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2 An act relating to the Immokalee Water and  
3 Sewer District, an independent special district  
4 in Collier County, as created by chapter  
5 78-494, Laws of Florida, as amended; providing  
6 for a codified charter of its special acts in a  
7 single act and repealing all prior special acts  
8 relating to the Immokalee Water and Sewer  
9 District, as required by chapter 97-255, Laws  
10 of Florida; defining its boundaries; providing  
11 definitions; authorizing the district to  
12 operate a water and sewer system; providing for  
13 a governing board of the district; restricting  
14 the use of funds of the district; providing the  
15 powers of the board; providing for water rates  
16 and service charges; providing for special  
17 assessments; providing for the collection of  
18 rates and charges; requiring certain persons to  
19 connect to the sewer system established under  
20 the act under certain circumstances; providing  
21 a declaration of policy; providing for annual  
22 audits; providing for a referendum; providing  
23 an effective date.

24  
25 Be It Enacted by the Legislature of the State of Florida:

26  
27 Section 1. Chapter 78-494, Laws of Florida, as amended  
28 by chapters 93-366, 94-489, and 95-492, Laws of Florida, is  
29 codified, reenacted, amended, and repealed as provided herein.  
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1           Section 2. The charter of the Immokalee Water and  
2 Sewer District, an independent special district in Collier  
3 County, is re-created and reenacted to read:

4           Section 1. Short title.--This act may be known as the  
5 Immokalee Water and Sewer District Act.

6           Section 2. Boundaries.--There is hereby created in  
7 Collier County a special taxing district to be known as  
8 Immokalee Water and Sewer District. The district will include  
9 all that portion of Immokalee in said county described as  
10 follows:

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12           The North 300 feet of Section 1, Township 47  
13 South, Range 28 East; and all the lands in  
14 Sections 26, 27, 28, 29, 30, 31, 32, 33, 34,  
15 and 35, in Township 46 South, Range 29 East;  
16 together with all lands in Sections 1, 2, 3, 4,  
17 5, 6, 7, 8, 9, 10, 11, 15, and 16 in Township  
18 47 South, Range 29 East; together with all the  
19 lands in Sections 25, 35 and 36, Township 46  
20 South, Range 28 East, and Section 6 in Township  
21 47 South, Range 30 East. All the lands  
22 described being in Collier County, Florida.

23  
24           Section 3. Definitions.--Whenever used in this act,  
25 unless a different meaning clearly appears from the context:

26           (1) "County" means Collier County.

27           (2) "County commissioners" mean the Board of County  
28 Commissioners of Collier County.

29           (3) "Board" means the Board of Commissioners of the  
30 Immokalee Water and Sewer District.

31

1           (4) "Water systems" or "waterworks" means and includes  
2 all plants, systems, facilities, or properties used or useful  
3 or having the present capacity for future use in connection  
4 with the supply, transportation, or distribution of water, and  
5 any integral part thereof, including, but not limited to,  
6 water supply systems, water distribution systems, reservoirs,  
7 wells, intakes, mains, laterals, aqueducts, pumping stations,  
8 standpipes, filtration plants, purification plants, hydrants,  
9 meters, valves, and all necessary appurtenances and equipment,  
10 and all properties, rights, easements, and franchises relating  
11 thereto and deemed necessary or convenient by the district for  
12 the operation thereof.

13           (5) "Sewage" means the water-carried wastes created in  
14 and carried or to be carried away from residences, hotels,  
15 schools, hospitals, industrial establishments, commercial  
16 establishments, or any other private or public building,  
17 together with such surface or groundwater or household and  
18 industrial wastes as may be present.

19           (6) "Sewage disposal system" means and includes any  
20 plant, system, facility, or property used or useful or having  
21 the present capacity for future use in connection with the  
22 collection, treatment, purification, or disposal of sewage  
23 (including industrial wastes resulting from any processes of  
24 industry, manufacture, trade, or business or from the  
25 development of any natural resources), or any integral part  
26 thereof, including, but not limited to, treatment plants,  
27 pumping stations, intercepting sewers, trunk sewers, pressure  
28 lines, mains, and all necessary appurtenances and equipment,  
29 and all property, rights, easements, and franchises relating  
30 thereto and deemed necessary or convenient by the district for  
31 the operation thereof.

1           (7) "Sewers" include mains, pipes, and laterals for  
2 the reception of sewage and carrying such sewage to an outfall  
3 or some part of a sewage disposal system, including pumping  
4 stations where deemed necessary by the district.

5           (8) "Sewer system" embraces both sewers and sewage  
6 disposal systems and all property, rights, easements, and  
7 franchises relating thereto.

8           (9) "System" means and includes a water system or  
9 sewer system or any one or more thereof.

10           (10) "District" means the Immokalee Water and Sewer  
11 District created and established in Collier County by this  
12 act.

13           (11) "Bonds" mean bonds or revenue certificates or  
14 other financial obligations of the district which are part or  
15 all of an issue of such obligations issued pursuant to this  
16 act.

17           (12) "Sewer" includes in its meaning the word  
18 sewerage.

19           Section 4. Objects and purposes of the district.--The  
20 objects and purposes of the district are to acquire, purchase,  
21 lease, construct, improve, extend, operate, maintain, and  
22 finance any water system or systems or parts thereof, or any  
23 sewer system or systems or parts thereof serving such  
24 unincorporated areas and other customers and users as the  
25 district may determine. The district may acquire a supply of  
26 water either within or without the county. The district may  
27 itself own and operate water and sewer systems in  
28 unincorporated territory and may also sell and transport water  
29 to other systems, whether publicly or privately owned, and  
30 other users and consumers, provided the district shall not  
31

1 acquire, construct, or own any water distribution system in  
2 any other area except as stated herein.

3 Section 5. Governing body.--

4 (1) The governing body of the district shall be the  
5 Immokalee board of commissioners, consisting of seven members,  
6 each of whom shall be a registered voter, resident of the  
7 district, and citizen of the United States. Members of the  
8 board of commissioners shall be appointed by the Governor for  
9 terms of 4 years. Of the initial board, two members shall  
10 serve a term of 2 years; two members shall serve a term of 3  
11 years; and three members shall serve a term of 4 years.

12 Appointments to fill vacancies on the board of commissioners  
13 shall be for the unexpired term only. Four members constitute  
14 a quorum for the transaction of business. Each commissioner  
15 shall, before he or she enters upon his or her duties as  
16 commissioner, execute to the Governor a good and sufficient  
17 bond in the sum of \$1,000 with a qualified corporate surety  
18 conditioned to faithfully perform the duties of such  
19 commissioner and to account for all funds to come into his or  
20 her hands as such commissioner. All premiums payable for such  
21 bonds shall be paid from the funds of the district.

22 (2) If at any time a commissioner misses four  
23 consecutive regularly scheduled monthly meetings, the board  
24 shall review the absences. By majority vote of the board, the  
25 board may declare the position vacant. The board then shall  
26 inform the Governor of the vacancy and request the Governor to  
27 appoint a new commissioner to fill the vacancy for the  
28 unexpired term.

29 Section 6. Organization.--The board shall organize by  
30 electing from its number a chair, a vice chair, a secretary,  
31 and a treasurer. The members of the board shall serve 4-year

1 terms. No commissioner shall receive compensation for his or  
2 her services. Board members shall be reimbursed for travel  
3 and per diem pursuant to s. 112.061, Florida Statutes.

4 Section 7. Funds.--No funds of the district shall be  
5 used for any purpose other than the administration of the  
6 affairs and business of the district, the construction, care,  
7 maintenance, upkeep, operation, and repair of sewers and sewer  
8 and water systems in the district, as the board may determine  
9 to be for the best interest of the district and the  
10 inhabitants thereof. All disbursements of the funds of the  
11 district over the sum of \$1,500 shall be made pursuant to  
12 warrants or checks signed by the chair or vice chair and  
13 countersigned by the treasurer or the secretary of the board.

14 Section 8. Powers of board.--The Board of  
15 Commissioners of the Immokalee Water and Sewer District is  
16 authorized and empowered:

17 (1) To make rules and regulations for its own  
18 government and proceedings and to adopt an official seal for  
19 the district.

20 (2) To employ engineers, attorneys, accountants,  
21 financial or other experts, and such other agents and  
22 employees as said district board may require or deem necessary  
23 to effectuate the purposes of this law, or to contract for any  
24 such services, provided that the board may authorize its  
25 director to hire, discipline, and terminate employees, and  
26 give salary raises to employees, subject to review and  
27 approval by the board.

28 (3) To construct, install, erect, and acquire and to  
29 operate, maintain, improve, extend, or enlarge and reconstruct  
30 a water system or a sewer system or both within said district  
31 and the environs thereof and to have the exclusive control and

1 jurisdiction thereof, and to issue its general obligation  
2 bonds, revenue bonds, or assessment bonds, or any combination  
3 of the foregoing, to pay all or part of the cost of such  
4 construction, reconstruction, erection, acquisition, or  
5 installation of such water system, sewer system, or both,  
6 provided that the total amount of all general obligation  
7 indebtedness of the district issued pursuant to this law shall  
8 not exceed 15 percent of the assessed value of the taxable  
9 property in the district at the time of the creation of such  
10 district, to be ascertained by the assessed valuations for  
11 county taxes in effect at the time of the creation of such  
12 district.

13 (4) To regulate the use of sewers and the supply of  
14 water within the district, to prohibit the use and maintenance  
15 of outhouses, privies, septic tanks, or other unsanitary  
16 structures or appliances, and to regulate the use of sewers  
17 and the wastewater collection system within the district by  
18 instituting, maintaining, and enforcing a grease management  
19 program for the district's commercial and industrial  
20 customers.

21 (5) To fix and collect rates, fees, and other charges  
22 to persons or property or both for the use of the facilities  
23 and services provided by any water system or sewer system or  
24 both and to fix and collect charges for making connections  
25 with any such water system or sewer system and to provide for  
26 reasonable penalties on any users or property for any such  
27 rates, fees, or charges that are delinquent.

28 (6) To acquire in the name of the district, by  
29 purchase, gift, or the exercise of the right of eminent  
30 domain, such lands and rights and interest therein, including  
31 lands under water and riparian rights and to acquire such

1 personal property as it may deem necessary in connection with  
2 the construction, reconstruction, improvement, extension,  
3 installation, erection, or operation and maintenance of any  
4 water system or sewer system or both and to hold and dispose  
5 of all real and personal property under its control; however,  
6 nothing contained herein shall authorize the power of eminent  
7 domain to be exercised beyond the limits of the district.

8 (7) To exercise exclusive jurisdiction, control, and  
9 supervision over any water system or sewer system or both, or  
10 any part thereof, owned, operated, and maintained by the  
11 district, and to make and enforce such rules and regulations  
12 for the maintenance and operation of any water system or sewer  
13 system or both as may be, in the judgment of the district  
14 board, necessary or desirable for the efficient operation of  
15 any such systems or improvements in accomplishing the purposes  
16 of this law.

17 (8) To restrain, enjoin, or otherwise prevent the  
18 violation of this law or of any resolution, rule, or  
19 regulation adopted pursuant to the powers granted by this law.

20 (9) To join with any other district or districts,  
21 cities, towns, counties, or other political subdivisions,  
22 public agencies, or authorities in the exercise of common  
23 powers.

24 (10) To contract with municipalities or other private  
25 or public corporations or persons to provide or receive a  
26 water supply or for sewage disposal, collection, or treatment.

27 (11) To prescribe methods of pretreatment of  
28 industrial wastes not amenable to treatment with domestic  
29 sewage before accepting such wastes for treatment and to  
30 refuse to accept such industrial wastes when not sufficiently  
31 pretreated as may be prescribed, and by proper resolution to

1 prescribe penalties for the refusal of any person or  
2 corporation to so pretreat such industrial wastes.

3 (12) To require and enforce the use of its facilities  
4 whenever and wherever they are accessible.

5 (13) To sell or otherwise dispose of the effluent,  
6 sludge, or other byproducts as a result of sewage treatment.

7 (14) To accomplish construction by holding hearings,  
8 advertising for construction bids, and letting contracts for  
9 all or any part or parts of the construction of any water  
10 system or sewer system or both to the lowest responsible  
11 bidder or bidders or rejecting any and all bids at its  
12 discretion, provided that the district may purchase supplies,  
13 material, and equipment, as well as expend for construction  
14 work, in an amount not to exceed \$1,000 total cost of each  
15 transaction without advertising or receiving bids.

16 (15) To construct and operate connecting,  
17 intercepting, or outlet sewers and sewer mains and pipes and  
18 water mains, conduits, or pipelines in, along, or under any  
19 streets, alleys, highways, or other public places or ways  
20 within the state or any municipality or political subdivision  
21 necessary for the purposes of the district.

22 (16) Subject to such provisions and restrictions as  
23 may be set forth in the resolution authorizing or securing any  
24 bonds or other obligations issued under the provisions of this  
25 law, to enter into contracts with the Government of the United  
26 States or any agency or instrumentality thereof, or with any  
27 county, municipality, district, authority, or political  
28 subdivision, private corporation, partnership, association, or  
29 individual providing for or relating to the treatment,  
30 collection, and disposal of sewage, or the treatment, supply,  
31 and distribution of water and any other matters relevant

1 thereto or otherwise necessary to effect the purposes of this  
2 law, and to receive and accept from any federal agency, grants  
3 or loans for or in aid of the planning, construction,  
4 reconstruction, or financing of any water system or sewer  
5 system or both and to receive and accept aid or contributions  
6 or loans, from any other source, of money, property, labor, or  
7 other things of value, to be held, used, and applied only for  
8 the purpose for which such grants, contributions, or loans may  
9 be made.

10 Section 9. Assessable improvements; levy and payment  
11 of special assessments.--Any district may provide for the  
12 construction or reconstruction of assessable improvements as  
13 defined in s. 153.52, Florida Statutes, and for the levying of  
14 special assessments upon benefited property for the payment  
15 thereof, under the provisions of this section.

16 (1)(a) The initial proceeding under this section shall  
17 be the passage by the district board of a resolution ordering  
18 the construction or reconstruction of such assessable  
19 improvements, indicating the location by terminal points and  
20 routes and either giving a description of the improvements by  
21 its material, nature, character, and size or giving two or  
22 more descriptions with the directions that the material,  
23 nature, character, and size shall be subsequently determined  
24 in conformity with one of such descriptions. Sewer or water  
25 improvements need not be continuous and may be in more than  
26 one locality or street. The resolution ordering any such  
27 improvement may give any short and convenient designation to  
28 each improvement ordered thereby, and the property against  
29 which assessments are to be made for the cost of such  
30 improvement may be designated as an assessment district,  
31 followed by a letter or number or name to distinguish it from

1 other assessment districts, after which it shall be sufficient  
2 to refer to such improvement and property by such designation  
3 in all proceedings and assessments, except in the notices  
4 required by this section.

5 (b) A fund for the payment of bonds shall be created  
6 under this paragraph.

7 (2)(a) As soon as possible after the passage of such  
8 resolution, the engineer for the district shall prepare in  
9 duplicate plans and specifications for each improvement  
10 ordered thereby and an estimate of the cost thereof. Such  
11 cost shall include, in addition to the items of cost as  
12 defined in this law, the cost of relaying streets and  
13 sidewalks necessarily torn up or damaged and the following  
14 items of incidental expenses:

15 1. Printing and publishing notices and proceedings.

16 2. Costs of abstracts of title.

17 3. Any other expense necessary or proper in conducting  
18 the proceedings and work provided for in this section,  
19 including the estimated amount of discount, if any, upon the  
20 sale of assessment bonds or any other obligations issued  
21 hereunder for which such special assessments are to be  
22 pledged. If the resolution shall provide alternative  
23 descriptions of material, nature, character, and size, such  
24 estimate shall include an estimate of the cost of the  
25 improvement of each such description.

26 (b) The engineer shall also prepare in duplicate a  
27 tentative apportionment of the estimated total cost of the  
28 improvement as between the district and each lot or parcel of  
29 land subject to special assessment under the resolution, such  
30 apportionment to be made in accordance with the provisions of  
31 the resolution and in relation to apportionment of cost

1 provided herein for the preliminary assessment roll. Such  
2 tentative apportionment of total estimated cost shall not be  
3 held to limit or restrict the duties of the engineer in the  
4 preparation of such preliminary assessment roll. One of the  
5 duplicates of such plans, specifications, and estimates and  
6 such tentative apportionment shall be filed with the district  
7 clerk and the other duplicate shall be retained by the  
8 engineer in the engineer's files, all thereof to remain open  
9 to public inspection.

10 (3) The district clerk upon the filing with him or her  
11 of such plans, specifications, estimates, and tentative  
12 apportionment of cost shall publish once in a newspaper  
13 published in the county and circulating in the district, or  
14 posted as provided in s. 153.56, Florida Statutes, if there is  
15 no such newspaper, a notice stating that at a meeting of the  
16 district board on a certain day and hour, not earlier than 15  
17 days from such publication or posting, the district board will  
18 hear objections of all interested persons to the confirmation  
19 of such resolution, which notice shall state in brief and  
20 general terms a description of the proposed assessable  
21 improvements with the location thereof, and shall also state  
22 that plans, specifications, estimates, and tentative  
23 apportionment of cost thereof are on file with the district  
24 clerk. The district clerk shall keep a record in which shall  
25 be inscribed, at the request of any person, firm, or  
26 corporation having or claiming to have any interest in any lot  
27 or parcel of land, the name and post office address of such  
28 person, firm, or corporation, together with a brief  
29 description or designation of such lot or parcel, and it shall  
30 be the duty of the district clerk to mail a copy of such  
31 notice to such person, firm, or corporation at such address,

1 at least 10 days before the time for the hearing as stated in  
2 such notice, but the failure of the district clerk to keep  
3 such record or so to inscribe any name or address or to mail  
4 any such notice shall not constitute a valid objection to  
5 holding the hearing as provided in this section or to any  
6 other action taken under the authority of this section.

7 (4) At the time named in such notice, or to which an  
8 adjournment may be taken by the district board, the district  
9 board shall receive any objections of interested persons and  
10 may then or thereafter repeal or confirm such resolution with  
11 such amendments, if any, as may be desired by the district  
12 board and which do not cause any additional property to be  
13 specially assessed.

14 (5) All objections to any such resolution on the  
15 ground that it contains items which cannot be properly  
16 assessed against property, or that it is, for any default or  
17 defect in the passage or character of the resolution or the  
18 plans or specifications or estimate, void or voidable in whole  
19 or in part, or that it exceeds the power of the district  
20 board, shall be made in writing in person or by attorney and  
21 filed with the district clerk at or before the time or  
22 adjourned time of such hearing. Any objections against the  
23 making of any assessable improvements not so made shall be  
24 considered as waived, and if any objection is made and  
25 overruled or is not sustained, the confirmation of the  
26 resolution shall be the final adjudication of the issues  
27 presented unless proper steps are taken in a court of  
28 competent jurisdiction to secure relief within 20 days.

29 (6)(a) Whenever any resolution providing for the  
30 construction or reconstruction of assessable improvements and  
31 for the levying of special assessments upon benefited property

1 for the payment thereof have been confirmed, as hereinabove  
2 provided, or at any time thereafter, the district board may  
3 issue assessment bonds payable out of such assessments when  
4 collected. Said bonds shall mature not later than 2 years  
5 after the last installment in which said special assessments  
6 may be paid, as provided in subsection (11), and shall bear  
7 interest at a rate not exceeding 7 1/2 percent per annum.  
8 Such assessment bonds shall be executed, shall have such  
9 provisions for redemption prior to maturity, and shall be sold  
10 in the manner and be subject to all of the applicable  
11 provisions contained in s. 153.63, Florida Statutes, for  
12 revenue bonds, except as the same are inconsistent with the  
13 provisions of this section. The amount of such assessment  
14 bonds for any assessable improvement, prior to the  
15 confirmation of the preliminary assessment roll provided for  
16 in subsection (10), shall not exceed 70 percent of the  
17 estimated amount of the cost of such assessable improvements  
18 which are to be specially assessed against the land and real  
19 estate to be specially benefited thereby, as shown in the  
20 estimates of the engineer for the district referred to in  
21 subsection (2). The amount of such assessment bonds for any  
22 assessable improvement to be issued, after the confirmation of  
23 the preliminary assessment roll provided for in subsection  
24 (10), including any assessment bonds theretofore issued, shall  
25 not exceed the amount of special assessments actually  
26 confirmed and levied by the district board as provided in  
27 subsection (10).

28 (b) Such assessment bonds shall be payable from the  
29 proceeds of the special assessments levied for the assessable  
30 improvement for which such assessment bonds are issued,  
31 provided that any district may pledge the full faith and

1 credit of such district for the payment of the principal of  
2 and interest on such assessment bonds if the issuance of such  
3 assessment bonds is approved by the qualified electors who  
4 reside in said district in the manner provided in the State  
5 Constitution and statutes of Florida.

6 (7) After the passage of the resolution authorizing  
7 the construction or reconstruction of assessable improvements  
8 has been confirmed as provided in subsection (4), the district  
9 may publish at least once in a newspaper published in the  
10 county and circulating in the district, or post in the manner  
11 provided in s. 153.56, Florida Statutes, if there is no such  
12 newspaper, a notice calling for sealed bids to be received by  
13 the district board on a date not earlier than 15 days from the  
14 first publication for the construction of the work, unless in  
15 the initial resolution the district board has declared its  
16 intention to have the work done by district forces without  
17 contract. The notice shall refer in general terms to the  
18 extent and nature of the improvement or improvements and may  
19 identify the same by the short designation indicated in the  
20 initial resolution and by reference to the plans and  
21 specifications on file. If the initial resolution has given  
22 two or more alternative descriptions of the assessable  
23 improvements as to its material, nature, character, and size  
24 and, if the district board has not theretofore determined upon  
25 a definite description, the notice shall call for bids upon  
26 each of such descriptions. Bids may be requested for the work  
27 as a whole or for any part thereof separately and bids may be  
28 asked for any one or more of such assessable improvements  
29 authorized by the same or different resolutions, but any bid  
30 covering work upon more than one improvement shall be in such  
31 form as to permit a separation of cost as to each improvement.

1 The notice shall require bidders to file with their bids  
2 either a certified check drawn upon an incorporated bank or  
3 trust company in such amount or percentage of their respective  
4 bids as the district board deems advisable or a bid bond in  
5 like amount with corporate surety satisfactory to the district  
6 board to ensure the execution of a contract to carry out the  
7 work in accordance with such plans and specifications and  
8 ensure the filing, at the making of such contract, of a bond  
9 in the amount of the contract price with corporate surety  
10 satisfactory to the district conditioned for the performance  
11 of the work in accordance with such contract. The district  
12 board shall have the right to reject any or all bids and, if  
13 all bids are rejected, the district board may readvertise or  
14 may determine to do the work by the district forces without  
15 contract.

16 (8) Promptly after the completion of the work, the  
17 engineer for the district, who is hereby designated as the  
18 official of the district to make the preliminary assessment of  
19 benefits from assessable improvements, shall prepare a  
20 preliminary assessment roll and file the same with the  
21 district clerk, which roll shall contain the following:

22 (a) A description of abutting lots and parcels of land  
23 or lands within the district which will benefit from such  
24 assessable improvements and the amount of such benefits to  
25 each such lot or parcel of land. Such lots and parcels shall  
26 include the property of the county and any school district or  
27 other political subdivision. There shall also be given the  
28 name of the owner of record of each lot or parcel where  
29 practicable, and in all cases there shall be given a statement  
30 of the number of feet of property so abutting, which number of  
31 feet shall be known as the frontage.

1           (b) The total cost of the improvement and the amount  
2 of incidental expense.

3           (9) The preliminary roll shall be advisory only and  
4 shall be subject to the action of the district board as  
5 hereinafter provided. Upon the filing with the district clerk  
6 of the preliminary assessment roll, the district clerk shall  
7 publish at least once in a newspaper published in the county,  
8 and circulating in the district or, if there is no such  
9 newspaper, post in the manner provided in s. 153.56, Florida  
10 Statutes, a notice stating that at a meeting of the district  
11 board to be held on a certain day and hour, not less than 15  
12 days from the date of such publication or posting, which  
13 meeting may be a regular, adjourned, or special meeting, all  
14 interested persons may appear and file written objections to  
15 the confirmation of such roll. Such notice shall state the  
16 class of the assessable improvements and the location thereof  
17 by terminal points and route.

18           (10) At the time and place stated in such notice, the  
19 district board shall meet and receive the objections in  
20 writing of all interested persons as stated in such notice.  
21 The district board may adjourn the hearing from time to time.  
22 After the completion thereof, the district board shall either  
23 annul or sustain or modify in whole or in part the preliminary  
24 assessment as indicated on such roll, either by confirming the  
25 preliminary assessment against any or all lots or parcels  
26 described therein or by canceling, increasing, or reducing the  
27 same, according to the special benefits which the district  
28 board decided each such lot or parcel has received or will  
29 receive on account of such improvement. If any property which  
30 may be chargeable under this section has been omitted from the  
31 preliminary roll or if the preliminary assessment was not made

1 against it, the board may place on such roll an apportionment  
2 to such property. The district board shall not confirm any  
3 assessment in excess of the special benefits to the property  
4 assessed, and the assessments so confirmed shall be in  
5 proportion to the special benefits. Immediately after such  
6 confirmation, such assessment roll shall be delivered to the  
7 district clerk. The assessment so made shall be final and  
8 conclusive as to each lot or parcel assessed unless proper  
9 steps are taken within 30 days in a court of competent  
10 jurisdiction to secure relief. If the assessment against any  
11 property is sustained or reduced or abated by the court, the  
12 district clerk shall note that fact on the assessment roll  
13 opposite the description of the property affected thereby.  
14 The amount of the special assessment against any lot or parcel  
15 which may be reduced or abated by the court, unless the  
16 assessment upon the entire district is reduced or abated, or  
17 the amount by which such assessment is so reduced, may by  
18 resolution of the district board be made chargeable against  
19 the district at large, or, at the discretion of the district  
20 board, a new assessment roll may be prepared and confirmed in  
21 the manner hereinabove provided for the preparation and  
22 confirmation of the original assessment roll.

23 (11)(a) Any assessment may be paid at the office of  
24 the district clerk within 60 days after the confirmation  
25 thereof, without interest. Thereafter, all assessments shall  
26 be payable in equal installments, with interest at a rate not  
27 exceeding 8 percent per annum from the expiration of said 60  
28 days in each of the succeeding number of years which the  
29 district board shall determine by resolution, not exceeding  
30 20; however, the district board may provide that any  
31 assessment may be paid at any time before due, together with

1 interest accrued thereon to the date of payment, if such prior  
2 payment is permitted by the proceedings authorizing any  
3 assessment bonds or other obligations for the payment of which  
4 such special assessments have been pledged.

5 (b) All such special assessments shall be collected by  
6 the tax collector of the county in which the district is  
7 located at the same time as the ad valorem taxes of the  
8 district and general county taxes are collected by the tax  
9 collector of such county, and the district shall certify to  
10 the county tax collector in each year a list of all such  
11 special assessments and a description of and name of the  
12 owners of the properties against which such special  
13 assessments have been levied and the amounts due thereon in  
14 such year, and interest thereon, and any deficiencies for  
15 prior years.

16 (c) All assessments shall constitute a lien upon the  
17 property so assessed from the date of confirmation of the  
18 resolution ordering the improvement, of the same nature and to  
19 the same extent as the lien for general county taxes falling  
20 due in the same year or years in which such assessments or  
21 installments thereof fall due, and any assessment or  
22 installment not paid when due shall be collectible with such  
23 interest and with a reasonable attorney's fee and costs, but  
24 without penalties, by the district by proceedings in a court  
25 of equity to foreclose the lien of assessments as a lien for  
26 mortgages is or may be foreclosed under the laws of the state,  
27 provided that any such proceedings to foreclose shall embrace  
28 all installments of principal remaining unpaid with accrued  
29 interest thereon, which installments shall, by virtue of the  
30 institution of such proceedings, immediately become due and  
31 payable.

1           (d) Nevertheless, if, prior to any sale of the  
2 property under decree of foreclosure in such proceedings,  
3 payment is made of the installment or installments which are  
4 shown to be due under the provisions of the resolution passed  
5 pursuant to subsection (10) and by this subsection, and all  
6 costs including interest and attorney's fees, such payment  
7 shall have the effect of restoring the remaining installments  
8 to their original maturities as provided by the resolution  
9 passed pursuant to this subsection and the proceedings shall  
10 be dismissed.

11           (e) It shall be the duty of the district to enforce  
12 the prompt collection of assessments by the means herein  
13 provided, and such duty may be enforced at the suit of any  
14 holder of bonds issued under this law in a court of competent  
15 jurisdiction by mandamus or other appropriate proceedings or  
16 action.

17           (f) Not later than 30 days after the annual  
18 installments are due and payable, it shall be the duty of the  
19 district board to direct the attorney or attorneys whom the  
20 district board shall then designate, to institute action  
21 within 2 months after such direction to enforce the collection  
22 of all special assessments for assessable improvements made  
23 under this section and remaining due and unpaid at the time of  
24 such direction. Such action shall be prosecuted in the manner  
25 and under the conditions in and under which mortgages are  
26 foreclosed under the laws of the state.

27           (g) It shall be lawful to join in one action the  
28 collection of assessments against any or all property assessed  
29 by virtue of the same assessment roll unless the court deems  
30 such joinder prejudicial to the interest of any defendant.  
31 The court shall allow a reasonable attorney's fee for the

1 attorney or attorneys of the district, and the same shall be  
2 collectible as a part of or in addition to the costs of the  
3 action.

4 (h) At the sale pursuant to decree in any such action,  
5 the district may be a purchaser to the same extent as an  
6 individual person or corporation, except that the part of the  
7 purchase price represented by the assessments sued upon and  
8 the interest thereon need not be paid in cash. Property so  
9 acquired by a district may be sold or otherwise disposed of,  
10 the proceeds of such disposition to be placed in the fund  
11 provided by paragraph (1)(b) of this section; however, no sale  
12 or other disposition thereof shall be made unless the notice  
13 calling for bids therefor to be received at a stated time and  
14 place have been published in a newspaper published in the  
15 county and circulating in the district, or posted in the  
16 manner provided in s. 153.56, Florida Statutes, if there is no  
17 such newspaper, at least 20 days prior to such disposition.

18 (12) All assessments and charges made under the  
19 provisions of this section for the payment of all or any part  
20 of the cost of any assessable improvements for which  
21 assessment bonds have been issued under the provisions of this  
22 law, or which have been pledged as additional security for any  
23 other bonds or obligations issued under this law, shall be  
24 used only for the payment of principal of or interest on such  
25 assessment bonds or other bonds or obligations.

26 (13) The county in which the district is located and  
27 each school district and other political subdivision wholly or  
28 partly within the district shall possess the same power and be  
29 subject to the same duties and liabilities in respect of  
30 assessment under this section affecting the real estate of  
31 such county, school district, or other political subdivision

1 which private owners of real estate possess or are subject to  
2 hereunder, and such real estate of any such county, school  
3 district, and political subdivision shall be subject to liens  
4 for said assessments in all cases in which the same property  
5 would be subject to such liens had it at the time the lien  
6 attached been owned by a private owner.

7 Section 10. Water rates and service charges.--The  
8 board of commissioners may fix and revise from time to time  
9 rates and charges for water furnished by any waterworks  
10 facilities and sewer service charges for the services  
11 furnished by any sewerage facilities, and charge and collect  
12 the same. Any such rates and charges shall be so fixed and  
13 revised as to provide funds, with other funds available for  
14 such purpose, sufficient at all times:

15 (1) To pay the cost of maintaining, repairing, and  
16 operating the waterworks and sewerage facilities of the  
17 district and to provide reserves therefor and for replacements  
18 and depreciation and necessary extensions and enlargements.

19 (2) To pay the principal of and the interest on all  
20 outstanding bonds for the payment of which such rates and  
21 charges are pledged as the same become due and provide  
22 reserves therefor. Said bonds shall bear interest at a rate  
23 pursuant to the applicable Florida statute, and be sold at  
24 public sale. However, in the event an offer of an issue of  
25 bonds at public sale produces no bid or in the event all bids  
26 received are rejected, the board is authorized to negotiate  
27 for the sale of such bonds under such rates and terms as are  
28 acceptable. However, no such bonds shall be sold or delivered  
29 at a higher net interest cost rate than contained in any bids  
30 rejected at the public sale thereof, or at the rate contained

31

1 in the notice of public sale if no bids were received at such  
2 public sale.

3 (3) To provide a margin of safety for making such  
4 payments and providing such reserves. Such rates and charges  
5 shall not be subject to supervision or regulation by any  
6 commission, board, bureau, or agency of the state or any  
7 political subdivision of the state. Such rates and charges  
8 shall be just and equitable and the sewer service charges may  
9 be based or computed either upon the quantity of water used or  
10 upon the number and size of sewer connections or upon the  
11 number and kind of plumbing fixtures in use on the premises  
12 connected with the sewerage facilities or upon the number of  
13 persons residing or working in or otherwise connected with  
14 such premises or upon the type or character of such premises  
15 or upon any other factor affecting the use of the facilities  
16 furnished or upon any combination of the foregoing factors.  
17 In cases in which the character of the sewage from any  
18 manufacturing or industrial plant, building, or premises is  
19 such that it imposes an unreasonable burden upon any sewerage  
20 facility, an additional charge may be made therefor, or the  
21 board may, if it deems advisable, compel such manufacturing or  
22 industrial plant, building, or premises to treat such sewage  
23 in a manner specified by the board before discharging the  
24 sewage into any sewer lines owned or maintained by the  
25 district.

26 Section 11. Collection of rates and charges.--The  
27 board of commissioners may provide in the resolution  
28 authorizing the issuance of bonds under this act or in any  
29 trust agreement securing such bonds that any sewer service  
30 shall be included in bills rendered for water used on the  
31 premises and that if any water rates or sewer service charges

1 are not paid within 30 days from the rendition of any such  
2 bills, the district shall discontinue furnishing water to such  
3 premises and may disconnect the same from the waterworks  
4 facilities. Any such resolution or trust agreement may  
5 include any or all of the following provisions, and may  
6 require the board to adopt such resolutions or to take such  
7 other lawful action as is necessary to effectuate such  
8 provisions, and the board is hereby authorized to adopt such  
9 resolutions and to take such other action:

10 (1) That the district may require the owner, tenant,  
11 or occupant of each lot or parcel of land within the district  
12 who is obligated to pay water rates or sewer charges to the  
13 district to make a reasonable deposit with the district in  
14 advance to ensure the payment of such rates or charges and to  
15 be subject to application to the payment thereof, if and when  
16 delinquent.

17 (2) That if any water rates or sewer charges payable  
18 to the district are not paid within 30 days after the same  
19 become due and payable, the district may at the expiration of  
20 such 30-day period disconnect the premises from the waterworks  
21 or sewerage facilities; and the district may proceed to  
22 recover the amount of any such delinquent rates or charges,  
23 with interest, in an action as provided by law.

24 (3) That if any sewer service charges for the use of  
25 any sewerage facilities by or in connection with any premises  
26 not served by any waterworks facilities of the district are  
27 not paid within 30 days after the same become due and payable,  
28 the owner, tenant, or occupant of such premises shall cease to  
29 dispose of sewage or industrial wastes originating from or on  
30 such premises by discharge thereof directly or indirectly into  
31 the sewerage facilities of the district until such sewer

1 service charges, with interest, are paid; that if such owner,  
2 tenant, or occupant does not cease such disposal at the  
3 expiration of the 30-day period, it shall be the duty of any  
4 public or private corporation, board, body, or person  
5 supplying water to or selling water for use on such premises  
6 to cease supplying water to or selling water for use on such  
7 premises within 5 days after the receipt of notice of such  
8 delinquency from the district; and that if such corporation,  
9 board, body, or person does not, at the expiration of the  
10 5-day period, cease supplying water to or selling water for  
11 use on such premises, then the district may, unless it has  
12 theretofore contracted to the contrary, shut off the supply of  
13 water to such premises.

14 Section 12. Connection with sewer system.--Upon the  
15 construction of sewerage facilities under the provisions of  
16 this act, the owner, tenant, or occupant of each lot or parcel  
17 of land within the district which abuts upon a street or other  
18 public way containing a sanitary sewer as a part of such  
19 sewerage facility or a sanitary sewer served or which may be  
20 served by such sewerage facilities and upon which lot or  
21 parcel a building has been constructed for residential,  
22 commercial, or industrial use, shall, if so required by the  
23 regulations and rules or a resolution of the board, connect  
24 with such building such sanitary sewer, and shall cease to use  
25 any other method for the disposal of sewage wastes or other  
26 polluting matter. All such connections shall be made in  
27 accordance with rules and regulations and may provide for a  
28 charge for making any such connection in such reasonable  
29 amount as the board may fix and establish. This act being  
30 necessary for the welfare of the inhabitants of the county  
31 shall be liberally construed to effect the purpose thereof.

1           Section 13. Declaration of policy.--The undertakings  
2 enumerated in this act constitute a proper public purpose for  
3 the benefit and welfare of the inhabitants of the district and  
4 it is hereby found and declared that in the construction,  
5 acquisition, improvement, maintenance, operation, extension,  
6 and improvement of any or all of its systems, the district  
7 will be exercising a proper governmental function.

8           Section 14. Audits.--The accounts and records of the  
9 board shall be postaudited annually, at the expense of the  
10 board, as required by law.

11           Section 15. In accordance with the provisions of s.  
12 11(a)(21) of Article III of the State Constitution, if passed  
13 by at least three-fifths vote of the membership of each house,  
14 this act shall take effect only upon its approval by a  
15 majority vote of those qualified electors voting in a  
16 referendum election to be called by the Board of County  
17 Commissioners of Collier County, in accordance with the  
18 provisions of law relating to elections currently in force in  
19 Collier County; except that this section shall take effect  
20 upon becoming a law.