipal corporation, or political subdivision. The opportunity to be heard does not have to occur at the same meeting at which the board or commission takes official action on the proposition if such opportunity:

- Occurs at a meeting that is during the decision-making process; and

⁵ The CMPA is a not-for-profit corporation charged by the City of Pensacola with overseeing the development of a parcel of public waterfront property. The CMPA did not dispute that it was subject to the requirements of the Sunshine Law. *Id.* at 660. A private entity is generally subject to public records and open meetings laws when 1) there has been a delegation of the public agency’s governmental functions; or 2) the private entity plays an integral part in the decision-making process of the public agency or has a significant level of involvement with the public agency’s performance of its duties. *See* Ops. Att’y Gen. Fla. 92-53 (1992) (direct support organization created for purpose of assisting public museum subject to s. 286.011, F.S.); 83-95 (1983) (where county accepted services of nongovernmental committee to recodify and amend county’s zoning laws, committee subject to Sunshine Law).

⁶ In *Wood v. Marston*, the Florida Supreme Court held that the University of Florida improperly closed meetings of a committee charged with soliciting and screening applicants for the deanship of the university’s college of law. However, the *Marston* court noted “nothing in this decision gives the public the right to be more than spectators. The public has no authority to participate in or to interfere with the decision-making process.” *Wood v. Marston*, 442 So.2d 934, 941 (Fla. 1983).

⁷ *Keesler*, *supra* note 3, at 660-61.

⁸ The trial court was the Circuit Court of the Seventh Judicial Circuit, in and for Putnam County, Florida. *See* the trial court’s “Order Granting Motion for Summary Judgment,” September 28, 2010, at 1-3 (on file with the Governmental Oversight and Accountability Committee).

⁹ *Id.* at 6.

¹⁰ 2011 WL 5124949 (Fla. 5th DCA 2011).

- Is within reasonable proximity in time before the meeting at which the board or commission takes the official action.

The bill specifies that the section does not prohibit a board or commission from maintaining orderly conduct or proper decorum in a public meeting.

The opportunity to be heard does not apply to:

- An official act that must be taken to deal with an emergency situation affecting the public health, welfare, or safety, when compliance with the requirements would cause an unreasonable delay in the ability of the board or commission to act;
- An official act involving no more than a ministerial act, including, but not limited to, approval of minutes and ceremonial proclamations;
- A meeting that is exempt from open meetings requirements; or
- Meetings in which the board or commission is acting in a quasi-judicial capacity. The bill specifies that this exclusion does not affect the right of a person to be heard as otherwise provided by law.

The bill authorizes a board or commission to adopt reasonable rules or policies governing the opportunity to be heard.¹¹ Such rules or policies must be limited to those that:

- Provide guidelines regarding the time an individual has to address the board or commission;
- Prescribe procedures for allowing representatives of groups or factions on a proposition to address the board or commission, rather than all members of such groups or factions, at meetings in which a large number of individuals wish to be heard;
- Prescribe procedures or forms for an individual to use in order to inform the board or commission of a desire to be heard, to indicate his or her support, opposition, or neutrality on a proposition, and to indicate his or her designation of a representative to speak for him or her or his or her group on a proposition if he or she so chooses; or
- Designate a specified period of time for public comment.

The bill provides that a board or commission is deemed to be acting in compliance with the new section if the board or commission adopts rules or policies in compliance with the section and follows such rules or policies when providing an opportunity to be heard.

The bill authorizes a circuit court to issue injunctions for the purpose of enforcing the new section upon the filing of an application for such injunction by any citizen of Florida.

Whenever an action is filed against a board or commission to enforce the provisions of this section, the bill requires the court to assess reasonable attorney fees against the appropriate state agency or local government board or commission if the court determines that the defendant to

¹¹ Executive branch agencies that are subject to the Florida Administrative Procedure Act (ch. 120, F.S.) *must* adopt through the rulemaking process (s. 120.54, F.S.) any agency statement defined as a rule by s. 120.52, F.S. Section 120.52(16), F.S., defines “rule” to mean each agency statement of general applicability that implements, interprets, or prescribes law or policy or describes the procedure or practice requirements of an agency and includes any form which imposes any requirement or solicits any information not specifically required by statute or by an existing rule.

such action acted in violation of the section. The bill also authorizes the court to assess reasonable attorney fees against the individual filing such an action if the court finds that the action was filed in bad faith or was frivolous. These attorney fee provisions do not apply to a state attorney, to his or her duly authorized assistants, or to an officer charged with enforcing the provisions of the act. The bill also requires a court to assess reasonable appellate attorney fees if a board or commission appeals any court order which has found such board or commission to have violated the section and the order is affirmed.

The bill specifies that any action taken by a board or commission that is found to be in violation of the section is not void as a result of such violation.

The bill's effective date is October 1, 2013.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The county/municipality mandates provision of s. 18, Art. VII of the Florida Constitution may apply because this bill could cause counties and municipalities to incur additional expenses associated with longer meetings or increased meetings due to the new requirement that the public be provided with the opportunity to speak at such meetings.¹² An exemption may apply, however, if the bill has an insignificant fiscal impact. If an exemption does not apply, an exception may still apply if the bill articulates a finding of serving an important state interest and applies to all persons similarly situated. The bill contains a legislative finding of important state interest and applies to boards and commissions of all state agencies and authorities and all agencies and authorities of counties, municipal corporations, and political subdivisions; therefore, it appears to apply to all persons similarly situated.

B. Public Records/Open Meetings Issues:

None.

¹² Article VII, s. 18(a) of the Florida Constitution provides that no county or municipality may be bound by any general law that mandates it to spend funds or take an action requiring the expenditure of funds unless the Legislature determines that such law fulfills an important state interest *and* one of specified other requirements are met. The other specified requirements are:

- Funds have been appropriated that have been estimated at the time of enactment to be sufficient to fund such expenditure;
- The Legislature authorizes or has authorized a county or municipality to enact a funding source not available for such county or municipality on February 1, 1989, that can be used to generate the amount of funds estimated to be sufficient to fund such expenditure by a simple majority vote of the governing body of each such county or municipality;
- The law requiring such expenditure is approved by two-thirds of the membership in each house of the Legislature;
- The expenditure is required to comply with a law that applies to all persons similarly situated, including the state and local governments; *or*
- The law is required to either comply with a federal requirement or required for eligibility for a federal entitlement, which federal requirement specifically contemplates actions by counties or municipalities for compliance. *Id.*

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Governmental entities may incur additional meeting related expenses because longer meetings may be required when considering items of great public interest. The amount of those potential expenses is indeterminate and will vary depending on the magnitude of each issue and the specific associated meeting requirements.

VI. Technical Deficiencies:

None.

VII. Related Issues:**Rulemaking**

The constitutional separation of powers doctrine¹³ prevents the Legislature from delegating its constitutional duties.¹⁴ Because legislative power involves the exercise of policy-related discretion over the content of law,¹⁵ any discretion given an executive branch agency to implement a law must be “pursuant to some minimal standards and guidelines ascertainable by reference to the enactment establishing the program.”¹⁶ Although the bill authorizes, but does not require, state agency boards and commissions to adopt certain rules or policies, executive branch agencies are required to adopt as a rule a statement of general applicability that implements law or policy and that imposes a requirement not specifically required by statutes or existing rule.¹⁷ The bill prescribes the items that such rules or policies may address.

Boards and commissions subject to the state Administrative Procedure Act¹⁸ must comply with the rulemaking procedures set forth in that chapter. Generally, rulemaking pursuant to those procedures takes a minimum of 90 days.¹⁹

¹³ Article II, s. 3 of the Florida Constitution.

¹⁴ See *Florida State Bd. of Architecture v. Wasserman*, 377 So.2d 653 (Fla. 1979).

¹⁵ See *State ex rel. Taylor v. City of Tallahassee*, 177 So. 719 (Fla. 1937).

¹⁶ See *Askew v. Cross Key Waterways*, 372 So.2d 913 (Fla. 1978).

¹⁷ See note 11.

¹⁸ Chapter 120, F.S. The chapter applies to any “agency” as defined in s. 120.52(1), F.S.

¹⁹ See s. 120.54, F.S.

Other Comments

The bill does not define the terms “proposition,” “reasonable proximity,” “ministerial act,” “factions,” and “groups.”

The bill does not specify what is considered an “unreasonable delay” when deciding if the public’s opportunity to be heard should be usurped.

It is unclear whether a state board’s or commission’s denial of someone’s right to speak may constitute an agency action challengeable under the Administrative Procedure Act. In cases in which an administrative remedy is available, a plaintiff may be required to exhaust all administrative remedies before pursuing a civil remedy.²⁰

As currently drafted, each state or local board or commission is authorized to create its own rules or policies governing the right to speak. Allowing each state board or commission to create its own rules allows it to tailor its rules to its needs, but may not provide as much ease of use by the public as would uniform rules created by an entity such as the Administration Commission.

The bill specifies that a circuit court may issue injunctions to enforce the provisions of the act. It is unclear whether this could be interpreted to exclude civil remedies other than injunctions and the attorney fees also explicitly authorized by the bill.

VIII. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS/CS by Rules on March 6, 2013:

The CS/CS differs from the CS in that it:

- Does not specifically require a meeting at which a board or commission holds an opportunity to be heard that occurs before the meeting at which the official action is taken to satisfy the same notice requirements as the latter meeting, as public meetings subject to the bill are already subject to Sunshine Law notice requirements.
- Specifies that the bill’s exception to the right to speak requirements for a ministerial act includes, but is not limited to, approval of minutes and ceremonial proclamations.

CS by Governmental Oversight and Accountability on February 6, 2013:

The CS differs from the original bill in that it:

- Creates a definition for “board or commission” for drafting clarity. The substance of the definition is pulled from the original bill.
- Clarifies that an opportunity to speak must occur at a meeting that is within reasonable proximity in time to the meeting at which the board or commission takes official action on the proposition.
- Specifies that the section does not prohibit a board or commission from maintaining orderly conduct or proper decorum in a public meeting.

²⁰ See, for example, *Orange County, Fla. v. Game and Fresh Water Fish Commission*, 397 So.2d 411 (Fla. 5th DCA 1981).

- Changes the term “item” to “proposition” throughout the bill for conformity.
- Deletes the phrase “with respect to the rights or interests of a person” from (3)(d) to prevent confusion over whom or what constitutes a “person.”
- Clarifies that the restrictions on rules and policies apply only to those governing the opportunity to be heard.
- Rephrases (4)(a), relating to specifying a limit on the time an individual has to address a board or commission, to provide more flexibility by instead specifying that a board or commission may provide guidelines relating to the time an individual may speak.
- Rephrases (4)(b), relating to requiring a selection of a representative of a group or faction, to provide more flexibility by instead specifying that a board or commission may prescribe procedures for allowing representatives of a group or faction to address the board or commission.
- Replaces the phrase “it is presumed that” in (5) with “is deemed to be” to prevent confusion about whether the subsection is creating a rebuttable legal presumption.
- Relocates the authorization of a circuit court to issue injunctions before the attorney fee provisions for drafting clarity.
- Replaces the authorization of the circuit courts to issue injunctions with a circuit court for drafting clarity.
- Authorizes attorney fees at the appellate level in addition to at the circuit court level if a board or commission is found to have violated the section.
- Replaces references within the bill to “the act” with “the section” for clarity.
- Adds a finding of important state interest.
- Changes the bill’s effective date to from July 1, 2013 to October 1, 2013 to allow boards and commissions subject to ch. 120, F.S., to promulgate rules.

B. Amendments:

None.