

**SOUTH BROWARD DRAINAGE DISTRICT
GOVERNING BOARD MEETING MINUTES
FEBRUARY 28, 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 8:06 A.M., followed by the Pledge of Allegiance.

02. PUBLIC COMMENT

Mr. Robert MacFarlane, resident of the Town of SWR, requested that the District waive its assessment fee on properties owned by 100% disabled veterans. He said there are only seven (7) properties owned by permanent and totally disabled veterans in the Town of SWR, and that the Town has waived its non-advalorem assessments on these properties.

Commissioner Minnaugh said she is in favor of waiving the fees, and would like District Director Hart to do research regarding all veterans that are 100% disabled related to their military services within the District's boundaries, so that the Board may consider waiving the assessments and exempting their taxes paid to SBDD District-wide. She suggested that the Board add this item to the Agenda at the next Board meeting for further discussion. Chair Hodges said this matter is to be presented before the Board in the form of a Resolution at the next Board meeting. Commissioner Mersinger requested information on the total number of disabled veterans within the District's boundaries in order to have an idea on what the District will be looking at if they go District-wide on this matter.

03. APPROVAL OF MINUTES

Prior to the approval of the minutes, Commissioner Good noted the following changes:

- Item 5, on the topic of the variance request for the Montecino property, Commissioner Good stated that minutes should reflect "All electrical elements, with the exception of the conduit, has been removed from the dock, etc."
- In the 1st paragraph following the numbered items on the variance request, Commissioner Good

stated that the minutes should reflect that the requested variance is to allow a dock to “remain” and not to be constructed

Commissioner Minnaugh moved for approval of the January 31, 2013, South Broward Drainage District Board meeting minutes as corrected. Motion was seconded by Commissioner Goggin and it was carried unanimously.

04. DISTRICT DIRECTOR'S REPORT

A. APPROVAL OF ANNUAL FINANCIAL STATEMENT FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2012

District Director Hart introduced Barry Fink, CPA, a partner with Margolies, Fink and Wichrowski, Certified Public Accounts (MFW), to present the final report of the SBDD Financial Statement for the Fiscal Year Ending September 30, 2012. Mr. Fink indicated that there were no changes made since the draft report was presented at the previous Board meeting of January 31, 2013.

Commissioner Minnaugh moved for approval of the Annual Financial Statement for the Fiscal Year ending September 30, 2012. Motion was seconded by Commissioner Goggin and it was carried unanimously.

B. RELEASE AND VACATION OF SBDD DRAINAGE EASEMENTS IN COUNTRY LAKES N.W. QUADRANT

Agenda item #4D was moved up on the agenda.

District Director Hart stated that South Broward Drainage District (SBDD) received a request to vacate the following SBDD Drainage Easements located within the Miramar Centre Business Park – Building B development:

1. A 30' Drainage Easement (DE) previously dedicated by separate instrument under OR Book 26332, Page 651, BCR.
2. A portion of the Drainage Easement previously dedicated by separate instrument under OR Book 41063, Page 200, BCR (Retention Areas D and E) .

The property is owned by Miramar Centre B, LLC.

As part of this request, the property owner will be dedicating a new Drainage Easement to SBDD to replace the vacated easements for the retention areas.

The reason for the request is to accommodate the proposed development plan for the property. SBDD has reviewed the proposed water management and drainage plan and has determined that the proposed plans meet SBDD Criteria.

SBDD staff has no objection to this vacation request.

There will be no financial impacts to this Agenda Item, other than SBDD administrative costs; all other costs will be incurred by the property owner.

Commissioner Minnaugh moved for approval to vacate the Drainage Easements located within the Miramar Centre Business Park – Building B development as presented by the District Director. Motion was seconded by Commissioner Goggin and it was carried unanimously.

C. AWARD CONTRACT

1. SBDD Homeland Security Outfall Culvert Relocation Project

District Director Hart stated that SBDD advertised for bids for the Homeland Security Outfall Culvert Relocation project in Pembroke Pines. They received a total of nine (9) bids. The bid amounts ranged in price from \$70,060.00 to \$143,935.00. The lowest bid received was submitted by Pierson, Inc. in the amount of \$70,060.00. SBDD has reviewed the bid submitted by Pierson, Inc. and has determined that the Contractor is qualified to perform the work and that the bid meets all requirements. SBDD has checked references for Pierson, Inc. and all references were positive.

This project is part of the Settlement Agreement between 15500 Pines Boulevard Corporation and Pembroke Plaza Partners, LLC (Pembroke Plaza); Grand Palms Golf & Country Club (Grand Palms); and SBDD, which was ordered and adjudged on November 11, 2012.

The Settlement Agreement states in part that “the maximum exposure of the SBDD for the cost of construction of the Improvements shall not exceed \$25,500.00”.

The Settlement Agreement also states in part “if Pembroke Plaza agrees in writing, in its sole discretion, to be responsible for the amount of the lowest responsible bid price for constructing the Improvements in excess of \$60,000.00, the SBDD shall be obligated to proceed with awarding the bid to said lowest, responsible bidder.”

In accordance with the Settlement Agreement, District Director Hart recommended that the District award the contract for the Homeland Security Outfall Culvert Relocation project to Pierson, Inc. as the lowest, responsible bidder in the amount of \$70,060.00, subject to the receipt of payment from Pembroke Plaza as outlined in Paragraph 15 of Settlement Agreement. This will complete the work required under the Settlement Agreement. Funding for this project will come from the SBDD Capital Improvement Committed Account.

Commissioner Minnaugh moved for approval to award the Homeland Security Outfall Culvert Relocation project to Pierson, Inc. for a not to exceed amount of \$70,060.00; contingent upon all parties fulfilling Paragraph 15 of the Settlement Agreement. Motion was seconded by Commissioner Goggin.

District Director Hart said that the work should begin between May 1st and May 15th.

Commissioner Good asked for clarification on who has ultimate maintenance responsibility for the improvements. Attorney Bell clarified that the new owner of the Homeland Security property, NGP-V, will have ultimate responsibility to maintain the improvements.

The question was called and it was carried unanimously.

2. SBDD Hollybrook Outfall Culvert Repair Project

District Director Hart stated that SBDD advertised for bids for the Hollybrook Outfall Culvert

Repair project in Pembroke Pines. They received a total of three (3) bids. The bid amounts ranged in price from \$74,550.00 to \$186,370.00. The lowest bid received was submitted by Shenandoah General Construction Company (Shenandoah) in the amount of \$74,550.00. SBDD has reviewed the bid submitted by Shenandoah and has determined that the Contractor is qualified to perform the work and that the bid meets all requirements. Shenandoah has performed similar work for SBDD in the past and the District has been satisfied with their work.

Repairs to the Hollybrook outfall culvert are included as part of the District's 2012-2013 Capital Improvement Plan (CIP). The budgeted amount under the CIP is \$80,000. District Director Hart said that since this culvert also serves the City of Pembroke Pines as well as the District, the City has agreed to cost-share with the District in the amount of \$24,000.00.

District Director Hart requested Board approval for the contract award of the SBDD Hollybrook Outfall Culvert Repair Project to Shenandoah General Construction Company in the amount of \$74,550.00 as the lowest responsive, responsible bidder.

Funding for this project will come from the SBDD Capital Improvement Committed Account, and the City of Pembroke Pines has agreed to contribute \$24,000 towards this project.

Commissioner Goggin moved for approval to award the SBDD Hollybrook Outfall Culvert Repair Project to Shenandoah General Construction Company in the amount of \$74,550.00. Motion was seconded by Commissioner Minnaugh.

The work for this project is expected to begin towards the end of March, beginning April of this year.

Commissioner Mersinger had concerns on the type of response the District had from the community regarding the removal of the trees.

District Director Hart explained that the District has already received a permit from the City to remove the trees along the length of the culvert. Portions of the culvert are in the public right-of-way and therefore, require no approvals from property owners. However, on the trees within the easements, the District has coordinated with the property owners and have obtained their agreement to remove the trees. They have been very supportive and understanding of this, especially when the District showed the homeowners pictures of the extent of damage that the tree roots have caused. He said that the District has also coordinated with the HOA and property management company within the community, and made them aware of the work that will be taking place along the streets and within the right-of-way.

District Director Hart said that the City of Pembroke Pines is not requiring the District to do any tree replacements and have been very supportive of efforts by the District when it comes to drainage and trees that are causing damage to culverts, and in trying to protect the pipes.

Commissioner Good made the suggestion that pictures should be taken to show the process of the repair work from beginning to end. District Director Hart agreed.

Vice Chair Ryan asked District Director Hart if the District is held under the same standard that the City of Pembroke Pines has regarding a resident removing a tree and replacing it with two trees. District Director Hart replied no; since the tree removal work that is being done specifically impacts drainage, the District is not required to replace them on this particular

project.

The question was called and it was carried unanimously.

D. RELEASE AND VACATION OF A PORTION OF A SBDD CANAL RESERVATION IN SOUTHWEST RANCHES, FL

This item was pulled from the Agenda as it is no longer required. After further review by Attorney Bell, it was determined that the Canal Reservation in question was not recorded.

E. OTHER

1. Update on Capital Improvement Projects (CIP) for the current fiscal year

District Director Hart gave the Board an update on the District's CIP projects as follows:

- Upgrade of two water pump - Contract has been awarded and the project is currently under construction and going well.
 - Project to rebuild the gear heads at the S-7 Pump Station in Miramar – Project is currently out to bid.
 - Sluice gates at S-7 Pump Station – The construction drawings are complete (they were prepared in-house) and have been sent to SFWMD for permitting. The District has already received their first response letter from SFWMD and are confident they will be able to address the comments and obtain the permit. The District will then move forward with the construction and get the work done within the budget under the CIP.
 - Hollybrook contract has just been awarded – Work is expected to begin within the next 30 to 60 days.
 - Grand Palms Improvements – Contract has just been awarded and the work is expected to start by the beginning to middle of May.
 - SWR Drainage Improvements – District Director Hart has had discussions with the Town Engineer regarding some of those improvements; preliminary sketches have been prepared. District Director Hart said that he will follow-up with the Town Engineer and will coordinate on their priorities and efforts as well.
 - Remaining items are in the Preliminary research and design phase. He said that the District may postpone the pipeliner project on Johnson St. and Palm Avenue. District Director Hart said he has conferred with the City of Pembroke Pines on cost-sharing for this project, to see if it is possible to do this as a joint project, and if the City of Pembroke Pines can include it in their fiscal budget for next year.
 - B-3 Improvements are 100% successfully complete.
2. Article regarding taxing Districts – District Director Hart commented on an article in the Sun-Sentinel regarding taxing districts and where the Sunshine Water Control District is having issues with the City of Coral Springs on tree removals. District Director Hart commented that Commissioner Mersinger alluded to this in her previous comments. District Director Hart commented that as far as SBDD, they will continue to work cooperatively with the cities.
3. NatureScope Emerald Award – District Director Hart stated that SBDD was selected by Broward County for the NatureScope Emerald Award. He said that the District was recognized for their efforts in water quality in the SWR area; and in implementing BMPs within the nursery businesses in Southwest Ranches; as well as improvements that were done on the District's property. A formal presentation will be held on March 9th at the Annual Broward Water Matters Day at Tree Tops Park.

4. Update on the Variance for Montecino property – District Director Hart updated the Board of Commissioners on the dock issue at the Montecino property. He said that the homeowner determined that the cost to raise the dock is not feasible for them; so they decided that it would be better for them to remove it.

Discussion ensued among members of the Commission. After further review of the pictures of the dock/deck, the Board of Commissioners concluded that the construction seems to be superior to most dock/decks, and since the homeowner has an Engineer's certification that states the structure is solid, that perhaps this could be brought back for reconsideration.

Commissioner Minnaugh made a motion to reconsider the variance for the Montecino property. Vice Chair Ryan seconded the motion and it was carried unanimously.

Commissioner Minnaugh made a motion to approve the variance to allow the existing dock to remain approximately one (1) foot above the control water elevation with the condition that the platform and all electrical conduit is totally removed; and for the railing to be closed off; and when the title of the property is transferred out of both names, the entire dock/deck shall be totally removed including the concrete pillars in the water, or the homeowner will bring the dock/deck into total compliance. The homeowner is to pay 100% of all costs in getting this done, if agreed. Vice Chair Ryan seconded the motion.

Commissioner Goggin had concerns regarding the removal of the electrical conduit/boxes. He had questions that if by removing the conduit/boxes from the tiki hut/dock/deck, this would jeopardize the integrity of the posts? District Director Hart replied that he does not see this as an issue.

Attorney Bell suggested that the language should be worded that if the title is transferred out of either name, into a third party or subsequent property owner, then the dock/deck will be removed.

The question was called and it was carried unanimously.

5. FASD Annual Conference – District Director Hart noted that this year's FASD Annual Conference will be held on June 10th thru June 14th at the Bonaventure Resort & Spa in Weston.

05. ATTORNEY'S REPORT:

Attorney Bell made mention of Senate Bill 538, which has a house companion and which Senator Ring has proposed. Attorney Bell said he spoke to Terry Lewis, FASD Attorney, and that Mr. Lewis indicated he does not see this Bill moving forward. Attorney Bell said that he will continue to follow this and will keep the Board apprised.

Attorney Bell indicated that Senate Bill 2 could possibly affect him, Commissioner Good, who works for the City of Miramar, and Commissioners working for the School Board. He said it is moving quite rapidly. He read Section 112-31-25 of the Bill and pointed out that depending on how this is interpreted, it could become a problem. He said that he will follow this Bill closely as well.

06. APPROVAL OF LEGAL FEES

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

07. BOARD MEMBER’S QUESTIONS/COMMENTS

Commissioner Santana-Woodall commented that a while back SBDD had a volunteer worker named Billy Moonen from West Broward High School. He is in his second or third year of college and he had such a good experience with SBDD that he decided to study engineering.

Chair Hodges mentioned that SBDD was well represented this past weekend at the Joe DiMaggio Tour de Broward by himself and District Director Hart.

District Director Hart commented that SBDD also hosted the Broward Leaders Water Academy meeting last month and the District was well represented.

08. MEETING DATE

A. The Next Regular Board Meeting will be held on **Thursday, March 28th at 8:00 a.m.**

Adjournment at 9:12 A.M.

Respectfully submitted,

Robert E. Goggin IV, Secretary
South Broward Drainage District

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MEMORANDUM

DATE: March 21, 2013
TO: South Broward Drainage District Commissioners
FROM: Kevin M. Hart, P.E.
District Director
Subject: Contract Award for SBDD Stormwater Gear Drive Replacement at the S-7 Pump Station in Miramar

Comments:

SBDD advertised for bids for the Stormwater Gear Drive Replacement at the S-7 Pump Station in Miramar. We received a total of four (4) bids. The bids ranged in price from \$41,511.00 to \$58,700.00. Each bidder was required to attend a mandatory prebid meeting and to visit the site location with a SBDD representative as a prerequisite to submitting a bid. A copy of the Bid Summary is attached.

The lowest bid received was submitted by FPI Pumps, Inc. (FPI) in the amount of \$41,511.00. SBDD has reviewed the bid submitted by FPI and has determined that the Contractor is qualified to perform the work and that the bid meets all requirements. FPI has performed work for the District in the past and the District has been satisfied with their work.

I am recommending that the District award the contract for the SBDD Stormwater Gear Drive Replacement at the S-7 Pump Station in Miramar to FPI Pumps, Inc. in the amount of \$41,511.00 as the lowest responsive, responsible bidder.

Financial impacts to this Agenda Item: The work covered under this project is included as part of the District's 2012-2013 Capital Improvement Plan (CIP) with a budgeted amount of \$45,000; and funding for the project will come from the SBDD Capital Improvement Committed Account.

This is to request approval to award the contract for the SBDD Stormwater Gear Drive Replacement at the S-7 Pump Station in Miramar to FPI Pumps, Inc. in the amount of \$41,511.00. Funding for this project will come from the SBDD Capital Improvement Committed Account.

KH
Attachment

BID TABULATION

SOUTH BROWARD DRAINAGE DISTRICT

STORMWATER PUMP GEAR DRIVE REPLACEMENT AT S-7 PUMP STATION IN MIRAMAR

Monday, March 18, 2013

(BID RESULTS HAVE NOT BEEN FULLY EVALUATED)

<u>COMPANY NAME</u>	<u>TOTAL BID AMOUNT</u>	<u>COMMENTS</u>
FPI PUMPS, INC.	\$41,511.00	
D&J MACHINERY	\$54,661.31	
MWI PUMPS	\$55,465.00	
CREEL PUMP INC.	\$58,700.00	

MEMORANDUM

DATE: March 21, 2013
TO: South Broward Drainage District Commissioners
FROM: Kevin M. Hart, P.E.
District Director
Subject: Proposed Resolution No. 2013-02

Comments:

Proposed Resolution 2013-02 provides for an exemption from SBDD's annual tax for properties that are owned by totally and permanently disabled veterans and their eligible spouses, beginning with the 2013 tax year.

The proposed Resolution refers to Section 196.081, Florida Statutes which provides for an exemption from taxation for certain totally and permanently disabled veterans and for their eligible surviving spouses. A copy of Section 196.081, Florida Statutes is attached for reference.

If approved, Resolution 2013-02 would exempt from payment of SBDD's annual tax, homestead property in the District owned by totally and permanently disabled veterans and their eligible surviving spouses, who qualify for and receive an exemption from taxation from the Broward County Property Appraiser (BCPA) pursuant to Section 196.081, Florida Statutes. According to the BCPA's Office, there are currently, 207 properties in SBDD's jurisdictional boundaries that would qualify for and receive this exemption.

Financial impacts to this Agenda Item: approval of Resolution No. 2013-02 would result in a reduction in SBDD's annual revenues of approximately \$6,417 (based on the 2012/2013 figures provided by the BCPA Office).

KH
Attachments

**SOUTH BROWARD DRAINAGE DISTRICT
RESOLUTION NO. 2013-02**

RESOLUTION OF THE SOUTH BROWARD DRAINAGE DISTRICT PROVIDING FOR AN EXEMPTION, BEGINNING WITH THE 2013 TAX YEAR, FROM THE PAYMENT OF THE DISTRICT'S ANNUAL TAX FOR HOMESTEAD PROPERTY OWNED BY TOTALLY AND PERMANENTLY DISABLED VETERANS AND THEIR ELIGIBLE SURVIVING SPOUSES WHO QUALIFY FOR AND RECEIVE AN EXEMPTION FROM TAXATION FROM THE BROWARD COUNTY PROPERTY APPRAISER PURSUANT TO SECTION 196.081, FLORIDA STATUTES; 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's boundaries encompass approximately 72.8 square miles and encompasses portions of five municipalities as follows: City of Miramar; City of Pembroke Pines; City of Hollywood; Town of Davie; and the Town of Southwest Ranches; and

WHEREAS, the District's levies and imposes an annual tax on all assessable property within the District for the purposes as provided for in the District Charter, to wit: Chapter 98-524, Laws of Florida, as amended; and

WHEREAS, Section 41 of the District's Charter authorizes the District to levy an annual tax on all lands within the District; and

WHEREAS, Section 41 of the District's Charter does not require the District to levy its annual tax on all lands within the District; and

WHEREAS, Section 196.081, Florida Statutes provides for an exemption from taxation for certain totally and permanently disabled veterans and for their eligible surviving spouses; and

WHEREAS, SBDD wishes to provide an exemption from the District's annual tax for totally and permanently disabled veterans and their eligible surviving spouses who qualify for and receive an exemption from the Broward County Property Appraiser from taxation pursuant to Section 196.081, Florida Statutes; and

WHEREAS, in order to qualify for this exemption, the veteran or eligible surviving spouse must meet the same requirements as those stated in Section 196.081, Florida Statutes; and

WHEREAS, homestead property within the District's jurisdictional boundaries that qualifies for and receives a tax exemption under Section 196.081, Florida Statutes as determined by the Broward County Property Appraiser's Office should automatically qualify for a 100% exemption from the District's annual tax; and

WHEREAS, a public hearing was held at 8:00 A.M. on Thursday, March 28, 2013 at the

offices of the South Broward Drainage District located at 6591 S.W. 160th Avenue, Southwest Ranches, Florida 33331 for the purpose of approving an exemption from the District's annual tax for certain totally and permanently disabled veterans and their eligible surviving spouses who qualify for and receive an exemption from taxation pursuant to Section 196.081, Florida Statutes;

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 has determined that beginning with the 2013 tax year, it is fair and reasonable not to impose its annual tax upon properties owned by totally and permanently disabled veterans and their eligible surviving spouses who qualify for and receive an exemption from taxation pursuant to Section 196.081, Florida Statutes.

3. The District, beginning with the 2013 tax year, hereby exempts from payment of its annual tax, homestead property owned by totally and permanently disabled veterans and their eligible surviving spouses who qualify for and receive an exemption from taxation from the Broward County Property Appraiser pursuant to Section 196.081, Florida Statutes.

4. The District Director and the District Attorney are authorized to and shall notify and direct the Broward County Property Appraiser to exempt from the District's annual tax, beginning with the 2013 tax year, all property owned by totally and permanently disabled veterans and their eligible surviving spouses who have been granted the exemption provided by Section 196.081, Florida Statutes by the Broward County Property Appraiser.

5. This exemption shall expire when and if the Broward County Property Appraiser determines that the exempt property is no longer eligible for the exemption authorized by this Resolution 2013-02.

6. The District Director or the District Attorney shall deliver a copy of this Resolution 2013-02 to the Broward County Property Appraiser.

7. The District Board of Commissioners reserve the right to rescind or modify this Resolution 2013-02 by subsequent District Resolution approved and adopted by the District Board of Commissioners.

8. If any one or more of the covenants, agreements or provisions of this Resolution 2013-02, 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.

9. 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^o 2013-02 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

The Florida Senate

2012 Florida Statutes

TITLE XIV TAXATION AND FINANCE	CHAPTER 196 EXEMPTION	VIEW ENTIRE CHAPTER
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196.081 Exemption for certain permanently and totally disabled veterans and for surviving spouses of veterans.—

(1) Any real estate that is owned and used as a homestead by a veteran who was honorably discharged with a service-connected total and permanent disability and for whom a letter from the United States Government or United States Department of Veterans Affairs or its predecessor has been issued certifying that the veteran is totally and permanently disabled is exempt from taxation, if the veteran is a permanent resident of this state on January 1 of the tax year for which exemption is being claimed or was a permanent resident of this state on January 1 of the year the veteran died.

(2) The production by a veteran or the spouse or surviving spouse of a letter of total and permanent disability from the United States Government or United States Department of Veterans Affairs or its predecessor before the property appraiser of the county in which property of the veteran lies is prima facie evidence of the fact that the veteran or the surviving spouse is entitled to the exemption.

(3) If the totally and permanently disabled veteran predeceases his or her spouse and if, upon the death of the veteran, the spouse holds the legal or beneficial title to the homestead and permanently resides thereon as specified in s. 196.031, the exemption from taxation carries over to the benefit of the veteran's spouse until such time as he or she remarries or sells or otherwise disposes of the property. If the spouse sells the property, an exemption not to exceed the amount granted from the most recent ad valorem tax roll may be transferred to his or her new residence, as long as it is used as his or her primary residence and he or she does not remarry.

(4)(a) Any real estate that is owned and used as a homestead by the surviving spouse of a veteran who died from service-connected causes while on active duty as a member of the United States Armed Forces and for whom a letter from the United States Government or United States Department of Veterans Affairs or its predecessor has been issued certifying that the veteran who died from service-connected causes while on active duty is exempt from taxation if the veteran was a permanent resident of this state on January 1 of the year in which the veteran died.

(b) The production by the surviving spouse of a letter that was issued as required under paragraph (a) and that attests the veteran's death while on active duty is prima facie evidence of the fact that the surviving spouse is entitled to an exemption under paragraph (a).

(c) The tax exemption that applies under paragraph (a) to the surviving spouse carries over to the benefit of the veteran's surviving spouse as long as the spouse holds the legal or beneficial title to the homestead, permanently resides thereon as specified in s. 196.031, and does not remarry. If the surviving spouse sells the property, an exemption not to exceed the amount granted from the most recent ad valorem tax roll may be transferred to his or her new residence as long as it is used as his or her primary residence and he or she does not remarry.

(5) An applicant for the exemption under this section may apply for the exemption before receiving the necessary documentation from the United States Government or the United States Department of Veterans Affairs or its predecessor. Upon receipt of the documentation, the exemption shall be granted as of the date of the original application, and the excess taxes paid shall be refunded. Any refund of excess taxes paid shall be limited to those paid during the 4-year period of limitation set forth in s. 197.182(1)(e).

History.—s. 1, ch. 57-778; s. 1, ch. 65-193; ss. 1, 2, ch. 69-55; s. 2, ch. 71-133; s. 1, ch. 76-163; s. 1, ch. 77-102; s. 1, ch. 83-71; s. 10, ch. 86-177; s. 1, ch. 92-167; s. 62, ch. 93-268; s. 1, ch. 93-400; s. 1, ch. 97-157; s. 2, ch. 2012-54; s. 19, ch. 2012-193.

Note.—

A. Section 3, ch. 2012-54, provides that:

"Construction.—

"(1) The revisions to s. 196.081, Florida Statutes, made by this act operate prospectively to the 2013 tax roll and do not provide a basis for relief from an assessment of taxes not paid or create a right to a refund of taxes paid before January 1, 2013.

"(2) The provisions of s. 196.081(5), Florida Statutes, as created by this act apply to the homestead exemption of the surviving spouse of a first responder whose death occurs before, on, or after the effective date of this act." Subsection (5), as created by s. 2, ch. 2012-54, was redesignated as subsection (6) by the editors to conform to the fact that s. 19, ch. 2012-193, also created a subsection (5).

B. Section 5, ch. 2012-54, provides that "[e]xcept as otherwise expressly provided in this act and except for this section, which shall take effect July 1, 2012, this act shall take effect on the same date that CS for SJR 1056, or a similar joint resolution having substantially the same specific intent and purpose, takes effect if approved by the electors at the general election held in November 2012 or at an earlier special election specifically authorized by law for that purpose." Senate Joint Resolution 1056 did not pass; House Joint Resolution 93, which was substantially similar to Senate Joint Resolution 1056, did pass. If House Joint Resolution 93 is approved by a vote of the electors, s. 196.081, as amended by s. 19, ch. 2012-193, and s. 2, ch. 2012-54, will read:

196.081 Exemption for certain permanently and totally disabled veterans and for surviving spouses of veterans; exemption for surviving spouses of first responders who die in the line of duty.—

(1) Any real estate that is owned and used as a homestead by a veteran who was honorably discharged with a service-connected total and permanent disability and for whom a letter from the United States Government or United States Department of Veterans Affairs or its predecessor has been issued certifying that the veteran is totally and permanently disabled is exempt from taxation, if the veteran is a permanent resident of this state on January 1 of the tax year for which exemption is being claimed or was a permanent resident of this state on January 1 of the year the veteran died.

(2) The production by a veteran or the spouse or surviving spouse of a letter of total and permanent disability from the United States Government or United States Department of Veterans Affairs or its predecessor before the property appraiser of the county in which property of the veteran lies is prima facie evidence of the fact that the veteran or the surviving spouse is entitled to the exemption.

(3) If the totally and permanently disabled veteran predeceases his or her spouse and if, upon the death of the veteran, the spouse holds the legal or beneficial title to the homestead and permanently resides thereon as specified in s. 196.031, the exemption from taxation carries over to the benefit of the veteran's spouse until such time as he or she remarries or sells or otherwise disposes of the property. If the spouse sells the property, an exemption not to exceed the amount granted from the most recent ad valorem tax roll may be transferred to his or her new residence, as long as it is used as his or her primary residence and he or she does not remarry.

(4) Any real estate that is owned and used as a homestead by the surviving spouse of a veteran who died from service-connected causes while on active duty as a member of the United States Armed Forces and for whom a letter from the United States Government or United States Department of Veterans Affairs or its predecessor has been issued certifying that the veteran who died from service-connected causes while on active duty is exempt from taxation if the veteran was a permanent resident of this state on January 1 of the year in which the veteran died.

(a) The production of the letter by the surviving spouse which attests to the veteran's death while on active duty is prima facie evidence that the surviving spouse is entitled to the exemption.

(b) The tax exemption carries over to the benefit of the veteran's surviving spouse as long as the spouse holds the legal or beneficial title to the homestead, permanently resides thereon as specified in s. 196.031, and does not remarry. If the surviving spouse sells the property, an exemption not to exceed the amount granted under the most recent ad valorem tax roll may be transferred to his or her new residence as long as it is used as his or her primary residence and he or she does not remarry.

(5) An applicant for the exemption under this section may apply for the exemption before receiving the necessary documentation from the United States Government or the United States Department of Veterans Affairs or its predecessor. Upon receipt of the documentation, the exemption shall be granted as of the date of the original application, and the excess taxes paid shall be refunded. Any refund of excess taxes paid shall be limited to those paid during the 4-year period of limitation set forth in s. 197.182(1)(e).

(6) Any real estate that is owned and used as a homestead by the surviving spouse of a first responder who died in the line of duty while employed by the state or any political subdivision of the state, including authorities and special districts, and for whom a letter from the state or appropriate political subdivision of the state, or other authority or special district, has been issued which legally recognizes and certifies that the first responder died in the line of duty while employed as a first responder is exempt from taxation if the first responder and his or her surviving spouse were permanent residents of this state on January 1 of the year in which the first responder died.

(a) The production of the letter by the surviving spouse which attests to the first responder's death in the line of duty is prima facie evidence that the surviving spouse is entitled to the exemption.

(b) The tax exemption applies as long as the surviving spouse holds the legal or beneficial title to the homestead, permanently resides thereon as specified in s. 196.031, and does not remarry. If the surviving spouse sells the property, an exemption not to exceed the amount granted under the most recent ad valorem tax roll may be transferred to his or her new residence if it is used as his or her primary residence and he or she does not remarry.

(c) As used in this subsection only, and not applicable to the payment of benefits under s. 112.19 or s. 112.191, the term:

1. "First responder" means a law enforcement officer or correctional officer as defined in s. 943.10, a firefighter as defined in s. 633.30, or an emergency medical technician or paramedic as defined in s. 401.23 who is a full-time paid employee, part-time paid employee, or unpaid volunteer.

2. "In the line of duty" means:

- a. While engaging in law enforcement;
- b. While performing an activity relating to fire suppression and prevention;
- c. While responding to a hazardous material emergency;
- d. While performing rescue activity;
- e. While providing emergency medical services;
- f. While performing disaster relief activity;
- g. While otherwise engaging in emergency response activity; or
- h. While engaging in a training exercise related to any of the events or activities enumerated in this subparagraph if the training has been authorized by the employing entity.

A heart attack or stroke that causes death or causes an injury resulting in death must occur within 24 hours after an event or activity enumerated in this subparagraph and must be directly and proximately caused by the event or activity in order to be considered as having occurred in the line of duty.

Note.— Former s. 192.111.

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MEMORANDUM

DATE: March 21, 2013
TO: South Broward Drainage District Commissioners
FROM: Kevin M. Hart, P.E.
District Director
Subject: Sale of SBDD Surplus Equipment

Comments:

Pursuant to Chapter 274, Florida Statutes, SBDD has identified certain properties (equipment) as surplus equipment. This surplus equipment is considered obsolete and its continued use is inefficient and serves no useful function to the District. A listing of SBDD's surplus equipment is attached.

It is recommended that SBDD's surplus equipment be sold to the highest responsible bidder in accordance with Section 274.06, Florida Statutes. It is further recommended that the surplus equipment be sold "as is" in individual lots as shown on the attached list to the highest responsible bidder for each lot. Any lots for which the District does not receive an acceptable bid will be lawfully disposed of in accordance with state, county and local laws and Chapter 274, Florida Statutes.

Financial impacts to this Agenda Item: approval of this agenda item will allow SBDD to sell its surplus equipment to the highest responsible bidder, with any generated revenue being placed back into the General Operating Fund. It is estimated that the sale of the District's surplus equipment will generate between \$10,000 and \$15,000.

This request is for approval to allow SBDD to sell its surplus equipment as identified in the attached list in accordance with Chapter 274, Florida Statutes.

KH
Attachments

BID LOTS

ITEM DESCRIPTION	LOT NUMBER
<p>Truck Make – FORD Model – F350XL Year – 1996 Diesel 7.2 Direct Injection Turbo Miles – 137494 A/C Running Strong – Six (6) side utility/tool compartments and 9’L x 4’W x 27”D Cargo Area. Interior drivers side (vinyl) torn and is in need of repair.</p>	#1
<p>Storm Water Pump Make – G&H 25,000 GPM Belt drive w/Pulley included In need of reconditioning.</p>	#2
<p>Outboard Motors Make 1) Mercury 9.9 HP Fourstroke – Year 2003 2) Mercury 9.9 HP Fourstroke – Year 2006 3) Mercury 9.9 HP Fourstroke – Year 2006 4) Mercury 9.9 HP Fourstroke – Year 2006 5) Mercury 9.9 HP Fourstroke – Year 2009 Various different states of disrepair.</p>	#3
<p>Caterpillar Industrial Engine Model – 3306 / 6 Cylinders Hrs – 2880/ w PTO Belt Drive S/N – 6609141</p>	#4
<p>Caterpillar Industrial Engine Model – D330 / 4 Cylinders Hrs – 123??/ w PTO Belt Drive S/N – 2B2693</p>	#5

<p>Caterpillar Industrial Engine</p> <p>Model – D330 / 4 Cylinders Hrs – 363??/ w PTO Belt Drive & Muffler S/N – 2B2693</p>	<p>#6</p>
<p>Aluminum Flappers</p> <p>1 - Flapper 54" Diameter 3 - Flappers 66" Diameter</p> <p>All 4 Flappers have 2 Top Brackets on each Flapper Drilled out for Bolt Mounts.</p>	<p>#7</p>
<p>Diesel Generator GenSet</p> <p>Model – Kohler Generator 15 KW MWM Diesel Motor 23.5 HP Hrs – 1003</p>	<p>#8</p>

The Florida Senate

2011 Florida Statutes

TITLE XVIII PUBLIC LANDS AND PROPERTY	CHAPTER 274 TANGIBLE PERSONAL PROPERTY OWNED BY LOCAL GOVERNMENTS	VIEW ENTIRE CHAPTER
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CHAPTER 274
TANGIBLE PERSONAL PROPERTY OWNED BY LOCAL GOVERNMENTS

- 274.01 Definitions.
- 274.02 Record and inventory of certain property.
- 274.03 Property supervision and control.
- 274.04 Property acquisition.
- 274.05 Surplus property.
- 274.06 Alternative procedure.
- 274.07 Authorizing and recording the disposal of property.
- 274.08 Penalty.
- 274.09 Construction.
- 274.10 Initiation of act.
- 274.11 County health department property.
- 274.12 Special districts subject to chapter.

274.01 Definitions.— The following words as used in this act have the meanings set forth in the below subsections, unless a different meaning is required by the context:

- (1) "Governmental unit" means the governing board, commission or authority of a county or taxing district of the state or the sheriff of the county.
- (2) "Custodian" means the person to whom the custody of county or district property has been delegated by the governmental unit.
- (3) "Property" means all tangible personal property, owned by a governmental unit, of a nonconsumable nature.
- (4) "Fiscal year" means the governmental unit's fiscal year established pursuant to law; otherwise, it means the calendar year.

History.—s. 1, ch. 59-163; s. 1, ch. 61-102.

274.02 Record and inventory of certain property.—

- (1) The word "property" as used in this section means fixtures and other tangible personal property of a nonconsumable nature.
- (2) The Chief Financial Officer shall establish by rule the requirements for the recording of property and for the periodic review of property for inventory purposes.

History.—s. 2, ch. 59-163; s. 8, ch. 69-82; s. 1, ch. 73-87; s. 5, ch. 82-104; s. 1, ch. 88-53; s. 5, ch. 96-209; s. 2, ch. 2004-296; s. 41, ch. 2006-122.

274.03 Property supervision and control.— A governmental unit shall be primarily responsible for the supervision and control of its property but may delegate to a custodian its use and immediate control and may require custody receipts. A governmental unit may assign to or withdraw from a custodian the custody of any of its property at any time; provided, that if the custodian is an officer elected by the people or appointed by the Governor, the property may not be withdrawn from the officer's custody without his or her consent. Each custodian shall be responsible to the governmental unit for the safekeeping and proper use of the property entrusted to his or her care. If the custodian is not a bonded officer, the governmental unit may require from the custodian a bond conditioned upon such safekeeping and proper use. In each county the sheriff shall be the custodian of the property of the office of sheriff.

History.—s. 3, ch. 59-163; s. 2, ch. 61-102; s. 186, ch. 95-148.

274.04 Property acquisition.— Whenever acquiring property, the governmental unit may pay the purchase price in full or may exchange property with the seller as a trade-in and apply the exchange allowance to the cost of the property acquired. If, whenever acquiring property, the governmental unit may best serve the interests of the county or district by outright sale of the property to be replaced, rather than by exchange as a trade-in, it may make the sale in a manner otherwise prescribed in this act for the disposal of property. The receipts from the sale may be treated as a current refund if the property to be acquired shall be contracted for within the same fiscal year of the governmental unit in which the property sold is disposed of.

History.—s. 4, ch. 59-163.

274.05 Surplus property.— A governmental unit shall have discretion to classify as surplus any of its property, which property is not otherwise lawfully disposed of, that is obsolete or the continued use of which is uneconomical or inefficient, or which serves no useful function. Within the reasonable exercise of its discretion and having consideration for the best interests of the county or district, the value and condition of property classified as surplus, and the probability of such property's being desired by the prospective bidder or donee to whom offered, the governmental unit may offer surplus property to other governmental units in the county or district for sale or donation or may offer the property to private nonprofit agencies as defined in s. 273.01(3) by sale or donation. If the surplus property is offered for sale and no acceptable bid is received within a reasonable time, the governmental unit shall offer such property to such other governmental units or private nonprofit agencies as determined by the governmental units on the basis of the foregoing criteria. Such offer shall disclose the value and condition of the property. The best bid shall be accepted by the governmental unit offering such surplus property. The cost of transferring the property shall be paid by the governmental unit or the private nonprofit agency purchasing or receiving the donation of the surplus property.

History.—s. 5, ch. 59-163; s. 21, ch. 94-226; s. 6, ch. 96-209; s. 1, ch. 96-236.

274.06 Alternative procedure.— Having consideration for the best interests of the county or district, a governmental unit's property that is obsolete or the continued use of which is uneconomical or inefficient, or which serves no useful function, which property is not otherwise lawfully disposed of, may be disposed of for value to any person, or may be disposed of for value without bids to the state, to any governmental unit, or to any political subdivision as defined in s. 1.01, or if the property is without commercial value it may be donated, destroyed, or abandoned. The determination of property to be disposed of by a governmental unit pursuant to this section instead of pursuant to other provisions of law shall be at the election of such governmental unit in the reasonable exercise of its discretion. Property, the value of which the governmental unit estimates to be under \$5,000, may be disposed of in the most efficient and cost-effective means as determined by the governmental unit. Any sale of property the value of which the governmental unit estimates to be \$5,000 or more shall be sold only to the highest responsible bidder, or by public auction, after publication of notice not less than 1 week nor more than 2 weeks prior to sale in a newspaper having a general circulation in the county or district in which is located the official office of the governmental unit, and in additional newspapers if

in the judgment of the governmental unit the best interests of the county or district will better be served by the additional notices; provided that nothing herein contained shall be construed to require the sheriff of a county to advertise the sale of miscellaneous contraband of an estimated value of less than \$5,000.

History.—s. 6, ch. 59-163; s. 22, ch. 94-226; s. 7, ch. 96-209.

274.07 Authorizing and recording the disposal of property.— Authority for the disposal of property shall be recorded in the minutes of the governmental unit. The disposal of property within the purview of s. 274.02 shall be recorded in the records required by that section.

History.—s. 7, ch. 59-163.

274.08 Penalty.— Any person who violates any provision of this act or any rule prescribed pursuant to its authority shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

History.—s. 8, ch. 59-163; s. 158, ch. 71-136.

274.09 Construction.— The provisions of this act shall be liberally interpreted to be cumulative and supplementary to any general, special or local law, heretofore or hereafter enacted.

History.—s. 10, ch. 59-163.

274.10 Initiation of act.— This act shall govern the administration of the property of each governmental unit from the beginning of such governmental unit's fiscal year next succeeding May 28, 1959.

History.—s. 11, ch. 59-163.

274.11 County health department property.— Title to property purchased by county health departments established pursuant to the provisions of chapter 154, whether purchased with federal, state or county funds, or any combination thereof, shall be vested in the board of county commissioners of the county where said county health department is located and shall be accounted for in accordance with the provisions of this chapter.

History.—s. 1, ch. 61-46.

274.12 Special districts subject to chapter.— Every special district governed by the provisions of this act shall comply with the provisions of this chapter.

History.—s. 12, ch. 79-183; s. 3, ch. 2004-296.

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