

Amendment No. 1 (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

The Committee on Local Government & Veterans Affairs offered the following:

Amendment

Remove everything after the enacting clause

and insert:

Section 1. Pursuant to section 189.429, Florida Statutes, this act constitutes the codification of all special acts relating to the Loxahatchee River Environmental Control District. It is the intent of the Legislature in enacting this law to provide a single, comprehensive special act charter for the district, including all current legislative enactments and any additional authority granted by this act.

Section 2. Chapters 71-822, 75-475, 76-429, 76-431, 78-559, 78-561, 80-577, 86-429, 86-430, 88-506, 90-438, and 92-255, Laws of Florida, are codified, reenacted, amended, and repealed as herein provided.

Section 3. The Loxahatchee River Environmental Control District is re-created, and the charter for the district is re-created and reenacted to read:

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1 Section 1. The Loxahatchee River Environmental Control
2 District was created by chapter 71-822, Laws of Florida, as
3 amended, and such creation is hereby ratified, confirmed, and
4 approved. The status of the district is a multicounty
5 independent special district of the state with a popularly
6 elected Governing Board. This act may be known and cited as
7 the "Loxahatchee River Environmental Control District Act."

8 Section 2. It is hereby declared to be the intent of
9 the Legislature that the best interests of public health,
10 safety, and welfare of the area within the boundaries of the
11 Loxahatchee River Environmental Control District necessitates
12 the formation of a separate local agency of government with
13 powers designed to meet the particular needs of said area. It
14 is further the intent of the Legislature that such needs be
15 met in such a way as to cause minimum damage to the area's
16 resources and environment and prevent additional environmental
17 problems from being created, as well as providing solutions to
18 existing problems. Maximum use of existing systems shall be
19 made whenever feasible and consistent with the purpose of this
20 act. It is also the intent of the Legislature that current and
21 long-range planning shall be carried out so that required
22 services are made available at the lowest possible cost as the
23 characteristics of the area change.

24 Section 3. The Loxahatchee River Environmental Control
25 District, herein referred to as the "district," shall embrace
26 and include the following described lands in Palm Beach and
27 Martin Counties, which include the Town of Jupiter, Jupiter
28 Inlet Colony, Juno Beach, and the Village of Tequesta:

29
30 Beginning at the intersection of the waters of
31 the Atlantic Ocean with the South line of the

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1 Blowing Rocks Preserve; thence proceed Westerly
2 along the Westerly extension of said South line
3 to the Easterly right-of-way line of the
4 Intracoastal Waterway; thence Northerly, along
5 said Easterly right-of-way line to an
6 intersection with the Easterly extension of the
7 Northerly Boundary line of the Jonathan
8 Dickinson State Park; thence Westerly along
9 said Easterly extension and along said
10 Northerly boundary line to the Northeast corner
11 of Section 33, Township 39 South, Range 42
12 East, Martin County, Florida; run West along
13 the North section line to the Northwest corner
14 of the Northeast Quarter; run south along the
15 quarter line 1650 feet more or less to a point;
16 run East 1320 feet; run South 990 feet to the
17 South line of the Northeast Quarter; run West
18 1320 feet to the Southwest corner of the
19 Northeast Quarter; run South to South section
20 line; run West 660 feet along South section
21 line; run North 2640 feet to North line of
22 Southwest Quarter; run West along quarter line
23 of 1980 feet more or less to the Northwest
24 corner of the Southwest Quarter and West line
25 of Section 33; run South along said line 2640
26 feet more or less to the Southwest section
27 corner; thence Westerly along said Northerly
28 Boundary of Jonathan Dickinson State Park and
29 the South line of Section 32 of said Township
30 to the Southwest corner of said Section 32;
31 thence Southerly, along said Boundary and along

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1 the West line of Section 5 and Section 8 of
2 Township 40 South, Range 42 East, to the
3 Southwest corner of said Section 8; thence
4 Westerly, along the North line of Section 18,
5 Township 40 South, Range 42 East to the
6 Northwest corner of said Section 18; thence
7 Southerly along the line between Range 41 East
8 and Range 42 East, to the Southwest corner of
9 Section 19, Township 41 South, Range 42 East,
10 Palm Beach County, Florida; thence Easterly
11 along the South line of Sections 19, 20, 21,
12 22, 23, and 24 of Township 41 South, Range 42
13 East to the Southeast corner of said Section
14 24; thence continue Easterly along the South
15 line of Section 19, Township 41 South, Range 43
16 East to the Southwest corner of Section 20,
17 Township 41 South, Range 43 East; thence
18 Northerly, along the West line of said Section
19 20 and the West line of Section 17, to the
20 Northwest corner of the Southwest one quarter
21 of said Section 17; thence Easterly, along the
22 North line of the Southwest one quarter of said
23 Section 17 to an intersection with the Westerly
24 right-of-way line of the Intracoastal Waterway;
25 thence Southerly along said right-of-way line
26 to the South line of said Section 20; thence
27 Easterly along the South line of said Section
28 20 and along the South line of fractional
29 Section 21 of said Township to the waters of
30 the Atlantic Ocean; thence Northerly along said
31 waters to the Point of Beginning.

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The territorial limits of the Loxahatchee River Environmental Control District shall also include the following described lands:

Beginning at the intersection of the waters of the Atlantic Ocean with the South line of fractional Section 28, Township 41 South, Range 43 East; thence proceed Westerly along the Westerly extension of said South line to the Easterly right-of-way line of State Road A-1-A (aka Ocean Drive); thence proceed Southerly along the Southerly extension of said Easterly right-of-way line of State Road A-1-A to an intersection with the Easterly right-of-way line of U.S. Highway One; thence proceed Westerly to the Westerly right-of-way line of U.S. Highway One; thence proceed Northerly along said Westerly right-of-way line of U.S. Highway One to an intersection with the South line of said Section 28; thence proceed Westerly along the Westerly extension of the South lines of said Section 28 and Section 29, Township 41 South, Range 43 East, to an intersection with the Westerly right-of-way line of the Intracoastal Waterway; thence Northerly along the Westerly right-of-way line of the Intracoastal Waterway to an intersection with the North line of said Section 29; thence Easterly along the Easterly extension of the North line of said Sections 29 and 28 to the

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1 waters of the Atlantic Ocean; thence Southerly
2 along said waters to the Point of Beginning.

3
4 (1) The territorial limits of the Loxahatchee River
5 Environmental Control District shall also include the
6 following described lands, upon the District acquiring
7 Hydratech Utilities from Hydratech Utilities, Inc., a Florida
8 corporation, its successors and/or assigns.

9
10 Beginning at a point located in Section 2,
11 Township 39 South, Range 41 East, Martin
12 County, Florida, which is the intersection of
13 the westerly extension of the north line of the
14 Gomez Grant and the east line of said Section
15 2; thence South 66°32'23" West, a distance of
16 486.43 feet; thence South 23°27'37" East, a
17 distance of 1091.01 feet to a point on the east
18 line of Section 2; thence South 00°34'11" West,
19 a distance of 513.16 feet along the east line
20 of said Section 2 to the southeast corner of
21 Section 2; thence South 89°26'35" East along
22 the north line of said Section 12, a distance
23 of 228.77 feet; thence South 23°27'37" East, a
24 distance of 1085.56 feet to a point on a
25 non-tangent curve concave northwesterly, having
26 a radius of 2011.16 feet; thence Northeasterly
27 along the arc of said curve, a distance of
28 469.50 feet through a central angle of
29 13°22'32", the chord of which bears North
30 60°16'03" East; thence North 53°34'23" East, a
31 distance of 172.36 feet to the beginning of a

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1 curve concave southerly having a radius of
2 1906.53 feet; thence Northeasterly along the
3 arc of said curve a distance of 1347.64 feet
4 through a central angle of 40°30'00"; thence
5 South 85°55'36" East a distance of 1505.48 feet
6 to a point on the west line of the east
7 one-half of the east one-half of Section 12;
8 thence South along said line to a point on the
9 south line of Section 12; thence East along the
10 south line of Section 12 to the southeast
11 corner of Section 12, Range 41 East, Township
12 39 South; thence East along the south line of
13 Section 7, Range 42 East, Township 39 South to
14 a point on the west line of the Gomez Grant;
15 thence Southeasterly along the west line of the
16 Gomez Grant to a point on the south line of
17 Section 29; thence Southwesterly along the
18 centerline of the right-of-way of Powerline
19 Road to a point which intersects the south line
20 of the northeast one-quarter of Section 32,
21 Township 39 South, Range 42 East; thence East
22 along the south line of said northeast quarter
23 of Section 32 to a point on the east line of
24 Section 32; thence east along the north line of
25 the southwest quarter of Section 33, a distance
26 of 1980 feet; thence south a distance of 2640
27 feet to the south line of Section 33; thence
28 east along the south line of Section 33 a
29 distance of 660 feet; thence north along the
30 east line of the east line of the southwest
31 quarter of Section 33, a distance of 2640 feet;

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1 thence west 1320 feet to a point; thence north
2 990 feet to a point; thence west 1320 feet to a
3 point; thence north along the east line of the
4 northwest quarter of Section 33, a distance of
5 1650 feet to the northwest corner of the
6 northeast quarter of Section 33; thence east
7 along the south line of Section 28 to the
8 centerline of S.E. Flora Avenue as now laid out
9 and in use; thence North 22°33'46" East along
10 said centerline a distance of 395.89 feet to an
11 angle point in said centerline; thence North
12 11°21'55" East continuing along said
13 centerline, a distance of 1051.75 feet to the
14 south line of the Gomez Grant; thence North
15 66°24'43" East along said south line a distance
16 of 2124.11 feet to the east line of said
17 Section 28; thence continuing North 66°25'43"
18 East along the south line of the Gomez Grant to
19 a point on the south line of the Gomez Grant
20 which is 2500 feet west of Federal Highway
21 (U.S. #1); thence northerly along a curvilinear
22 line which is 2500 feet west of and parallel to
23 Federal Highway (U.S. #1) to a point of
24 intersection with the centerline of SR 708
25 (Bridge Road); thence northeasterly along the
26 centerline of SR 708 (Bridge Road), as now laid
27 out and in use, to the east line of the
28 Intracoastal Waterway; thence northwesterly
29 along the east line of the Intracoastal
30 Waterway to a point lying in Section 33,
31 Township 38 south, Range 42 East, which point

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1 intersects the easterly extension of the north
2 line of the Gomez Grant; thence westerly along
3 the north line of the Gomez Grant and its
4 westerly extension to the point and place of
5 beginning in Section 2, Township 39 South,
6 Range 41 East.

7
8 Section 4. The governing body of the district herein
9 created shall consist of a Board of five members, who shall be
10 qualified electors residing within said district. They shall
11 be known and designated as the "Governing Board of the
12 Loxahatchee River Environmental Control District."

13 (1) Board areas.--The Board shall divide the area of
14 the district into five separate areas. Each area shall have
15 approximately equal population according to the latest
16 official decennial census. One Board member shall be elected
17 from each numbered area by the electors in the total district.
18 Each Board member shall be a resident of the area in which he
19 or she is elected.

20 (2) Election code.--In accordance with section
21 189.405(3)(a), Florida Statutes, elections for the purpose of
22 electing members to the Board shall conform to the Florida
23 Election Code, chapters 97-106, Florida Statutes.

24 (3) Term of office.--All Governing Board members
25 elected by qualified electors shall have terms of 4 years.
26 Board members from areas one and two are elected beginning
27 with the 2000 General Election, and Board members from areas
28 three, four, and five are elected beginning with the 2002
29 General Election, in accordance with section 100.031, Florida
30 Statutes.

31 (4) Vacancy.--In the event of a vacancy occurring in

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1 the office of a Board member, the procedure to fill the
2 vacancy shall conform to the Florida Election Code, chapters
3 97-106, Florida Statutes.

4 (5) Officers.--The Governing Board shall choose a
5 secretary and a treasurer, and both offices may be held by the
6 same person. The office of the treasurer and the office of
7 secretary of the district may, however, be filled by a Board
8 member or some other person appointed by the Governing Board.
9 At least once each year the Board shall cause the books and
10 accounts of the district to be thoroughly audited by a
11 competent and reliable accountant or auditor. No person in the
12 service of or employed by the district within 1 year prior to
13 such audit shall be employed for said purpose.

14 (6) Board records.--The Board members shall cause true
15 and accurate minutes and records to be kept of all business
16 transacted by them and shall keep full, true, and complete
17 books of account. Minutes, records, and books of accounts
18 shall at all reasonable times be open and subject to the
19 inspection of the public, and any person desiring so to do may
20 make or procure copies of such minutes, records, and books, or
21 of such portions thereof as he or she may desire.

22 (7) Public meetings.--The Board shall meet at least
23 quarterly, in public meetings, at the call of the member
24 elected chair by the membership, or by written call of a
25 quorum of three members.

26 (8) Quorum.--A quorum of not less than three Board
27 members shall be required to hold a meeting and conduct
28 business.

29 (9) Board action.--An affirmative vote by at least
30 three Board members shall be required for action of the Board
31 to become official.

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1 (10) Compensation.--Members shall serve with
2 compensation in the amount of \$100 per month per member, and
3 shall be entitled to per diem and travel expenses as provided
4 by section 112.061, Florida Statutes.

5 (11) Indemnification.--Every Board member and every
6 officer of the district shall be indemnified by the district
7 against all expenses and liabilities, including counsel fees,
8 reasonably incurred by or imposed upon him or her in
9 connection with any proceeding or any settlement of any
10 proceeding to which he or she may be a party or in which he or
11 she may become involved by reason of his or her being or
12 having been a Board member or officer of the district, whether
13 or not he or she is a Board member or officer at the time such
14 expenses are incurred, except when the Board member or officer
15 is adjudged guilty of willful misfeasance or malfeasance in
16 the performance of his or her duties, provided that in the
17 event of a settlement the indemnification shall apply only
18 when the Board approves such settlement and reimbursement as
19 being for the best interests of the district. The foregoing
20 right of indemnification shall be in addition to and not
21 exclusive of all other rights to which such Board members or
22 officers may be entitled.

23 (12) Removal.--Any member of the Board may be removed
24 from office by the electors of the district by the following
25 procedure:

26 (a) A petition shall be prepared which contains a
27 statement of the charges against the member and the signatures
28 of at least 10 percent of the qualified electors within the
29 district voting in the most recent district election or 5
30 percent of the registered district voters, whichever is
31 greater.

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1 (b) The petition shall be filed with the Board which
2 shall submit the petition to the supervisors of elections of
3 the counties within the district for verification of
4 signatures. Upon receipt of certification by the supervisors
5 of elections that the petition contains at least 10 percent of
6 qualified electors within the district voting in the most
7 recent district election, or 5 percent of the registered
8 district voters, whichever is greater, the Board shall fix a
9 day for holding a recall election to be held not less than 30
10 days nor more than 60 days from the receipt of such
11 certification.

12 (c) If a majority of the votes cast in a recall
13 election is in favor of removal of a member of the Board, the
14 member shall be deemed removed from office upon the
15 announcement of the official canvass of the election and the
16 vacancy shall be filled in the manner provided in subsection
17 (4).

18 Section 5. As used in this act, and unless the context
19 otherwise indicates:

20 (1) "Board" means the Governing Board of the district
21 herein created.

22 (2) "Storm drainage system" means any real estate,
23 facility, or property, including pipe, ditches, pumps, or
24 canals, siphons, or structures and appurtenances and
25 additions, extensions, and improvements within the
26 geographical boundaries of the territory of the district made
27 thereto for the purpose of discharge of surface runoff or
28 storm drainage into the Loxahatchee River or tributaries
29 leading directly thereto.

30 (3) "Revenue bonds" means bonds or other obligations
31 secured by and payable from the revenues derived from rates,

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1 fees, and charges collected by the district from the users of
2 the facilities of any water system, sewer system, or solid
3 waste system, or combinations of said systems, and which may
4 be additionally secured by a pledge of the proceeds of special
5 assessments levied against benefited property or by a pledge
6 of the full faith and credit of the district, or both.

7 (4) "General obligation bonds" means bonds or other
8 obligations secured by the full faith and credit and taxing
9 power of the district and payable from ad valorem taxes levied
10 and collected on all taxable property in the district, without
11 limitation of rate or amount, and may be additionally secured
12 by the pledge of either or both the proceeds of special
13 assessments levied against benefited property, or revenues
14 derived from said water system, sewer system, or solid waste
15 system, or combinations of said systems.

16 (5) "Assessment bonds" means bonds or other
17 obligations secured by and payable from special assessments
18 levied against benefited lands, and which may be additionally
19 secured by a pledge of the full faith and credit of the
20 district.

21 (6) "System" means a water system, sewer system, or
22 water and sewer system; a system for the collection,
23 treatment, and disposal of solid waste; a storm and surface
24 drainage system; or a combination thereof.

25 (7) "Water system" means real estate, attachments,
26 fixtures, impounded water, water mains, laterals, valves,
27 meters, plants, wells, pipes, tanks, reservoirs, systems,
28 facilities, or other property real or personal, used or useful
29 or having the present capacity for future use in connection
30 with the obtaining, treating, supplying, distributing, and
31 selling of water to the public for human consumption by

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1 business or industry, and without limiting the generality of
2 the foregoing definition shall embrace all necessary
3 appurtenances and equipment and shall include all property,
4 rights, easements, and franchises relating to any such system
5 and deemed necessary or convenient for the operation thereof,
6 but shall not include property used solely for or principally
7 in connection with the business of bottling, selling,
8 distributing, or furnishing bottled water, nor water systems
9 utilized by manufacturing plants primarily for the purpose of
10 providing water in connection with its manufacturing
11 operations.

12 (8) "Sewer system" means any plant, facility, or
13 property, and additions, extensions, and improvements thereto
14 at any future time constructed or acquired as part thereof,
15 useful or necessary, or having the present capacity for future
16 use in connection with the collection, treatment,
17 purification, or disposal of sewage of any nature or
18 originating from any source, including industrial wastes
19 resulting from any processes of industry, manufacture, trade,
20 or business, or from the development of any natural resources;
21 and without limiting the generality of the foregoing
22 definition, shall include treatment plants, pumping stations,
23 lift stations, valves, force mains, intercepting sewers,
24 laterals, pressure lines, mains, and all necessary
25 appurtenances and equipment; all sewer mains and laterals for
26 the reception and collection of sewage from premises connected
27 therewith; and shall include all real and personal property
28 and any interest therein, rights, easements, and franchises of
29 nature whatsoever relating to any such sewer system and
30 necessary or convenient for the operation thereof.

31 (9) "Cost" as applied to the acquisition and

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1 construction of a system or extensions, additions, or
2 improvements thereto means the cost of construction or
3 reconstruction, acquisition or purchase; the cost of labor,
4 materials, machinery, and equipment; the cost of all lands and
5 interests therein, property rights, easements, and franchises
6 of any nature whatsoever, financing charges, interest prior to
7 and during construction and for not more than 2 years after
8 completion of the construction or acquisition of such system
9 or extensions, additions, or improvements thereto; the
10 creation of initial reserve or debt service funds, bond
11 discount; the cost of plans and specifications, surveys, and
12 estimates of costs and revenues; the cost of engineering,
13 financial, and legal services; and all other expenses
14 necessary or incidental in determining the feasibility or
15 practicability of such construction, reconstruction, or
16 acquisition, including administrative expenses and such other
17 expenses as may be necessary or incidental to the financing
18 authorized by this act, and including reimbursement of a
19 public entity for any moneys advanced in connection with any
20 of the foregoing items of cost.

21 (10) "Assessable improvements" means that portion or
22 portions of the cost of a system of a local nature and of
23 benefit to the premises or lands served thereby, and
24 particularly with reference to a sewer and water system,
25 including, but not limited to, laterals and mains for the
26 production, treatment, and distribution of water; the
27 collection and reception of sewage from premises connected
28 therewith, local or auxiliary pumping or lift stations,
29 treatment plants, or disposal plants, and other appurtenant
30 facilities and equipment for the collection, treatment, and
31 disposal of sewage; the production, treatment, and

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1 distribution of water; together with operating and incidental
2 equipment and appurtenances necessary therefor.

3 (11) "Assessment" means fees, penalties, and other
4 charges made by the district to meet its operating cost and
5 debt service requirements for the purpose of this act.

6 (12) "Department" means all applicable state agencies
7 and departments.

8 Section 6. In order to effectuate the purposes of this
9 act, the district acting through the Board shall have the
10 power:

11 (1) To employ and set the compensation of a director
12 who shall serve at its pleasure. Within available funds, the
13 director may employ and set the compensation of professional,
14 technical, legal, and clerical staff as may be necessary, and
15 may remove these personnel. The director, with the consent of
16 the Board, may acquire the services of consultants and enter
17 into contracts on behalf of the Board.

18 (2) To develop a master plan, to construct, install,
19 erect, and acquire by purchase or condemnation in accordance
20 with the provisions of chapters 73 and 74, Florida Statutes,
21 and to improve, enlarge, reconstruct, maintain, repair,
22 operate, and regulate a system.

23 (3) To construct, acquire, and operate water systems
24 and sewer systems separately or as a system.

25 (4) To enter on any land, waters, or premises located
26 within the district, in order to carry out the purposes of
27 this act.

28 (5) To provide for all surveys and for preparation of
29 plans, specifications, and estimates in connection with the
30 construction of a system, or for studies to determine the
31 feasibility of acquiring existing municipal or private

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1 systems.

2 (6) To enter into contracts with the government of the
3 United States, or any other department or subdivision of the
4 state, or with any municipality, private corporation,
5 partnership, association, or person providing for or relating
6 to the furnishing of water, the disposal of wastes and sewage,
7 and for other purposes necessary and proper to effectuate this
8 act.

9 (7) To accept from any governmental agency grants,
10 donations, or loans to provide aid for the planning,
11 construction, reconstruction, or financing of any system; and
12 to accept grants or donations from any other source of money,
13 property, labor, or other things of value, to be held, used,
14 and applied only for the purposes for which such grants or
15 donations may be made.

16 (8) To enter into contracts with property owners or
17 developers or building contractors who plan to erect buildings
18 or other improvements within platted subdivisions or other
19 property, under which such persons shall install, at their
20 expense, laterals, lines, and equipment, intercepting trunk,
21 main, and lateral sewers, the location, material, size, and
22 type of which shall be installed strictly in accordance with
23 such specifications as required by the Board who shall connect
24 with a sanitary system constructed or owned by the authority;
25 which such mains, laterals, lines, and equipment, intercepting
26 trunk, main, and lateral sewers shall become the property of
27 the district upon such terms and conditions as provided by the
28 contract.

29 (9) To set and collect reasonable fees and other
30 charges for the services and facilities furnished by any
31 system owned or operated by the district, for making

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1 connections and use of same, and to enforce penalties for
2 delinquency in the payment as hereinafter provided.

3 (a)1. The Governing Board of the district shall, in
4 the resolution providing for the issuance of either water
5 revenue bonds or sewer revenue bonds, or both, fix the initial
6 schedule of rates, fees, and other charges for the use of and
7 for the services furnished or to be furnished by the
8 facilities, to be paid by the owner, tenant, or occupant of
9 each lot or parcel of land which may be connected with and use
10 any such facility by or through any part of the water system
11 of the district.

12 2. After the system or systems shall have been in
13 operation, the Governing Board of the district may revise such
14 schedule of rates, fees, and charges, which shall be so fixed
15 and revised as to provide funds, with other funds available
16 for such purposes, sufficient at all times to pay the cost of
17 maintaining, repairing, and operating the system or systems,
18 including the reserves for such purposes and for replacements
19 and depreciation and necessary extensions, to pay the
20 principal of and the interest on the water revenue bonds
21 and/or sewer revenue bonds as the same shall become due and
22 the reserve therefor, and to provide a margin of safety for
23 making such payments. The Governing Board of the district
24 shall charge and collect the rates, fees, and charges so fixed
25 or revised and such rates, fees, and charges shall not be
26 subject to supervision or regulation by any commission, board,
27 bureau, or agency of the county or of the state or any
28 sanitary district.

29 3. Such rates, fees, and charges shall be just and
30 equitable and may be based or computed upon the quantity of
31 water consumed and/or upon the number and size of sewer

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1 connections or upon the number and kind of plumbing fixtures
2 in use in the premises connected with the sewer system or upon
3 the number or average number of persons residing or working in
4 or otherwise connected with such premises or upon any other
5 factor affecting the use of the facilities furnished or upon
6 any combination of the foregoing factors.

7 4. In cases where the amount of water furnished to any
8 building or premises is such that it imposes an unreasonable
9 burden upon the water supply system, an additional charge may
10 be made therefor or the Governing Board of the district may,
11 if it deems advisable, compel the owners or occupants of such
12 building or premises to reduce the amount of water consumed
13 thereon in a manner to be specified by the Governing Board of
14 the district or the Governing Board of the district may refuse
15 to furnish water to such building or premises.

16 5. In cases where the character of the sewage from any
17 manufacturing or industrial plant or any building or premises
18 is such that it imposes an unreasonable burden upon any sewage
19 disposal system, an additional charge may be made therefor, or
20 the Governing Board of the district may, if it deems it
21 advisable, compel such manufacturing or industrial plant or
22 such building or premises to treat such sewage in such manner
23 as shall be specified by the Governing Board of the district
24 before discharging such sewage into any sewer lines owned or
25 maintained by the district.

26 (b) The Governing Board of the district may charge any
27 owner or occupant of any building or premises receiving the
28 services of the facilities herein provided such initial
29 installation or connection charge or fee as the district may
30 determine to be just and reasonable.

31 (c)1. No rates, fees, or charges shall be fixed under

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1 the foregoing provisions of this section until after a public
2 hearing at which all of the users of the facilities provided
3 by this chapter and owners, tenants, and occupants of property
4 served or to be served thereby and all others interested shall
5 have an opportunity to be heard concerning the proposed rates,
6 fees, and charges. After the adoption by the Governing Board
7 of the district of a resolution setting forth the preliminary
8 schedule or schedules fixing and classifying such rates, fees,
9 and charges, notice of such public hearing setting forth the
10 schedule or schedules of rates, fees, and charges shall be
11 given by one publication in a newspaper published in Palm
12 Beach County and by one publication in a newspaper published
13 in Martin County at least 10 days before the date fixed in
14 said notice for the hearing, which said hearing may be
15 adjourned from time to time. After such hearing such
16 preliminary schedule or schedules, either as originally
17 adopted or as modified or amended, shall be adopted and put
18 into effect and thereupon the resolution providing for the
19 issuance of water revenue bonds and/or sewer revenue bonds may
20 be finally adopted.

21 2. A copy of the schedule or schedules of such rates,
22 fees, and charges finally fixed in such resolution shall be
23 kept on file in the office of the district and shall be open
24 to inspection by all parties interested. The rates, fees, or
25 charges so fixed for any class of users or property served
26 shall be extended to cover any additional property thereafter
27 served which falls within the same class without the necessity
28 of a hearing or notice.

29 3. Any change or revision of any rates, fees, or
30 charges may be made in the same manner as such rates, fees, or
31 charges were originally established as hereinabove provided,

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1 but if such change or revision be made substantially pro rata
2 as to all classes of service, no notice or hearing shall be
3 required.

4 (d) Upon the construction of a sewage disposal system
5 and the financing of such construction by the issuance of
6 sewer revenue bonds under the provisions of this chapter, the
7 owner, tenant, or occupant of each lot or parcel of land
8 within the county which abuts upon a street or other public
9 way containing a sanitary sewer served or which may be served
10 by such disposal system and upon which lot or parcel a
11 building shall have been constructed for residential,
12 commercial, recreational, and all other uses and which lot or
13 parcel shall not already be served by, or have available to it
14 for service, a sanitary sewer, shall, if so required by the
15 rules and regulations thereof, connect such building with such
16 sanitary sewer and shall cease to use any other method for the
17 disposal of sewage, sewage water, or other polluting matter.
18 All such connections shall be made in accordance with rules
19 and regulations which shall be adopted from time to time by
20 the Governing Board of the district.

21 (e) The Governing Board of the district may provide in
22 the resolution authorizing the issuance of water revenue bonds
23 or sewer revenue bonds under the provisions of this chapter
24 that the charges for the services furnished by any facility
25 constructed or reconstructed by the district under the
26 provisions of this act shall be included in single bills to be
27 rendered for all the services furnished to the premises, and
28 that if the amount of such charges so included shall not be
29 paid within 30 days from the rendition of any bill, the
30 Governing Board of the district shall discontinue furnishing
31 water to such premises and shall disconnect the same from the

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1 water supply system of the district. Any such resolution may
2 include any or all of the following provisions, and may permit
3 the Governing Board of the district to adopt such resolution
4 or take such other lawful action as shall be necessary to
5 effectuate such provisions, and the Governing Board of the
6 district is hereby authorized to adopt such resolutions and to
7 take such other action:

8 1. The district may require the owner, tenant, or
9 occupant of each lot or parcel of land within the district who
10 is obligated to pay the rates, fees, or charges for the
11 services furnished by any facility purchased, constructed, or
12 reconstructed by the district under the provisions of this
13 chapter to make a reasonable deposit with the Governing Board
14 of the district in advance to ensure the payment of such
15 rates, fees, or charges and to be subject to application to
16 and payment thereof if and when delinquent.

17 2. If any rates, fees, or charges for the use and
18 services of any sewage disposal system or sewer improvements
19 by or in connection with any premises not served by the
20 waterworks system of the district shall not be paid within 30
21 days after the same shall become due and payable, the owner,
22 tenant, or occupant of such premises shall cease to dispose of
23 sewage or industrial waste originating from or on said
24 premises by discharge thereof directly or indirectly into the
25 sewer system of the district until such rates, fees, or
26 charges with interest shall be paid; that if such owner,
27 tenant, or occupant shall not cease such disposal at the
28 expiration of such 30-day period it shall be the duty of any
29 district, private corporation, board, body, or person
30 supplying water to or selling water for use on such premises
31 within 5 days after the receipt of notice of such delinquency

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1 from the district; and that if such district, private
2 corporation, board, body, or person shall not, at the
3 expiration of such 5-day period, cease supplying water to or
4 selling water for use on such premises, then the district may,
5 unless it has theretofore contracted to the contrary, shut off
6 the supply of water to such premises.

7 (f) All revenues derived from any water supply system,
8 water system improvement, sewage disposal system, or sewer
9 improvements for either of which a single issue of water
10 revenue bonds or sewer revenue bonds shall be issued, except
11 such part thereof as may be required to pay the cost of
12 maintaining, repairing, and operating such system or systems
13 and to provide reserves therefor as may be provided in the
14 resolution authorizing the issuance of such water revenue
15 bonds or sewer revenue bonds, shall be set aside at such
16 regular intervals as may be provided in such resolution and
17 deposited for the credit of the following separate funds for
18 the following purposes:

19 1. Sinking fund for the payment of interest on and the
20 principal of such water revenue bonds and/or sewer revenue
21 bonds as the same shall become due, necessary charges of
22 paying agents for the paying of such interest and principal,
23 and any premium upon bonds retired by call or purchase before
24 their maturity or respective maturities, including the
25 accumulation of reserves for such purposes.

26 2. A fund for anticipated renewals and replacements
27 and extraordinary repairs.

28 3. The use and disposition of moneys to the credit of
29 such sinking fund shall be subject to such regulations as may
30 be provided in the resolution authorizing the issuance of the
31 water revenue bonds and/or sewer revenue bonds and, except as

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1 may otherwise be provided in such resolution, such sinking
2 fund shall be a fund for the benefit of all bonds without
3 distinction or priority of one over the other.

4 (g) The Governing Board of the district shall, at the
5 close of each fiscal year, make or cause to be made a
6 comprehensive report of its operations of the water supply
7 system or systems and sewage disposal system or systems under
8 its control during the preceding fiscal year, including all
9 matters relating to rates, revenues, expenses for maintenance,
10 repair, and operation and replacements and extensions,
11 principal and interest retirements, and the status of all
12 funds, and there shall be set forth in such report the budget
13 recommended by the commission for the current fiscal year. A
14 copy of such annual report shall be filed with the district
15 office and shall be open to the inspection of all interested
16 persons. Any surplus of the gross revenues remaining at the
17 end of any fiscal year after making the required deposits for
18 the credit of the separate funds set forth above, and not
19 appropriated in the budget for the then current fiscal year,
20 shall be paid into the sinking fund.

21 (h) All moneys received pursuant to the authority of
22 this act shall be deemed to be trust funds, to be held and
23 applied solely as provided in this act. The resolution
24 authorizing the issuance of bonds shall provide that any
25 officer to whom, or any bank, trust company, or other fiscal
26 agent to which such moneys shall be paid shall act as trustee
27 of such moneys and shall hold and apply the same for the
28 purposes hereof, subject to such regulations as this act and
29 such resolution may provide.

30 (i) Any holder of bonds issued under the provisions of
31 this act or any of the coupons appertaining thereto, except to

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1 the extent the rights herein given may be restricted by the
2 resolution authorizing the issuance of such bonds, may, either
3 at law or in equity, by suit, mandamus, or other proceeding,
4 protect and enforce any and all rights under the laws of
5 Florida or granted hereunder or under such resolution, and may
6 enforce and compel the performance of all duties required by
7 this act or by such resolution to be performed by the district
8 or by the Governing Board of the district, including the
9 fixing, charging, and collecting of rates, fees, and charges
10 for services and facilities furnished by the water supply
11 system, water system improvement, sewage disposal system, or
12 sewer improvements and the levying and collecting of any
13 special assessments.

14 (j) The Governing Board of the district is hereby
15 authorized to provide by resolution for the issuance of water
16 revenue refunding bonds of the district for the purpose of
17 refunding any water revenue bonds then outstanding and issued
18 under the provisions of this act. The Governing Board of the
19 district is further authorized to provide by resolution for
20 the issuance of water revenue bonds of the district for
21 combined purposes:

22 1. Paying the cost of any extension, addition, or
23 reconstruction of a water supply system or systems or water
24 system improvements or the cost of a new water supply system
25 or systems or water system improvements.

26 2. Refunding such water revenue bonds of the district
27 which shall theretofore have been issued under the provisions
28 of this act and shall then be outstanding and which then shall
29 have matured or be subject to redemption or can be acquired
30 for retirement. The issuance of such bonds, the maturities and
31 other details thereof, the rights and remedies of holders

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1 thereof, and the rights, power, privileges, duties, and
2 obligations of the district or of the Governing Board of the
3 district with respect to the same shall be governed by the
4 foregoing provisions of this act insofar as the same may be
5 applicable.

6 (k) The Governing Board of the district is hereby
7 authorized to provide by resolution for the issuance of sewer
8 revenue refunding bonds of the district for the purpose of
9 refunding any sewer revenue bonds then outstanding and issued
10 under the provisions of this act. The Governing Board of the
11 district is further authorized to provide by resolution for
12 the issuance of sewer revenue bonds of the district for the
13 combined purposes of:

14 1. Paying the cost of any extension, addition, or
15 reconstruction of a sewage disposal system or systems or sewer
16 improvements or the cost of a new sewage disposal system or
17 systems or sewer improvements.

18 2. Refunding such sewer revenue bonds of the district
19 which shall theretofore have been issued under the provisions
20 of this act and shall then be outstanding and which then shall
21 have matured or be subject to redemption or can be acquired
22 for retirement. The issuance of such bonds, the maturities and
23 other details thereof, the rights and remedies of holders
24 thereof, and the rights, powers, privileges, duties, and
25 obligations of the district or of the Governing Board of the
26 district with respect to the same shall be governed by the
27 foregoing provisions of this act insofar as the same may be
28 applicable.

29 (10) To prohibit the use and maintenance of outhouses,
30 privies, cesspools, and septic tanks, or similar devices as
31 the Board may direct and to compel owners of buildings,

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1 structures, and boat marinas to connect with, and use, the
2 system or systems of the district or other private or
3 municipal system or systems within the district.

4 (11) To contract with the government of the United
5 States, or any other department or subdivision of the state,
6 or with any municipality, private corporation, partnership,
7 association, or person to receive or dispose of wastes, or to
8 collect, treat, or dispose of sewage; to purchase or sell
9 water or, by contract, to arrange for the collection of
10 charges made by the Board; and to enforce payment by shutting
11 off and discontinuing service.

12 (12) To levy special assessments against properties
13 adjoining or in close proximity to sewer and water lines of
14 the district, which would be specifically benefited by the
15 construction, acquisition, extension, and operation thereof
16 which the system is designed to serve, provided that such
17 assessments shall not exceed the cost of the assessable
18 improvements constructed.

19 (a) The district may provide for the construction or
20 reconstruction of a facility and for the levying of special
21 assessments upon benefited property under the provisions of
22 this section. The initial proceeding hereunder shall be the
23 passage at any lawful meeting of the Governing Board of a
24 resolution ordering the construction or reconstruction of such
25 facility under and subject to the provisions of this section,
26 indicating the location by terminal points and route and
27 either giving a description of the improvement by its
28 material, nature, character, and size or giving two or more
29 such descriptions with the direction that the material,
30 nature, character, and size shall be subsequently determined
31 in conformity with one of such descriptions. Water system

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1 improvements or sewer improvements need not be continuous and
2 may be in more than one locality or street. The resolution
3 ordering any such improvement may give any short and
4 convenient designation to each improvement ordered thereby,
5 after which it shall be sufficient to refer to such
6 improvement and property by such designation in all
7 proceedings and assessments, except in the notices provided
8 for in paragraphs (c) and (d).

9 (b)1. As soon as may be practicable after the passage
10 of such resolution, the engineer for the district shall
11 prepare in duplicate plans and specifications of each
12 improvement ordered thereby and an estimate of the cost
13 thereof. Such cost may include, in addition to the items of
14 cost set forth in section 5(6) the cost of relaying streets
15 and sidewalks necessarily torn up or damaged and shall include
16 the following items of incidental expense:

17 a. Printing and publishing of notices and proceedings.

18 b. Any other expense necessary or proper in conducting
19 the proceedings and work provided for in this section.

20 2. If the resolution shall provide alternative
21 descriptions of material, nature, character, and size, such
22 estimate shall include an estimate of the cost of the
23 improvement of each such description.

24 3. The engineer shall also prepare in duplicate a
25 tentative apportionment of the estimated cost as between the
26 district and each lot or parcel of land subject to special
27 assessment under the resolution, such apportionment to be made
28 in accordance with the provisions of the resolution and the
29 provisions of paragraph (f) in relation to apportionment of
30 cost in the preliminary assessment roll. Such tentative
31 apportionment of estimated cost shall not be held to limit or

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1 restrict the duties of the engineer in the preparation of such
2 preliminary assessment roll. One of the duplicates of such
3 plans, specifications, and estimate and such tentative
4 apportionment shall be filed with the secretary of the
5 Governing Board and the other duplicate shall be retained by
6 the engineer in his or her files, all thereof to remain open
7 to public inspection.

8 (c) The Governing Board, upon the filing with it of
9 such plans, specifications, estimate, and tentative
10 apportionment of cost, shall publish once in a newspaper
11 published in Martin County and once in a newspaper published
12 in Palm Beach County a notice stating that at a regular
13 meeting of the Governing Board on a certain day and hour, not
14 earlier than 10 days from such publication, the Governing
15 Board will hear objections of all interested persons to the
16 confirmation of such resolution, which notice shall state in
17 brief and general terms a description of the proposed
18 improvement with the location thereof and shall also state
19 that plans, specifications, estimate, and tentative
20 apportionment of cost thereof are on file in the office of the
21 district. The Governing Board shall keep a record in which
22 shall be inscribed, at the request of any person, firm, or
23 corporation having or claiming to have an interest in any lot
24 or parcel of land, the name and post office address of such
25 person, firm, or corporation, together with a brief
26 description or designation of such lot or parcel, and it shall
27 be the duty of the Governing Board to mail a copy of such
28 notice to such person, firm, or corporation at such address,
29 at least 10 days before the time for the hearing as stated in
30 such notice, but the failure of the Governing Board to keep
31 such record or so to inscribe any name or address or to mail

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1 any such notice shall not constitute a valid objection to
2 holding the hearing as provided in this section or to any
3 other action taken under the authority of this section.

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

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

26 (f) Promptly after the completion of the work, the
27 engineer for the district shall prepare a preliminary
28 assessment roll and file same with the secretary of the
29 Governing Board, which roll shall contain the following:

30 1. A description of the lots and parcels of land
31 within the district, which shall include all lots and parcels

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1 which abut upon the sides of that part of any street in which
2 a water supply system, water system improvement, or sanitary
3 sewer, except a curb sewer, is to be constructed or
4 reconstructed, all lots and parcels which abut upon the side
5 or sides of any street in or along which side or sides a
6 sanitary curb sewer shall have been constructed or
7 reconstructed, and all lots and parcels which are served or
8 are to be served by such water supply system, water system
9 improvement, or sanitary sewer. Such lots and parcels shall
10 include all property, whether publicly or privately owned.
11 There may also be given, in the discretion of the engineer,
12 the name of the owner of record of each lot or parcel, where
13 practicable, and in all cases there shall be given a statement
14 of the number of feet of property so abutting, which number of
15 feet shall be known as frontage.

16 2. The total cost of the improvement, and the amount
17 of incidental expense.

18 3. An apportionment as between the district and the
19 property included in the preliminary assessment roll of the
20 cost of each improvement, including incidental expense, to be
21 computed as follows:

22 a. To each lot or parcel of land, to the property or
23 curb line of which a water supply lateral or sanitary sewer
24 lateral shall have been laid, shall be apportioned the cost of
25 such lateral or laterals.

26 b. To abutting property shall be apportioned according
27 to frontage, or any other method being deemed equitable by the
28 Governing Board, all or any part of the cost of such water
29 system improvements or sewer improvements as may be fixed by
30 resolution ordering the improvements.

31 c. To the district shall be apportioned the remaining

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1 costs of the water system improvements or sewer improvements,
2 unless all of such costs shall be apportioned to the abutting
3 property. However, in the case of lots or parcels which abut
4 on more than one street or which are served or are to be
5 served by such water system improvements or sewer improvements
6 although not abutting on either side of the street in which
7 such improvement is constructed, the apportionment shall be
8 made under such rules and regulations as the Governing Board
9 shall deem to be fair and equitable.

10 (g) The preliminary assessment roll shall be advisory
11 only and shall be subject to the action of the Governing Board
12 as hereinafter provided. Upon the filing with the Governing
13 Board of the preliminary assessment roll, the Governing Board
14 shall publish once in a newspaper published in Martin County
15 and once in a newspaper published in Palm Beach County a
16 notice stating that at a meeting of the Governing Board to be
17 held on a certain day and hour, not less than 12 days from the
18 date of such publication, which meeting may be a regular,
19 adjourned, or special meeting, all interested persons may
20 appear and file written objections to the confirmation of such
21 roll. Such notice shall state the class of the improvement and
22 the location thereof by terminal points and route. Such
23 meeting of the commission shall be the first regular meeting
24 following the completion of the notice hereinabove required,
25 unless the Governing Board shall have provided for a special
26 meeting for such purpose.

27 (h) At the time and place stated in such notice the
28 Governing Board shall meet and receive the objections in
29 writing of all interested persons as stated in such notice.
30 The Governing Board may adjourn the hearing from time to time.
31 After completion thereof, the Governing Board shall either

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1 annul, sustain, or modify in whole or in part the prima facie
2 assessment as indicated on such roll, either by confirming the
3 prima facie assessment against any and all lots or parcels
4 described therein, or by canceling, increasing, or reducing
5 the same, according to the special benefits which the
6 Governing Board decides each such lot or parcel has received
7 or will receive on account of such improvement. If any
8 property which may be chargeable under this section shall have
9 been omitted from the preliminary roll or if the prima facie
10 assessment shall not have been made against it, the Governing
11 Board may place on such roll an apportionment to such
12 property. The Governing Board shall not confirm any assessment
13 in excess of the special benefits to the property assessed,
14 and the assessments so confirmed shall be in proportion to the
15 special benefits. Forthwith after such confirmation, such
16 assessment roll shall be delivered to the county property
17 appraisers of Martin County and Palm Beach County for the
18 properties contained within their respective counties. The
19 assessment so made shall be final and conclusive as to each
20 lot or parcel assessed unless proper steps be taken in a court
21 of competent jurisdiction to secure relief. If the assessment
22 against any property shall be sustained, reduced, or abated by
23 the court, the property appraiser shall note that fact on the
24 assessment roll opposite the description of the property
25 affected thereby. The amount of the special assessment against
26 any lot or parcel which may be abated by the court, unless the
27 assessment upon the entire district is abated, or the amount
28 by which such assessment is so reduced, may be, by resolution
29 of the Governing Board, made chargeable against the district
30 at large; or, in the discretion of the Governing Board, a new
31 assessment roll may be prepared and confirmed in the manner

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1 hereinabove provided for the preparation and confirmation of
2 the original assessment roll.

3 (i) Any assessment may be paid at the Office of the
4 Martin County Tax Collector for property within Martin County,
5 and the Office of the Palm Beach County Tax Collector for
6 property within Palm Beach County within 30 days after the
7 confirmation thereof, without interest. Thereafter all
8 assessments shall be payable in equal annual installments,
9 with interest not exceeding 8 percent per annum from the
10 expiration of said 30 days in each of the succeeding 40
11 calendar years at the time or times in each year at which
12 general county taxes are payable, provided, however, that the
13 Governing Board may by resolution fix a shorter period of
14 payment for any assessment, and provided, further, that any
15 assessment may be paid at any time before due, together with
16 interest accrued thereon to the date of payment.

17 (j) All assessments shall constitute a lien upon the
18 property so assessed from the date of confirmation of the
19 resolution ordering the improvement, of the same nature and to
20 the same extent as the lien for general county taxes falling
21 due in the same year or years in which such assessment or
22 installments thereof fall due, and any assessment or
23 installment not paid when due shall be collectible in the same
24 manner and at the same time as such general taxes are or may
25 be collectible, with the same attorney's fee, interest, and
26 penalties and under the same provisions as to forfeiture and
27 the right of the district to purchase the property assessed as
28 are or may be provided by law in the case of county taxes.
29 However, no such sale of any property for general county taxes
30 or for any installment or installments of any such assessment
31 and no perfecting of title under any such sale shall divest

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1 the lien of any installment of such assessment not due at the
2 time of the sale. Collection of such assessments, with such
3 interest and with a reasonable attorney's fee and costs, but
4 without penalties, may also be made by the district by
5 proceedings in a court of equity to foreclose the lien of
6 assessments as a lien for mortgages is or may be foreclosed
7 under the laws of the state, or by an action in rem in the
8 manner provided by law for the foreclosure and collection of
9 ad valorem taxes, provided that any such proceedings to
10 foreclose shall embrace all installments of principal
11 remaining unpaid with accrued interest thereon, which
12 installments shall, by the institution of such proceedings,
13 immediately become and be due and payable. Nevertheless, if,
14 prior to any sale of the property under the decree of
15 foreclosure in such proceedings, payment be made of the
16 installment or installments which are shown to be due under
17 the provisions of the resolution passed pursuant to paragraph
18 (i), with interest as required by paragraph (i) and by this
19 paragraph and all costs including attorney's fee, such payment
20 shall have the effect of restoring the remaining installments
21 to their original maturities as provided by the resolution
22 passed pursuant to paragraph (i), and the proceedings shall be
23 dismissed. It shall be the duty of the district to enforce the
24 prompt collection of assessments by one or the other of the
25 means herein provided, and such duty may be enforced at the
26 suit of any holder of bonds issued under this act in a court
27 of competent jurisdiction by mandamus or other appropriate
28 proceeding or action. Not later than 30 days after the annual
29 sale of property for delinquent taxes of the county, or if
30 such property or taxes are not sold by the county, then within
31 60 days after such taxes become delinquent, it shall be the

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1 duty of the Governing Board to direct the attorney or
2 attorneys whom the Governing Board shall then designate, to
3 institute actions within 3 months after such direction to
4 enforce the collection of all special assessments for local
5 improvements made under this section and remaining due and
6 unpaid at the time of such direction (unless theretofore sold
7 at tax sale). Such action shall be prosecuted in the manner
8 and under the conditions in and under which mortgages are
9 foreclosed under the laws of the state. It shall be lawful to
10 join in one action the collection of assessments against any
11 or all property assessed by virtue of the same assessment roll
12 unless the court shall deem such joinder prejudicial to the
13 interest of any defendant. The court shall allow a reasonable
14 attorney's fee for the attorney or attorneys of the district,
15 and the same shall be collectible as a part of or in addition
16 to the costs of the action. At any sale pursuant to decree in
17 any such action, the district may be a purchaser to the same
18 extent as an individual person or corporation, except that the
19 part of the purchase price represented by the assessments sued
20 upon and the interest thereon need not be paid in cash.
21 Property so acquired by the district, including the
22 certificate of sale thereof, may be sold or otherwise disposed
23 of, for cash or upon terms, the proceeds of such disposition
24 to be placed in the fund provided by paragraph (k). However,
25 no sale or other disposition thereof shall be made unless
26 notice calling for bids therefor to be received at a stated
27 time and place shall have been published in a newspaper
28 published in Martin County and Palm Beach County one time at
29 least 1 week prior to such disposition.
30 (k) All assessments and charges made under the
31 provisions of this section for the payment of all or any part

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1 of the cost of any sewer improvement or improvements for which
2 bonds shall have been issued under the provisions of this act
3 are hereby pledged to the payment of the principal of and the
4 interest on such bonds and shall when collected be placed in a
5 separate fund, properly designated, which fund shall be used
6 for no other purpose than the payment of such principal and
7 interest.

8 (1) Each school district and other political
9 subdivision wholly or partly within the district and each
10 public agency or instrumentality owning property within the
11 district shall possess the same power and be subject to the
12 same duties and liabilities in respect of assessment under
13 this section affecting the real estate of such county,
14 district, political subdivision, or public agency or
15 instrumentality which private owners of real estate possess or
16 are subject to hereunder, and such real estate shall be
17 subject to liens for said assessments in all cases where the
18 same property would be subject to had it at the time the lien
19 attached been owned by a private person.

20 (13) To seek injunctive relief in a court of competent
21 jurisdiction, to prevent the violation of this act or any
22 resolution, rule, or regulation adopted pursuant to the powers
23 granted by this act, without the necessity of showing of a
24 public nuisance in such legal proceeding.

25 (14) To require the pretreatment of industrial wastes
26 when the same are not amenable to treatment with normal
27 domestic sewage before accepting industrial waste for
28 treatment, and to refuse to accept industrial wastes when not
29 sufficiently pretreated.

30 (15) To sell or otherwise dispose of the effluent,
31 sludge, or other byproducts produced by any system.

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1 (16) To designate as subdistricts one or more areas of
2 operation which are to be served by and in which a system
3 constructed or acquired pursuant to this act, may exclusively
4 operate and to designate such area or areas of operation by an
5 appropriate descriptive title.

6 (17) To construct, install, erect, and acquire and to
7 operate, maintain, improve, extend, or enlarge and reconstruct
8 a system or systems within the boundaries of the district and
9 to have the control and jurisdiction thereof; to pay all or
10 part of the cost of such construction, reconstruction,
11 erection, acquisition, or installation of such utility system
12 or combined utility system and additions, extensions, and
13 improvements thereto, except as otherwise provided in this
14 act.

15 (18) To acquire by purchase, gift, or condemnation in
16 accordance with the provisions of chapters 73 and 74, Florida
17 Statutes, such lands and rights and interest therein,
18 including lands under water and riparian rights; and to
19 acquire such personal property as it may deem necessary in
20 connection with the construction, reconstruction, improvement,
21 extension, installation, erection, or operation and
22 maintenance of any system and to hold and dispose of such real
23 and personal property, including, but not limited to, systems
24 owned and operated by municipalities and counties.

25 (19) To exercise jurisdiction, control, and
26 supervision over any system or any part thereof owned,
27 operated, and maintained by the district; and to make and
28 enforce such rules and regulations for the maintenance and
29 operation of any system and improvements owned, operated, and
30 maintained by the district as may be necessary for the lawful
31 operation of any such system or improvements in accordance

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1 with the laws of this state and the regulations of state
2 departments and agencies having jurisdiction over the systems
3 as defined herein.

4 (20) To furnish water and sewer collection services
5 within the district; or to construct or acquire jointly with
6 the county or counties and municipality or municipalities
7 located within the district, systems or any parts or
8 facilities hereof under such terms and conditions as shall be
9 agreed upon between the district and such municipalities or
10 counties; and to acquire, from any municipality or county, and
11 operate any system, or any parts or facilities thereof,
12 located within the boundaries of the district or territory,
13 either within or without such municipality or county, except
14 as otherwise provided in this act.

15 (21) To develop current and long-range plans to
16 provide urban water and sewage to present and future
17 population centers within the district at the earliest
18 possible date.

19 (22) To investigate complaints caused by inadequate
20 services or operation.

21 (23) To utilize or expand existing systems to serve
22 population needs.

23 (24) To provide necessary laboratories and facilities
24 for testing of operating systems.

25 (25) To negotiate the provisions for assumption of
26 current indebtedness of any system or systems for which the
27 district assumes responsibility.

28 (26) To levy an ad valorem tax in accordance with
29 section 7.

30 (27) To issue revenue bonds and general obligation
31 bonds, for the purposes of this act, in the manner set forth

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1 herein:

2 (a) The Governing Board of the district is hereby
3 authorized to provide by resolution at one time or from time
4 to time for the issuance of either water revenue bonds, sewer
5 revenue bonds, or general obligation bonds of the district for
6 the purpose of paying all or any part of the cost of any one
7 or more of the following:

- 8 1. A water supply system or systems.
- 9 2. Extensions and additions thereto.
- 10 3. Water system improvements.
- 11 4. A sewage disposal system or systems.
- 12 5. Extensions and additions thereto.
- 13 6. Sewer improvements.

14
15 The bond of each issue shall be dated, shall bear interest at
16 such rate or rates not exceeding 7.5 percent per annum, shall
17 mature at such time or times not exceeding 50 years from their
18 date or dates as may be determined by the Governing Board of
19 the district, and may be made redeemable before maturity at
20 the option of the district at such price or prices and under
21 such terms and conditions as may be fixed by the Governing
22 Board prior to the issuance of the bonds.

23 (b) The Governing Board of the district shall
24 determine the form of the bonds, including any interest
25 coupons to be attached thereto, and the manner of the
26 execution of the bonds and shall fix the denomination or
27 denominations of the bonds and place or places of payment of
28 principal or interest which may be at any bank or trust
29 company within or without the state. In case any officer whose
30 signature or facsimile of whose signature appears on any bonds
31 or coupons ceases to be such officer before the delivery of

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1 such bonds, such signature or facsimile shall nevertheless be
2 valid and sufficient for all purposes as if he or she had
3 remained in office until such delivery.

4 (c) All bonds issued under the provisions of this act
5 have and are hereby declared to have all the qualities and
6 incidents of negotiable instruments. Bonds may be issued in
7 coupon or in registered form or both as the Governing Board
8 may determine and provision may be made for the registration
9 of any coupon bonds as to principal alone and also as to both
10 principal and interest and for the reconversion into coupon
11 bonds of any bonds registered as to bond principal and
12 interest.

13 (d) The issuance of such bonds shall not be subject to
14 any limitations or conditions contained in any other statute
15 and the Governing Board may sell such bonds in such manner at
16 public or private sale and for such price as it may determine
17 to be for the best interests of the district, but no such sale
18 shall be made at a price so low as to require the payment of
19 interest on the money received therefor at more than 7.5
20 percent per annum computed with relation to the absolute
21 maturity of the bonds in accordance with the standard tables
22 of bond values, excluding from such computations the amount of
23 any premium to be paid on redemption of any bonds prior to
24 maturity. Prior to the preparation of definitive bonds, the
25 district may, under like restrictions, issue interim receipts
26 and temporary bonds with or without coupons exchangeable for
27 definitive bonds when such bonds have been executed and are
28 available for delivery. The Governing Board of the district
29 may also provide for the replacement of any bonds which become
30 mutilated, destroyed, or lost.

31 (e) Bonds may be issued under the provisions of this

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1 chapter without obtaining the consent of any commission,
2 board, bureau, or agency of the state and without the
3 proceeding or happening of any other condition or thing than
4 those proceedings, conditions, or things which are
5 specifically required by this act.

6 (f) The proceeds of such bonds shall be used solely
7 for the payment of costs of the water supply system or systems
8 or the water system improvements or the sewage disposal system
9 or systems or the sewer improvements, for the purchase,
10 construction, or reconstruction of which such bonds shall have
11 been authorized, and shall be disbursed in such manner and
12 under such restrictions, if any, as the Governing Board of the
13 district may provide in the authorizing resolution. If the
14 proceeds of such bonds, by error of estimates or otherwise,
15 shall be less than such costs, additional bonds may in like
16 manner be issued to provide the amount of such deficit and
17 unless otherwise provided in the authorizing resolution shall
18 be deemed to be of the same issue and shall be entitled to
19 payment from the same fund without preference or priority of
20 the bonds first issued for the same purpose. If the proceeds
21 of the bonds of any issue shall exceed the amount required for
22 the purpose for which such bonds shall have been issued, the
23 surplus shall be paid into the fund provided under the
24 provisions of this chapter for the payment of principal of and
25 the interest on such bonds.

26 (g) For the payment of the principal and interest
27 thereon on any general obligation bonds issued for the benefit
28 of the district issued under the provisions of this act the
29 Governing Board of the district is hereby authorized and
30 required to levy annually a special tax upon all taxable
31 property within the district over and above all other taxes

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1 authorized or limited by law sufficient to pay such principal
2 and interest as the same respectively becomes due and payable,
3 and the proceeds of all such taxes shall, when collected, be
4 paid into a special fund and used for no other purpose than
5 the payment of such principal and interest. However, there may
6 be pledged to the payment of such principal and interest the
7 proceeds of such water service charge and/or sewer service
8 charges and in the event of such pledge the amount of the
9 annual tax levied herein required may be reduced in any year
10 by the amount of such proceeds actually received in the
11 preceding year and then remaining on deposit to the credit of
12 such fund for the payment of such principal and interest.

13 (h) Water revenue bonds may be used only in connection
14 with the acquisition, construction, or operation of water
15 supply systems or water system improvements, and sewer revenue
16 bonds may be used only in connection with the acquisition,
17 construction, and operation of sewage disposal systems and
18 sewer improvements. Water revenue bonds and/or sewer revenue
19 bonds issued under the provisions of this act shall not be
20 deemed to constitute a pledge of the faith and credit of the
21 district but such bonds shall be payable solely from the funds
22 provided therefor under the provisions of this act. All such
23 bonds shall contain a statement on their face substantially to
24 the effect that the district is not obligated to pay such
25 bonds or the interest thereon except from such funds and that
26 the faith and the credit of the district is not pledged to the
27 payment of the principal of or the interest on such bonds. The
28 issuance of water revenue bonds and/or sewer revenue bonds
29 under the provisions of this act shall not directly or
30 indirectly or contingently obligate the district to levy any
31 taxes whatever therefor or to make any appropriation for their

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1 payment except from the funds pledged under the provisions of
2 this act.

3 (i) 1. The resolution authorizing the issuance of
4 water revenue bonds under the provisions of this act shall
5 pledge the revenues to be received but shall not convey or
6 mortgage any water supply system or water system improvements,
7 or any part thereof.

8 2. The resolution authorizing the issuance of sewer
9 revenue bonds under the provisions of this act shall pledge
10 the revenue to be received but it shall not convey or mortgage
11 any sewage disposal system or sewer improvements or any part
12 thereof.

13 3. Either water revenue bonds or sewer revenue bonds
14 may contain such provisions for protecting and enforcing the
15 rights and remedies of the bondholders as may be reasonable
16 and proper and not in violation of law, including covenants
17 setting forth the duties of the Governing Board of the
18 district in relation to the purchase, construction,
19 reconstruction, improvement, maintenance, operation, repair,
20 and insurance of the water supply system or systems and the
21 water system improvements and the sewage disposal system or
22 systems and the sewer improvements and the provisions for the
23 custody, safeguarding, and application of all moneys, and for
24 the employment of consulting engineers in connection with such
25 purchase, construction, reconstruction, or operation. Such
26 resolution may set forth the rights and remedies of the
27 bondholders and may restrict the individual right of action by
28 bondholders as is customary in trust agreements or trust
29 indentures securing bonds or debentures or corporations.

30 4. In addition to the foregoing, such resolution may
31 contain such other provisions as the Governing Board of the

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1 district may deem reasonable and proper for the security of
2 bondholders. Except as in this act otherwise provided, the
3 Governing Board of the district may provide for the payment of
4 the proceeds of the sale of the bonds and revenues of the
5 water supply system or systems and of any water system
6 improvements or of the sewage disposal system or systems and
7 of any sewer improvements to such officer, board, or
8 depository as it may designate for the custody thereof, and
9 for the method of disbursement thereof, with such safeguards
10 and restrictions as it may determine.

11 (j) The resolution providing for the issuance of water
12 revenue bonds and/or sewer revenue bonds may also contain such
13 limitations upon the issuance of additional water revenue
14 bonds and/or sewer revenue bonds as the Governing Board of the
15 district may deem proper, and such additional bonds shall be
16 issued under such restrictions and limitations as may be
17 prescribed by such resolution.

18 (k) No water revenue bonds or sewer revenue bonds
19 shall be issued under the authority of this act unless the
20 Governing Board of the district shall have theretofore found
21 and determined the estimated cost of the facilities or systems
22 on account of which such bonds are to be issued, the estimated
23 annual revenues of such facilities or systems, and the
24 estimated annual cost of maintaining, repairing, and operating
25 such facilities or systems, nor unless it shall appear from
26 such estimate that the annual revenues will be sufficient to
27 pay such cost of maintenance, repair, and operation and the
28 interest on such bonds and the principal thereof as such
29 interest and principal shall become due.

30 (l) If the approval of the issuance of water revenue
31 bonds or sewer revenue bonds at an election of the residents

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1 who are qualified electors residing in the district shall be
2 required by the State Constitution, such election shall be
3 called, noticed, and conducted and the result thereof
4 determined and declared as shall have been or may be required
5 by law for the issuance of bonds of the district.

6 (m) Notwithstanding the provisions of paragraphs (h),
7 (i), (j), and (k), the district may issue water and sewer
8 revenue bonds for the purpose of construction, acquisition, or
9 improvement of water supply systems or water system
10 improvements and sewage disposal systems or sewer
11 improvements, which have been combined by the district. Such
12 water and sewer revenue bonds may also be issued for the
13 purpose of the construction, acquisition, or improvement of
14 such combined system, or any part thereof, and the refunding
15 of any outstanding bonds or obligations theretofore issued to
16 finance the cost of such combined system or any part thereof.

17 (n) In the event that the water supply system or water
18 system improvements and sewage disposal systems and sewer
19 improvements are combined into one water and sewer system, all
20 of the provisions of this chapter relating to water supply
21 systems or water system improvements and sewage disposal
22 systems and sewer improvements and water revenue bonds and
23 sewer revenue bonds shall apply to such combined systems and
24 water and sewer revenue bonds to the extent the same are
25 applicable.

26 Section 7. The Board may, subject to approval as
27 provided in section 17, levy upon all of the taxable property
28 in the district a special tax not exceeding 1/4 mill on the
29 dollar during each year solely for the purposes authorized and
30 prescribed by this act. Said levy shall be made each year not
31 later than July 1 by resolution of the Board of a majority

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1 thereof duly entered upon its minutes. Certified copies of
2 such resolution executed in the name of the Board by the chair
3 and secretary and under its corporate seal shall be made and
4 delivered to the Boards of County Commissioners of Palm Beach
5 and Martin Counties and to the Department of Revenue, not
6 later than July 1 of each year. The property appraisers of the
7 respective counties shall assess and the collectors of the
8 respective counties shall collect the amount of taxes so
9 assessed and levied by the Board upon all of the taxable
10 property in the district at the rate of taxation adopted by
11 the Board for the year and included in the resolution, and the
12 levy shall be included in the warrants of property appraisers
13 and attached to the assessment roll of taxes for the
14 respective counties each year. The tax collectors shall
15 collect such taxes so levied by the Board in the same manner
16 as other taxes are collected and shall pay the same within the
17 time and in the manner prescribed by law to the treasurer of
18 the Board. The Department of Revenue shall assess all such
19 property in accordance with section 193.035, Florida Statutes.
20 All such taxes shall be held by the treasurer for the credit
21 of the Board and paid out in accordance with the provisions of
22 this act.

23 Section 8. In the event that the fees, rates, or
24 charges for the services and facilities of any system are not
25 paid when due:

26 (1) The district may, if such default continues for 30
27 days or more after written notice to such delinquent customer,
28 discontinue and shut off the supply of the services and
29 facilities of said system, to the person, firms, corporation,
30 or other body, public or private, so supplied with such
31 services or facilities, until such fees, rates, or charges,

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1 including legal interest, penalties, and charges for the
2 shutting off and discontinuance or the restoration of such
3 services or facilities are fully paid. Such delinquent fees or
4 charges, together with legal interest, penalties, and charges
5 for the shutting off and discontinuance or the restoration of
6 such services or facilities, and reasonable attorney's fees,
7 costs, and other expenses, may be recovered by the Board in a
8 court of competent jurisdiction.

9 (2) The district shall have a lien on all lands and
10 premises served by it for all charges, until paid, for
11 services provided to such lands or premises by the district,
12 or connection fees associated therewith, which lien shall be
13 prior to all other liens, except that such lien shall be on
14 parity with the lien of state, county, and municipal taxes,
15 and any lien for charges for services created pursuant to
16 section 159.17, Florida Statutes. Such lien shall be perfected
17 by the district by recording in the official records of the
18 county in which the lands or premises are located a claim of
19 lien in a form substantially as provided in section 713.08,
20 Florida Statutes. A copy of the claim of lien shall be served
21 as provided in section 713.18, Florida Statutes, within 10
22 days after the claim of lien is recorded. If 30 days after
23 service has been made liens created under this section remain
24 delinquent, such liens may be foreclosed by the district in
25 the manner provided by the laws of this state for the
26 foreclosure of mortgages on real property, and the district
27 shall be entitled to reasonable interest, attorney's fees, and
28 other court costs.

29 Section 9. The district may assume the operation of
30 any system which substantially fails to meet its financial
31 responsibilities or operating standards pursuant to this act

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1 or other laws and regulations of this state.

2 Section 10. The district may provide for the
3 construction or reconstruction of assessable improvements as
4 defined in section 5, and pay for the same by all financing,
5 assessment, and taxing means permitted by law and this act.

6 Section 11. The Board shall prepare an annual report,
7 audited by a qualified certified public accountant, including
8 all matters relating to revenues, expenses of maintenance,
9 repair, and operation and renewals and capital replacements,
10 principal and interest requirements, and the status of all
11 funds and accounts. Copies of such report shall be filed with
12 the department by October 1 of the following fiscal year and
13 shall be open to public inspection and available upon request
14 at cost.

15 Section 12. No water system, storm drainage system,
16 sewer system, or other facility for the production, treatment
17 of sewage, and collection and discharge of storm drainage
18 shall be constructed within the district unless the Board
19 gives its consent thereto and approves the plans and
20 specifications therefor. Said consent and approval shall not
21 be given unless the location and design thereof and its
22 equipment will permit it to be operated in unison with the
23 district's systems and other existing systems and is adequate
24 to meet the minimum standards of such systems as provided by
25 law and this act.

26 Section 13. The Board shall have the power to
27 transfer, sell, or assign any of the property of the district
28 which it finds is not needed to carry out the purposes of this
29 act to any other governmental agency at whatever terms it
30 deems reasonable.

31 Section 14. The provisions of this act shall be

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1 liberally construed to effect its purposes.

2 Section 15. In case any one or more of the sections or
3 provisions of this act, or the application of such sections or
4 provisions to any situations, circumstances, or person, shall
5 for any reason be held to be unconstitutional or invalid, such
6 unconstitutionally or invalidity shall not affect any other
7 sections or provisions of this act or the application of such
8 sections or provisions to any other situation, circumstance,
9 or person, and it is intended that this act shall be construed
10 and applied as if such section or provision so held
11 unconstitutional or invalid had not been included in this act.

12 Section 16. Nothing contained in this act shall be
13 construed to empower the district to exercise control over the
14 management of waters of the Central and Southern Florida Flood
15 Control project, or over any of the works of the Central and
16 Southern Florida Flood Control District. Nothing contained
17 herein shall be construed to empower the district to use the
18 power of eminent domain against the Central and Southern
19 Florida Flood Control District, nor to empower the levy of
20 special assessment or ad valorem taxes against lands held by
21 the Central and Southern Florida Flood Control District.

22 Section 17. The provisions of section 7 which
23 authorize the levy of ad valorem taxation shall take effect
24 only upon its approval by a vote of the electors of the
25 district as may be required by the State Constitution. The
26 Board shall call and provide for the holding of a referendum
27 at the next election of the district or at a special election
28 called by the Board for that purpose at which referendum the
29 qualified electors in the district shall approve or reject the
30 authority to levy ad valorem taxes provided in this act, all
31 as may be now required by the Florida Constitution; and the

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1 previous failure of the district to previously call such
2 referendum as required by the former language of section 17 of
3 chapter 71-822, Laws of Florida, shall in no way affect the
4 validity of the result of such referendum to be held. If ad
5 valorem taxation shall be approved at said election, the Board
6 may impose an initial tax levy not to exceed 1/4 mill. Any
7 subsequent increase in said tax levy may only be made with the
8 approval of the electors of said district at a special
9 election called by the Board and held for that purpose. Such
10 elections shall be held in accordance with the provisions of
11 sections 100.211-100.351, Florida Statutes.

12 Section 18. The qualified electors of the district
13 shall have the power of initiative to propose an action to be
14 taken by the Board which the Board is authorized under this
15 act to take and the power of referendum to require
16 reconsideration by the Board of any action of a nature
17 requiring full compliance with the Administrative Procedure
18 Act taken by the Board. If the Board fails to take the action
19 proposed or to repeal the action to be reconsidered, the
20 electors shall be entitled to approve or reject the proposed
21 or reconsidered action according to the following procedure:

22 (1) A petition must be prepared and filed with the
23 Board within 10 days after final passage of such action which
24 shall contain a statement of the proposed action or of the
25 action to be reconsidered and the signatures of at least 10
26 percent of the qualified electors within the district voting
27 in the most recent district election, or 5 percent of the
28 registered district voters, whichever is greater.

29 (2) The petition shall be filed with the Board which
30 shall submit the petition to the supervisors of elections of
31 the counties within the district for verification of

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1 signatures. Upon receipt of certification by the supervisors
2 of elections that the petition contains at least 10 percent of
3 qualified electors within the district, voting in the most
4 recent district election, or 5 percent of the registered
5 district voters, whichever is greater, the Board shall
6 promptly consider the proposed action or reconsider the action
7 to be reconsidered by voting its repeal. If the Board does not
8 adopt the proposed action or repeal the action to be
9 reconsidered within 30 days after receipt of the
10 certification, the Board shall fix a day for holding an
11 election to be held not less than 60 days nor more than 90
12 days from the receipt of such certification.

13 (3) This section shall not apply to any actions of the
14 Board approved prior to the effective date of the 1978
15 amendments, nor shall the same in any manner affect
16 obligations and indebtedness incurred prior to the 1978
17 amendments. If a majority of the votes cast in the election
18 are in favor of the proposed action or in favor of the repeal
19 of the action being reconsidered, the proposed action shall be
20 considered adopted, or the action being reconsidered shall be
21 considered repealed upon the announcement of the official
22 canvass of the election.

23 (4) The word "action" as used in this act shall not
24 include matters involving internal management or
25 administration of grants, but does include, without
26 limitation, any matters arising under the Administrative
27 Procedure Act, chapter 74-310, Laws of Florida.

28 (5) Nothing in this section shall be construed to
29 require any person to register to vote in any election held
30 pursuant to this section if at the time such election is held,
31 the person is registered to vote in state or county elections.

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1 Section 4. Chapters 71-822, 75-475, 76-429, 76-431,
2 78-559, 78-561, 80-577, 86-429, 86-430, 88-506, 90-438, and
3 92-255, Laws of Florida, are repealed.

4 Section 5. If any provision of this act, or any
5 provision of the district's charter contained herein, is held
6 to be unconstitutional, such holding shall not affect the
7 validity of the remaining provisions of this act.

8 Section 6. This act shall take effect upon becoming a
9 law.

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