

By Representative Atwater

1 A bill to be entitled
2 An act relating to the Loxahatchee River
3 Environmental Control District, in portions of
4 Palm Beach and Martin Counties, including the
5 Town of Jupiter, Jupiter Inlet Colony, Juno
6 Beach, and the Village of Tequesta, generally
7 defined as the Loxahatchee River Basin;
8 providing for codification; providing
9 legislative intent; providing the district is
10 an independent multicounty special district;
11 providing district status and boundaries;
12 providing for applicability of chapter 189,
13 Florida Statutes, and other general laws;
14 providing for the election of a five-member
15 Board; providing powers and duties with regard
16 to sewage disposal, solid waste management,
17 discharge of storm drainage and water supply
18 drainage, and water supply within the district;
19 providing for the financing of the district,
20 including the levying of ad valorem taxes if
21 approved at a referendum; providing for liberal
22 construction; codifying, amending, reenacting,
23 and repealing special acts relating to the
24 district; providing severability; providing an
25 effective date.

26
27 Be It Enacted by the Legislature of the State of Florida:

28
29 Section 1. Pursuant to section 189.429, Florida
30 Statutes, this act constitutes the codification of all special
31 acts relating to the Loxahatchee River Environmental Control

1 District. It is the intent of the Legislature in enacting this
2 law to provide a single, comprehensive special act charter for
3 the district, including all current legislative enactments and
4 any additional authority granted by this act.

5 Section 2. Chapters 71-822, 75-475, 76-429, 76-431,
6 78-559, 78-561, 80-577, 86-429, 86-430, 87-515, 88-506,
7 90-438, and 92-255, Laws of Florida, are codified, reenacted,
8 amended, and repealed as herein provided.

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

12 Section 1. The Loxahatchee River Environmental Control
13 District was created by chapter 71-822, Laws of Florida, as
14 amended, and such creation is hereby ratified, confirmed, and
15 approved. The status of the district is a multicounty
16 independent special district of the state with a popularly
17 elected Governing Board. This act may be known and cited as
18 the "Loxahatchee River Environmental Control District Act."

19 Section 2. It is hereby declared to be the intent of
20 the Legislature that the best interests of public health,
21 safety, and welfare of the area within the boundaries of the
22 Loxahatchee River Environmental Control District necessitates
23 the formation of a separate local agency of government with
24 powers designed to meet the particular needs of said area. It
25 is further the intent of the Legislature that such needs be
26 met in such a way as to cause minimum damage to the area's
27 resources and environment and prevent additional environmental
28 problems from being created, as well as providing solutions to
29 existing problems. Maximum use of existing systems shall be
30 made whenever feasible and consistent with the purpose of this
31 act. It is also the intent of the Legislature that current and

1 long-range planning shall be carried out so that required
2 services are made available at the lowest possible cost as the
3 characteristics of the area change.

4 Section 3. The Loxahatchee River Environmental Control
5 District, herein referred to as the "district," shall embrace
6 and include the following described lands in Palm Beach and
7 Martin Counties, which include the Town of Jupiter, Jupiter
8 Inlet Colony, Juno Beach, and the Village of Tequesta:

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

1 line; run North 2640 feet to North line of
2 Southwest Quarter; run West along quarter line
3 of 1980 feet more or less to the Northwest
4 corner of the Southwest Quarter and West line
5 of Section 33; run South along said line 2640
6 feet more or less to the Southwest section
7 corner; thence Westerly along said Northerly
8 Boundary of Jonathan Dickinson State Park and
9 the South line of Section 32 of said Township
10 to the Southwest corner of said Section 32;
11 thence Southerly, along said Boundary and along
12 the West line of Section 5 and Section 8 of
13 Township 40 South, Range 42 East, to the
14 Southwest corner of said Section 8; thence
15 Westerly, along the North line of Section 18,
16 Township 40 South, Range 42 East to the
17 Northwest corner of said Section 18; thence
18 Southerly along the line between Range 41 East
19 and Range 42 East, to the Southwest corner of
20 Section 19, Township 41 South, Range 42 East,
21 Palm Beach County, Florida; thence Easterly
22 along the South line of Sections 19, 20, 21,
23 22, 23, and 24 of Township 41 South, Range 42
24 East to the Southeast corner of said Section
25 24; thence continue Easterly along the South
26 line of Section 19, Township 41 South, Range 43
27 East to the Southwest corner of Section 20,
28 Township 41 South, Range 43 East; thence
29 Northerly, along the West line of said Section
30 20 and the West line of Section 17, to the
31 Northwest corner of the Southwest one quarter

1 of said Section 17; thence Easterly, along the
2 North line of the Southwest one quarter of said
3 Section 17 to an intersection with the Westerly
4 right-of-way line of the Intracoastal Waterway;
5 thence Southerly along said right-of-way line
6 to the South line of said Section 20; thence
7 Easterly along the South line of said Section
8 20 and along the South line of fractional
9 Section 21 of said Township to the waters of
10 the Atlantic Ocean; thence Northerly along said
11 waters to the Point of Beginning.

12
13 The territorial limits of the Loxahatchee River
14 Environmental Control District shall also
15 include the following described lands:

16
17 Beginning at the intersection of the waters of
18 the Atlantic Ocean with the South line of
19 fractional Section 28, Township 41 South, Range
20 43 East; thence proceed Westerly along the
21 Westerly extension of said South line to the
22 Easterly right-of-way line of State Road A-1-A
23 (aka Ocean Drive); thence proceed Southerly
24 along the Southerly extension of said Easterly
25 right-of-way line of State Road A-1-A to an
26 intersection with the Easterly right-of-way
27 line of U.S. Highway One; thence proceed
28 Westerly to the Westerly right-of-way line of
29 U.S. Highway One; thence proceed Northerly
30 along said Westerly right-of-way line of U.S.
31 Highway One to an intersection with the South

1 line of said Section 28; thence proceed
2 Westerly along the Westerly extension of the
3 South lines of said Section 28 and Section 29,
4 Township 41 South, Range 43 East, to an
5 intersection with the Westerly right-of-way
6 line of the Intracoastal Waterway; thence
7 Northerly along the Westerly right-of-way line
8 of the Intracoastal Waterway to an intersection
9 with the North line of said Section 29; thence
10 Easterly along the Easterly extension of the
11 North line of said Sections 29 and 28 to the
12 waters of the Atlantic Ocean; thence Southerly
13 along said waters to the Point of Beginning.

14
15 Section 4. The governing body of the district herein
16 created shall consist of a Board of five members, who shall be
17 qualified electors residing within said district. They shall
18 be known and designated as the "Governing Board of the
19 Loxahatchee River Environmental Control District."

20 (1) Board areas.--The Board shall divide the area of
21 the district into five separate areas. Each area shall have
22 approximately equal population according to the latest
23 official decennial census. One Board member shall be elected
24 from each numbered area by the electors in the total district.
25 Each Board member shall be a resident of the area in which he
26 or she is elected.

27 (2) Election code.--In accordance with section
28 189.405(3)(a), Florida Statutes, elections for the purpose of
29 electing members to the Board shall conform to the Florida
30 Election Code, chapters 97-106, Florida Statutes.

31

1 (3) Term of office.--All Governing Board members
2 electd by qualified electors shall have terms of 4 years.
3 Board members from areas one and two are elected beginning
4 with the 2000 General Election, and Board members from areas
5 three, four, and five are elected beginning with the 2002
6 General Election, in accordance with section 100.031, Florida
7 Statutes.

8 (4) Vacancy.--In the event of a vacancy occurring in
9 the office of a Board member, the procedure to fill the
10 vacancy shall conform to the Florida Election Code, chapters
11 97-106, Florida Statutes.

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

22 (6) Board records.--The Board members shall cause true
23 and accurate minutes and records to be kept of all business
24 transacted by them and shall keep full, true, and complete
25 books of account. Minutes, records, and books of accounts
26 shall at all reasonable times be open and subject to the
27 inspection of the public, and any person desiring so to do may
28 make or procure copies of such minutes, records, and books, or
29 of such portions thereof as he or she may desire.

30 (7) Public meetings.--The Board shall meet at least
31 quarterly, in public meetings, at the call of the member

1 elected chair by the membership, or by written call of a
2 quorum of three members.

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

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

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

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

31

1 (12) Removal.--Any member of the Board may be removed
2 from office by the electors of the district by the following
3 procedure:

4 (a) A petition shall be prepared which contains a
5 statement of the charges against the member and the signatures
6 of at least 10 percent of the qualified electors within the
7 district voting in the most recent district election or 5
8 percent of the registered district voters, whichever is
9 greater.

10 (b) The petition shall be filed with the Board which
11 shall submit the petition to the supervisors of elections of
12 the counties within the district for verification of
13 signatures. Upon receipt of certification by the supervisors
14 of elections that the petition contains at least 10 percent of
15 qualified electors within the district voting in the most
16 recent district election, or 5 percent of the registered
17 district voters, whichever is greater, the Board shall fix a
18 day for holding a recall election to be held not less than 30
19 days nor more than 60 days from the receipt of such
20 certification.

21 (c) If a majority of the votes cast in a recall
22 election is in favor of removal of a member of the Board, the
23 member shall be deemed removed from office upon the
24 announcement of the official canvass of the election and the
25 vacancy shall be filled in the manner provided in subsection
26 (4).

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

29 (1) "Board" means the Governing Board of the district
30 herein created.

31

1 (2) "Storm drainage system" means any real estate,
2 facility, or property, including pipe, ditches, pumps, or
3 canals, siphons, or structures and appurtenances and
4 additions, extensions, and improvements within the
5 geographical boundaries of the territory of the district made
6 thereto for the purpose of discharge of surface runoff or
7 storm drainage into the Loxahatchee River or tributaries
8 leading directly thereto.

9 (3) "Revenue bonds" means bonds or other obligations
10 secured by and payable from the revenues derived from rates,
11 fees, and charges collected by the district from the users of
12 the facilities of any water system, sewer system, or solid
13 waste system, or combinations of said systems, and which may
14 be additionally secured by a pledge of the proceeds of special
15 assessments levied against benefited property or by a pledge
16 of the full faith and credit of the district, or both.

17 (4) "General obligation bonds" means bonds or other
18 obligations secured by the full faith and credit and taxing
19 power of the district and payable from ad valorem taxes levied
20 and collected on all taxable property in the district, without
21 limitation of rate or amount, and may be additionally secured
22 by the pledge of either or both the proceeds of special
23 assessments levied against benefited property, or revenues
24 derived from said water system, sewer system, or solid waste
25 system, or combinations of said systems.

26 (5) "Assessment bonds" means bonds or other
27 obligations secured by and payable from special assessments
28 levied against benefited lands, and which may be additionally
29 secured by a pledge of the full faith and credit of the
30 district.

31

1 (6) "System" means a water system, sewer system, or
2 water and sewer system; a system for the collection,
3 treatment, and disposal of solid waste; a storm and surface
4 drainage system; or a combination thereof.

5 (7) "Water system" means real estate, attachments,
6 fixtures, impounded water, water mains, laterals, valves,
7 meters, plants, wells, pipes, tanks, reservoirs, systems,
8 facilities, or other property real or personal, used or useful
9 or having the present capacity for future use in connection
10 with the obtaining, treating, supplying, distributing, and
11 selling of water to the public for human consumption by
12 business or industry, and without limiting the generality of
13 the foregoing definition shall embrace all necessary
14 appurtenances and equipment and shall include all property,
15 rights, easements, and franchises relating to any such system
16 and deemed necessary or convenient for the operation thereof,
17 but shall not include property used solely for or principally
18 in connection with the business of bottling, selling,
19 distributing, or furnishing bottled water, nor water systems
20 utilized by manufacturing plants primarily for the purpose of
21 providing water in connection with its manufacturing
22 operations.

23 (8) "Sewer system" means any plant, facility, or
24 property, and additions, extensions, and improvements thereto
25 at any future time constructed or acquired as part thereof,
26 useful or necessary, or having the present capacity for future
27 use in connection with the collection, treatment,
28 purification, or disposal of sewage of any nature or
29 originating from any source, including industrial wastes
30 resulting from any processes of industry, manufacture, trade,
31 or business, or from the development of any natural resources;

1 and without limiting the generality of the foregoing
2 definition, shall include treatment plants, pumping stations,
3 lift stations, valves, force mains, intercepting sewers,
4 laterals, pressure lines, mains, and all necessary
5 appurtenances and equipment; all sewer mains and laterals for
6 the reception and collection of sewage from premises connected
7 therewith; and shall include all real and personal property
8 and any interest therein, rights, easements, and franchises of
9 nature whatsoever relating to any such sewer system and
10 necessary or convenient for the operation thereof.

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

1 (10) "Assessable improvements" means that portion or
2 portions of the cost of a system of a local nature and of
3 benefit to the premises or lands served thereby, and
4 particularly with reference to a sewer and water system,
5 including, but not limited to, laterals and mains for the
6 production, treatment, and distribution of water; the
7 collection and reception of sewage from premises connected
8 therewith, local or auxiliary pumping or lift stations,
9 treatment plants, or disposal plants, and other appurtenant
10 facilities and equipment for the collection, treatment, and
11 disposal of sewage; the production, treatment, and
12 distribution of water; together with operating and incidental
13 equipment and appurtenances necessary therefor.

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

17 (12) "Department" means all applicable state agencies
18 and departments.

19 Section 6. In order to effectuate the purposes of this
20 act, the district acting through the Board shall have the
21 power:

22 (1) To employ and set the compensation of a director
23 who shall serve at its pleasure. Within available funds, the
24 director may employ and set the compensation of professional,
25 technical, legal, and clerical staff as may be necessary, and
26 may remove these personnel. The director, with the consent of
27 the Board, may acquire the services of consultants and enter
28 into contracts on behalf of the Board.

29 (2) To develop a master plan, to construct, install,
30 erect, and acquire by purchase or condemnation in accordance
31 with the provisions of chapters 73 and 74, Florida Statutes,

- 1 and to improve, enlarge, reconstruct, maintain, repair,
2 operate, and regulate a system.
- 3 (3) To construct, acquire, and operate water systems
4 and sewer systems separately or as a system.
- 5 (4) To enter on any land, waters, or premises located
6 within the district, in order to carry out the purposes of
7 this act.
- 8 (5) To provide for all surveys and for preparation of
9 plans, specifications, and estimates in connection with the
10 construction of a system, or for studies to determine the
11 feasibility of acquiring existing municipal or private
12 systems.
- 13 (6) To enter into contracts with the government of the
14 United States, or any other department or subdivision of the
15 state, or with any municipality, private corporation,
16 partnership, association, or person providing for or relating
17 to the furnishing of water, the disposal of wastes and sewage,
18 and for other purposes necessary and proper to effectuate this
19 act.
- 20 (7) To accept from any governmental agency grants,
21 donations, or loans to provide aid for the planning,
22 construction, reconstruction, or financing of any system; and
23 to accept grants or donations from any other source of money,
24 property, labor, or other things of value, to be held, used,
25 and applied only for the purposes for which such grants or
26 donations may be made.
- 27 (8) To enter into contracts with property owners or
28 developers or building contractors who plan to erect buildings
29 or other improvements within platted subdivisions or other
30 property, under which such persons shall install, at their
31 expense, laterals, lines, and equipment, intercepting trunk,

1 main, and lateral sewers, the location, material, size, and
2 type of which shall be installed strictly in accordance with
3 such specifications as required by the Board who shall connect
4 with a sanitary system constructed or owned by the authority;
5 which such mains, laterals, lines, and equipment, intercepting
6 trunk, main, and lateral sewers shall become the property of
7 the district upon such terms and conditions as provided by the
8 contract.

9 (9) To set and collect reasonable fees and other
10 charges for the services and facilities furnished by any
11 system owned or operated by the district, for making
12 connections and use of same, and to enforce penalties for
13 delinquency in the payment as hereinafter provided.

14 (a)1. The Governing Board of the district shall, in
15 the resolution providing for the issuance of either water
16 revenue bonds or sewer revenue bonds, or both, fix the initial
17 schedule of rates, fees, and other charges for the use of and
18 for the services furnished or to be furnished by the
19 facilities, to be paid by the owner, tenant, or occupant of
20 each lot or parcel of land which may be connected with and use
21 any such facility by or through any part of the water system
22 of the district.

23 2. After the system or systems shall have been in
24 operation, the Governing Board of the district may revise such
25 schedule of rates, fees, and charges, which shall be so fixed
26 and revised as to provide funds, with other funds available
27 for such purposes, sufficient at all times to pay the cost of
28 maintaining, repairing, and operating the system or systems,
29 including the reserves for such purposes and for replacements
30 and depreciation and necessary extensions, to pay the
31 principal of and the interest on the water revenue bonds

1 and/or sewer revenue bonds as the same shall become due and
2 the reserve therefor, and to provide a margin of safety for
3 making such payments. The Governing Board of the district
4 shall charge and collect the rates, fees, and charges so fixed
5 or revised and such rates, fees, and charges shall not be
6 subject to supervision or regulation by any commission, board,
7 bureau, or agency of the county or of the state or any
8 sanitary district.

9 3. Such rates, fees, and charges shall be just and
10 equitable and may be based or computed upon the quantity of
11 water consumed and/or upon the number and size of sewer
12 connections or upon the number and kind of plumbing fixtures
13 in use in the premises connected with the sewer system or upon
14 the number or average number of persons residing or working in
15 or otherwise connected with such premises or upon any other
16 factor affecting the use of the facilities furnished or upon
17 any combination of the foregoing factors.

18 4. In cases where the amount of water furnished to any
19 building or premises is such that it imposes an unreasonable
20 burden upon the water supply system, an additional charge may
21 be made therefor or the Governing Board of the district may,
22 if it deems advisable, compel the owners or occupants of such
23 building or premises to reduce the amount of water consumed
24 thereon in a manner to be specified by the Governing Board of
25 the district or the Governing Board of the district may refuse
26 to furnish water to such building or premises.

27 5. In cases where the character of the sewage from any
28 manufacturing or industrial plant or any building or premises
29 is such that it imposes an unreasonable burden upon any sewage
30 disposal system, an additional charge may be made therefor, or
31 the Governing Board of the district may, if it deems it

1 advisable, compel such manufacturing or industrial plant or
2 such building or premises to treat such sewage in such manner
3 as shall be specified by the Governing Board of the district
4 before discharging such sewage into any sewer lines owned or
5 maintained by the district.

6 (b) The Governing Board of the district may charge any
7 owner or occupant of any building or premises receiving the
8 services of the facilities herein provided such initial
9 installation or connection charge or fee as the district may
10 determine to be just and reasonable.

11 (c)1. No rates, fees, or charges shall be fixed under
12 the foregoing provisions of this section until after a public
13 hearing at which all of the users of the facilities provided
14 by this chapter and owners, tenants, and occupants of property
15 served or to be served thereby and all others interested shall
16 have an opportunity to be heard concerning the proposed rates,
17 fees, and charges. After the adoption by the Governing Board
18 of the district of a resolution setting forth the preliminary
19 schedule or schedules fixing and classifying such rates, fees,
20 and charges, notice of such public hearing setting forth the
21 schedule or schedules of rates, fees, and charges shall be
22 given by one publication in a newspaper published in Palm
23 Beach County and by one publication in a newspaper published
24 in Martin County at least 10 days before the date fixed in
25 said notice for the hearing, which said hearing may be
26 adjourned from time to time. After such hearing such
27 preliminary schedule or schedules, either as originally
28 adopted or as modified or amended, shall be adopted and put
29 into effect and thereupon the resolution providing for the
30 issuance of water revenue bonds and/or sewer revenue bonds may
31 be finally adopted.

1 2. A copy of the schedule or schedules of such rates,
2 fees, and charges finally fixed in such resolution shall be
3 kept on file in the office of the district and shall be open
4 to inspection by all parties interested. The rates, fees, or
5 charges so fixed for any class of users or property served
6 shall be extended to cover any additional property thereafter
7 served which falls within the same class without the necessity
8 of a hearing or notice.

9 3. Any change or revision of any rates, fees, or
10 charges may be made in the same manner as such rates, fees, or
11 charges were originally established as hereinabove provided,
12 but if such change or revision be made substantially pro rata
13 as to all classes of service, no notice or hearing shall be
14 required.

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

1 (e) The Governing Board of the district may provide in
2 the resolution authorizing the issuance of water revenue bonds
3 or sewer revenue bonds under the provisions of this chapter
4 that the charges for the services furnished by any facility
5 constructed or reconstructed by the district under the
6 provisions of this act shall be included in single bills to be
7 rendered for all the services furnished to the premises, and
8 that if the amount of such charges so included shall not be
9 paid within 30 days from the rendition of any bill, the
10 Governing Board of the district shall discontinue furnishing
11 water to such premises and shall disconnect the same from the
12 water supply system of the district. Any such resolution may
13 include any or all of the following provisions, and may permit
14 the Governing Board of the district to adopt such resolution
15 or take such other lawful action as shall be necessary to
16 effectuate such provisions, and the Governing Board of the
17 district is hereby authorized to adopt such resolutions and to
18 take such other action:

19 1. The district may require the owner, tenant, or
20 occupant of each lot or parcel of land within the district who
21 is obligated to pay the rates, fees, or charges for the
22 services furnished by any facility purchased, constructed, or
23 reconstructed by the district under the provisions of this
24 chapter to make a reasonable deposit with the Governing Board
25 of the district in advance to ensure the payment of such
26 rates, fees, or charges and to be subject to application to
27 and payment thereof if and when delinquent.

28 2. If any rates, fees, or charges for the use and
29 services of any sewage disposal system or sewer improvements
30 by or in connection with any premises not served by the
31 waterworks system of the district shall not be paid within 30

1 days after the same shall become due and payable, the owner,
2 tenant, or occupant of such premises shall cease to dispose of
3 sewage or industrial waste originating from or on said
4 premises by discharge thereof directly or indirectly into the
5 sewer system of the district until such rates, fees, or
6 charges with interest shall be paid; that if such owner,
7 tenant, or occupant shall not cease such disposal at the
8 expiration of such 30-day period it shall be the duty of any
9 district, private corporation, board, body, or person
10 supplying water to or selling water for use on such premises
11 within 5 days after the receipt of notice of such delinquency
12 from the district; and that if such district, private
13 corporation, board, body, or person shall not, at the
14 expiration of such 5-day period, cease supplying water to or
15 selling water for use on such premises, then the district may,
16 unless it has theretofore contracted to the contrary, shut off
17 the supply of water to such premises.

18 (f) All revenues derived from any water supply system,
19 water system improvement, sewage disposal system, or sewer
20 improvements for either of which a single issue of water
21 revenue bonds or sewer revenue bonds shall be issued, except
22 such part thereof as may be required to pay the cost of
23 maintaining, repairing, and operating such system or systems
24 and to provide reserves therefor as may be provided in the
25 resolution authorizing the issuance of such water revenue
26 bonds or sewer revenue bonds, shall be set aside at such
27 regular intervals as may be provided in such resolution and
28 deposited for the credit of the following separate funds for
29 the following purposes:

30 1. Sinking fund for the payment of interest on and the
31 principal of such water revenue bonds and/or sewer revenue

1 bonds as the same shall become due, necessary charges of
2 paying agents for the paying of such interest and principal,
3 and any premium upon bonds retired by call or purchase before
4 their maturity or respective maturities, including the
5 accumulation of reserves for such purposes.

6 2. A fund for anticipated renewals and replacements
7 and extraordinary repairs.

8 3. The use and disposition of moneys to the credit of
9 such sinking fund shall be subject to such regulations as may
10 be provided in the resolution authorizing the issuance of the
11 water revenue bonds and/or sewer revenue bonds and, except as
12 may otherwise be provided in such resolution, such sinking
13 fund shall be a fund for the benefit of all bonds without
14 distinction or priority of one over the other.

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

1 (h) All moneys received pursuant to the authority of
2 this act shall be deemed to be trust funds, to be held and
3 applied solely as provided in this act. The resolution
4 authorizing the issuance of bonds shall provide that any
5 officer to whom, or any bank, trust company, or other fiscal
6 agent to which such moneys shall be paid shall act as trustee
7 of such moneys and shall hold and apply the same for the
8 purposes hereof, subject to such regulations as this act and
9 such resolution may provide.

10 (i) Any holder of bonds issued under the provisions of
11 this act or any of the coupons appertaining thereto, except to
12 the extent the rights herein given may be restricted by the
13 resolution authorizing the issuance of such bonds, may, either
14 at law or in equity, by suit, mandamus, or other proceeding,
15 protect and enforce any and all rights under the laws of
16 Florida or granted hereunder or under such resolution, and may
17 enforce and compel the performance of all duties required by
18 this act or by such resolution to be performed by the district
19 or by the Governing Board of the district, including the
20 fixing, charging, and collecting of rates, fees, and charges
21 for services and facilities furnished by the water supply
22 system, water system improvement, sewage disposal system, or
23 sewer improvements and the levying and collecting of any
24 special assessments.

25 (j) The Governing Board of the district is hereby
26 authorized to provide by resolution for the issuance of water
27 revenue refunding bonds of the district for the purpose of
28 refunding any water revenue bonds then outstanding and issued
29 under the provisions of this act. The Governing Board of the
30 district is further authorized to provide by resolution for
31

1 the issuance of water revenue bonds of the district for
2 combined purposes:

3 1. Paying the cost of any extension, addition, or
4 reconstruction of a water supply system or systems or water
5 system improvements or the cost of a new water supply system
6 or systems or water system improvements.

7 2. Refunding such water revenue bonds of the district
8 which shall theretofore have been issued under the provisions
9 of this act and shall then be outstanding and which then shall
10 have matured or be subject to redemption or can be acquired
11 for retirement. The issuance of such bonds, the maturities and
12 other details thereof, the rights and remedies of holders
13 thereof, and the rights, power, privileges, duties, and
14 obligations of the district or of the Governing Board of the
15 district with respect to the same shall be governed by the
16 foregoing provisions of this act insofar as the same may be
17 applicable.

18 (k) The Governing Board of the district is hereby
19 authorized to provide by resolution for the issuance of sewer
20 revenue refunding bonds of the district for the purpose of
21 refunding any sewer revenue bonds then outstanding and issued
22 under the provisions of this act. The Governing Board of the
23 district is further authorized to provide by resolution for
24 the issuance of sewer revenue bonds of the district for the
25 combined purposes of:

26 1. Paying the cost of any extension, addition, or
27 reconstruction of a sewage disposal system or systems or sewer
28 improvements or the cost of a new sewage disposal system or
29 systems or sewer improvements.

30 2. Refunding such sewer revenue bonds of the district
31 which shall theretofore have been issued under the provisions

1 of this act and shall then be outstanding and which then shall
2 have matured or be subject to redemption or can be acquired
3 for retirement. The issuance of such bonds, the maturities and
4 other details thereof, the rights and remedies of holders
5 thereof, and the rights, powers, privileges, duties, and
6 obligations of the district or of the Governing Board of the
7 district with respect to the same shall be governed by the
8 foregoing provisions of this act insofar as the same may be
9 applicable.

10 (10) To prohibit the use and maintenance of outhouses,
11 privies, cesspools, and septic tanks, or similar devices as
12 the Board may direct and to compel owners of buildings,
13 structures, and boat marinas to connect with, and use, the
14 system or systems of the district or other private or
15 municipal system or systems within the district.

16 (11) To contract with the government of the United
17 States, or any other department or subdivision of the state,
18 or with any municipality, private corporation, partnership,
19 association, or person to receive or dispose of wastes, or to
20 collect, treat, or dispose of sewage; to purchase or sell
21 water or, by contract, to arrange for the collection of
22 charges made by the Board; and to enforce payment by shutting
23 off and discontinuing service.

24 (12) To levy special assessments against properties
25 adjoining or in close proximity to sewer and water lines of
26 the district, which would be specifically benefited by the
27 construction, acquisition, extension, and operation thereof
28 which the system is designed to serve, provided that such
29 assessments shall not exceed the cost of the assessable
30 improvements constructed.

31

1 (a) The district may provide for the construction or
2 reconstruction of a facility and for the levying of special
3 assessments upon benefited property under the provisions of
4 this section. The initial proceeding hereunder shall be the
5 passage at any lawful meeting of the Governing Board of a
6 resolution ordering the construction or reconstruction of such
7 facility under and subject to the provisions of this section,
8 indicating the location by terminal points and route and
9 either giving a description of the improvement by its
10 material, nature, character, and size or giving two or more
11 such descriptions with the direction that the material,
12 nature, character, and size shall be subsequently determined
13 in conformity with one of such descriptions. Water system
14 improvements or sewer improvements need not be continuous and
15 may be in more than one locality or street. The resolution
16 ordering any such improvement may give any short and
17 convenient designation to each improvement ordered thereby,
18 after which it shall be sufficient to refer to such
19 improvement and property by such designation in all
20 proceedings and assessments, except in the notices provided
21 for in paragraphs (c) and (d).

22 (b)1. As soon as may be practicable after the passage
23 of such resolution, the engineer for the district shall
24 prepare in duplicate plans and specifications of each
25 improvement ordered thereby and an estimate of the cost
26 thereof. Such cost may include, in addition to the items of
27 cost set forth in section 5(6) the cost of relaying streets
28 and sidewalks necessarily torn up or damaged and shall include
29 the following items of incidental expense:

30 a. Printing and publishing of notices and proceedings.
31

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

3 2. If the resolution shall provide alternative
4 descriptions of material, nature, character, and size, such
5 estimate shall include an estimate of the cost of the
6 improvement of each such description.

7 3. The engineer shall also prepare in duplicate a
8 tentative apportionment of the estimated cost as between the
9 district and each lot or parcel of land subject to special
10 assessment under the resolution, such apportionment to be made
11 in accordance with the provisions of the resolution and the
12 provisions of paragraph (f) in relation to apportionment of
13 cost in the preliminary assessment roll. Such tentative
14 apportionment of estimated cost shall not be held to limit or
15 restrict the duties of the engineer in the preparation of such
16 preliminary assessment roll. One of the duplicates of such
17 plans, specifications, and estimate and such tentative
18 apportionment shall be filed with the secretary of the
19 Governing Board and the other duplicate shall be retained by
20 the engineer in his or her files, all thereof to remain open
21 to public inspection.

22 (c) The Governing Board, upon the filing with it of
23 such plans, specifications, estimate, and tentative
24 apportionment of cost, shall publish once in a newspaper
25 published in Martin County and once in a newspaper published
26 in Palm Beach County a notice stating that at a regular
27 meeting of the Governing Board on a certain day and hour, not
28 earlier than 10 days from such publication, the Governing
29 Board will hear objections of all interested persons to the
30 confirmation of such resolution, which notice shall state in
31 brief and general terms a description of the proposed

1 improvement with the location thereof and shall also state
2 that plans, specifications, estimate, and tentative
3 apportionment of cost thereof are on file in the office of the
4 district. The Governing Board shall keep a record in which
5 shall be inscribed, at the request of any person, firm, or
6 corporation having or claiming to have an interest in any lot
7 or parcel of land, the name and post office address of such
8 person, firm, or corporation, together with a brief
9 description or designation of such lot or parcel, and it shall
10 be the duty of the Governing Board to mail a copy of such
11 notice to such person, firm, or corporation at such address,
12 at least 10 days before the time for the hearing as stated in
13 such notice, but the failure of the Governing Board to keep
14 such record or so to inscribe any name or address or to mail
15 any such notice shall not constitute a valid objection to
16 holding the hearing as provided in this section or to any
17 other action taken under the authority of this section.

18 (d) At the time named in such notice, or to which an
19 adjournment may be taken by the Governing Board, the Governing
20 Board shall receive any objections of interested persons and
21 may then or thereafter repeal or confirm such resolution with
22 such amendments, if any, as may be desired by the Governing
23 Board and which do not cause any additional property to be
24 specially assessed.

25 (e) All objections to any such resolution on the
26 grounds that it contains items which cannot be properly
27 assessed against property, or that it is, for any default or
28 defect in the passage or character of the resolution or the
29 plans and specifications or estimate, void or voidable in
30 whole or in part, or that it exceeds the power of the
31 Governing Board, shall be made in writing, in person or by

1 attorney, and filed with the Governing Board at or before the
2 time or adjourned time of such hearing. Any objections against
3 the making of any improvement not so made shall be considered
4 as waived, and if an objection shall be made and overruled or
5 shall not be sustained, the confirmation of the resolution
6 shall be the final adjudication of the issues presented unless
7 proper steps shall be taken in a court of competent
8 jurisdiction to secure relief.

9 (f) Promptly after the completion of the work, the
10 engineer for the district shall prepare a preliminary
11 assessment roll and file same with the secretary of the
12 Governing Board, which roll shall contain the following:

13 1. A description of the lots and parcels of land
14 within the district, which shall include all lots and parcels
15 which abut upon the sides of that part of any street in which
16 a water supply system, water system improvement, or sanitary
17 sewer, except a curb sewer, is to be constructed or
18 reconstructed, all lots and parcels which abut upon the side
19 or sides of any street in or along which side or sides a
20 sanitary curb sewer shall have been constructed or
21 reconstructed, and all lots and parcels which are served or
22 are to be served by such water supply system, water system
23 improvement, or sanitary sewer. Such lots and parcels shall
24 include all property, whether publicly or privately owned.
25 There may also be given, in the discretion of the engineer,
26 the name of the owner of record of each lot or parcel, where
27 practicable, and in all cases there shall be given a statement
28 of the number of feet of property so abutting, which number of
29 feet shall be known as frontage.

30 2. The total cost of the improvement, and the amount
31 of incidental expense.

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

5 a. To each lot or parcel of land, to the property or
6 curb line of which a water supply lateral or sanitary sewer
7 lateral shall have been laid, shall be apportioned the cost of
8 such lateral or laterals.

9 b. To abutting property shall be apportioned according
10 to frontage, or any other method being deemed equitable by the
11 Governing Board, all or any part of the cost of such water
12 system improvements or sewer improvements as may be fixed by
13 resolution ordering the improvements.

14 c. To the district shall be apportioned the remaining
15 costs of the water system improvements or sewer improvements,
16 unless all of such costs shall be apportioned to the abutting
17 property. However, in the case of lots or parcels which abut
18 on more than one street or which are served or are to be
19 served by such water system improvements or sewer improvements
20 although not abutting on either side of the street in which
21 such improvement is constructed, the apportionment shall be
22 made under such rules and regulations as the Governing Board
23 shall deem to be fair and equitable.

24 (g) The preliminary assessment roll shall be advisory
25 only and shall be subject to the action of the Governing Board
26 as hereinafter provided. Upon the filing with the Governing
27 Board of the preliminary assessment roll, the Governing Board
28 shall publish once in a newspaper published in Martin County
29 and once in a newspaper published in Palm Beach County a
30 notice stating that at a meeting of the Governing Board to be
31 held on a certain day and hour, not less than 12 days from the

1 date of such publication, which meeting may be a regular,
2 adjourned, or special meeting, all interested persons may
3 appear and file written objections to the confirmation of such
4 roll. Such notice shall state the class of the improvement and
5 the location thereof by terminal points and route. Such
6 meeting of the commission shall be the first regular meeting
7 following the completion of the notice hereinabove required,
8 unless the Governing Board shall have provided for a special
9 meeting for such purpose.

10 (h) At the time and place stated in such notice the
11 Governing Board shall meet and receive the objections in
12 writing of all interested persons as stated in such notice.
13 The Governing Board may adjourn the hearing from time to time.
14 After completion thereof, the Governing Board shall either
15 annul, sustain, or modify in whole or in part the prima facie
16 assessment as indicated on such roll, either by confirming the
17 prima facie assessment against any and all lots or parcels
18 described therein, or by canceling, increasing, or reducing
19 the same, according to the special benefits which the
20 Governing Board decides each such lot or parcel has received
21 or will receive on account of such improvement. If any
22 property which may be chargeable under this section shall have
23 been omitted from the preliminary roll or if the prima facie
24 assessment shall not have been made against it, the Governing
25 Board may place on such roll an apportionment to such
26 property. The Governing Board shall not confirm any assessment
27 in excess of the special benefits to the property assessed,
28 and the assessments so confirmed shall be in proportion to the
29 special benefits. Forthwith after such confirmation, such
30 assessment roll shall be delivered to the county property
31 appraisers of Martin County and Palm Beach County for the

1 properties contained within their respective counties. The
2 assessment so made shall be final and conclusive as to each
3 lot or parcel assessed unless proper steps be taken in a court
4 of competent jurisdiction to secure relief. If the assessment
5 against any property shall be sustained, reduced, or abated by
6 the court, the property appraiser shall note that fact on the
7 assessment roll opposite the description of the property
8 affected thereby. The amount of the special assessment against
9 any lot or parcel which may be abated by the court, unless the
10 assessment upon the entire district is abated, or the amount
11 by which such assessment is so reduced, may be, by resolution
12 of the Governing Board, made chargeable against the district
13 at large; or, in the discretion of the Governing Board, a new
14 assessment roll may be prepared and confirmed in the manner
15 hereinabove provided for the preparation and confirmation of
16 the original assessment roll.

17 (i) Any assessment may be paid at the Office of the
18 Martin County Tax Collector for property within Martin County,
19 and the Office of the Palm Beach County Tax Collector for
20 property within Palm Beach County within 30 days after the
21 confirmation thereof, without interest. Thereafter all
22 assessments shall be payable in equal annual installments,
23 with interest not exceeding 8 percent per annum from the
24 expiration of said 30 days in each of the succeeding 40
25 calendar years at the time or times in each year at which
26 general county taxes are payable, provided, however, that the
27 Governing Board may by resolution fix a shorter period of
28 payment for any assessment, and provided, further, that any
29 assessment may be paid at any time before due, together with
30 interest accrued thereon to the date of payment.

31

1 (j) All assessments shall constitute a lien upon the
2 property so assessed from the date of confirmation of the
3 resolution ordering the improvement, of the same nature and to
4 the same extent as the lien for general county taxes falling
5 due in the same year or years in which such assessment or
6 installments thereof fall due, and any assessment or
7 installment not paid when due shall be collectible in the same
8 manner and at the same time as such general taxes are or may
9 be collectible, with the same attorney's fee, interest, and
10 penalties and under the same provisions as to forfeiture and
11 the right of the district to purchase the property assessed as
12 are or may be provided by law in the case of county taxes.
13 However, no such sale of any property for general county taxes
14 or for any installment or installments of any such assessment
15 and no perfecting of title under any such sale shall divest
16 the lien of any installment of such assessment not due at the
17 time of the sale. Collection of such assessments, with such
18 interest and with a reasonable attorney's fee and costs, but
19 without penalties, may also be made by the district by
20 proceedings in a court of equity to foreclose the lien of
21 assessments as a lien for mortgages is or may be foreclosed
22 under the laws of the state, or by an action in rem in the
23 manner provided by law for the foreclosure and collection of
24 ad valorem taxes, provided that any such proceedings to
25 foreclose shall embrace all installments of principal
26 remaining unpaid with accrued interest thereon, which
27 installments shall, by the institution of such proceedings,
28 immediately become and be due and payable. Nevertheless, if,
29 prior to any sale of the property under the decree of
30 foreclosure in such proceedings, payment be made of the
31 installment or installments which are shown to be due under

1 the provisions of the resolution passed pursuant to paragraph
2 (i), with interest as required by paragraph (i) and by this
3 paragraph and all costs including attorney's fee, such payment
4 shall have the effect of restoring the remaining installments
5 to their original maturities as provided by the resolution
6 passed pursuant to paragraph (i), and the proceedings shall be
7 dismissed. It shall be the duty of the district to enforce the
8 prompt collection of assessments by one or the other of the
9 means herein provided, and such duty may be enforced at the
10 suit of any holder of bonds issued under this act in a court
11 of competent jurisdiction by mandamus or other appropriate
12 proceeding or action. Not later than 30 days after the annual
13 sale of property for delinquent taxes of the county, or if
14 such property or taxes are not sold by the county, then within
15 60 days after such taxes become delinquent, it shall be the
16 duty of the Governing Board to direct the attorney or
17 attorneys whom the Governing Board shall then designate, to
18 institute actions within 3 months after such direction to
19 enforce the collection of all special assessments for local
20 improvements made under this section and remaining due and
21 unpaid at the time of such direction (unless theretofore sold
22 at tax sale). Such action shall be prosecuted in the manner
23 and under the conditions in and under which mortgages are
24 foreclosed under the laws of the state. It shall be lawful to
25 join in one action the collection of assessments against any
26 or all property assessed by virtue of the same assessment roll
27 unless the court shall deem such joinder prejudicial to the
28 interest of any defendant. The court shall allow a reasonable
29 attorney's fee for the attorney or attorneys of the district,
30 and the same shall be collectible as a part of or in addition
31 to the costs of the action. At any sale pursuant to decree in

1 any such action, the district may be a purchaser to the same
2 extent as an individual person or corporation, except that the
3 part of the purchase price represented by the assessments sued
4 upon and the interest thereon need not be paid in cash.
5 Property so acquired by the district, including the
6 certificate of sale thereof, may be sold or otherwise disposed
7 of, for cash or upon terms, the proceeds of such disposition
8 to be placed in the fund provided by paragraph (k). However,
9 no sale or other disposition thereof shall be made unless
10 notice calling for bids therefor to be received at a stated
11 time and place shall have been published in a newspaper
12 published in Martin County and Palm Beach County one time at
13 least 1 week prior to such disposition.

14 (k) All assessments and charges made under the
15 provisions of this section for the payment of all or any part
16 of the cost of any sewer improvement or improvements for which
17 bonds shall have been issued under the provisions of this act
18 are hereby pledged to the payment of the principal of and the
19 interest on such bonds and shall when collected be placed in a
20 separate fund, properly designated, which fund shall be used
21 for no other purpose than the payment of such principal and
22 interest.

23 (l) Each school district and other political
24 subdivision wholly or partly within the district and each
25 public agency or instrumentality owning property within the
26 district shall possess the same power and be subject to the
27 same duties and liabilities in respect of assessment under
28 this section affecting the real estate of such county,
29 district, political subdivision, or public agency or
30 instrumentality which private owners of real estate possess or
31 are subject to hereunder, and such real estate shall be

1 subject to liens for said assessments in all cases where the
2 same property would be subject to had it at the time the lien
3 attached been owned by a private person.

4 (13) To seek injunctive relief in a court of competent
5 jurisdiction, to prevent the violation of this act or any
6 resolution, rule, or regulation adopted pursuant to the powers
7 granted by this act, without the necessity of showing of a
8 public nuisance in such legal proceeding.

9 (14) To require the pretreatment of industrial wastes
10 when the same are not amenable to treatment with normal
11 domestic sewage before accepting industrial waste for
12 treatment, and to refuse to accept industrial wastes when not
13 sufficiently pretreated.

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

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

21 (17) To construct, install, erect, and acquire and to
22 operate, maintain, improve, extend, or enlarge and reconstruct
23 a system or systems within the boundaries of the district and
24 to have the control and jurisdiction thereof; to pay all or
25 part of the cost of such construction, reconstruction,
26 erection, acquisition, or installation of such utility system
27 or combined utility system and additions, extensions, and
28 improvements thereto, except as otherwise provided in this
29 act.

30 (18) To acquire by purchase, gift, or condemnation in
31 accordance with the provisions of chapters 73 and 74, Florida

1 Statutes, such lands and rights and interest therein,
2 including lands under water and riparian rights; and to
3 acquire such personal property as it may deem necessary in
4 connection with the construction, reconstruction, improvement,
5 extension, installation, erection, or operation and
6 maintenance of any system and to hold and dispose of such real
7 and personal property, including, but not limited to, systems
8 owned and operated by municipalities and counties.

9 (19) To exercise jurisdiction, control, and
10 supervision over any system or any part thereof owned,
11 operated, and maintained by the district; and to make and
12 enforce such rules and regulations for the maintenance and
13 operation of any system and improvements owned, operated, and
14 maintained by the district as may be necessary for the lawful
15 operation of any such system or improvements in accordance
16 with the laws of this state and the regulations of state
17 departments and agencies having jurisdiction over the systems
18 as defined herein.

19 (20) To furnish water and sewer collection services
20 within the district; or to construct or acquire jointly with
21 the county or counties and municipality or municipalities
22 located within the district, systems or any parts or
23 facilities hereof under such terms and conditions as shall be
24 agreed upon between the district and such municipalities or
25 counties; and to acquire, from any municipality or county, and
26 operate any system, or any parts or facilities thereof,
27 located within the boundaries of the district or territory,
28 either within or without such municipality or county, except
29 as otherwise provided in this act.

30 (21) To develop current and long-range plans to
31 provide urban water and sewage to present and future

1 population centers within the district at the earliest
2 possible date.
3 (22) To investigate complaints caused by inadequate
4 services or operation.
5 (23) To utilize or expand existing systems to serve
6 population needs.
7 (24) To provide necessary laboratories and facilities
8 for testing of operating systems.
9 (25) To negotiate the provisions for assumption of
10 current indebtedness of any system or systems for which the
11 district assumes responsibility.
12 (26) To levy an ad valorem tax in accordance with
13 section 7.
14 (27) To issue revenue bonds and general obligation
15 bonds, for the purposes of this act, in the manner set forth
16 herein:
17 (a) The Governing Board of the district is hereby
18 authorized to provide by resolution at one time or from time
19 to time for the issuance of either water revenue bonds, sewer
20 revenue bonds, or general obligation bonds of the district for
21 the purpose of paying all or any part of the cost of any one
22 or more of the following:
23 1. A water supply system or systems.
24 2. Extensions and additions thereto.
25 3. Water system improvements.
26 4. A sewage disposal system or systems.
27 5. Extensions and additions thereto.
28 6. Sewer improvements.
29
30 The bond of each issue shall be dated, shall bear interest at
31 such rate or rates not exceeding 7.5 percent per annum, shall

1 mature at such time or times not exceeding 50 years from their
2 date or dates as may be determined by the Governing Board of
3 the district, and may be made redeemable before maturity at
4 the option of the district at such price or prices and under
5 such terms and conditions as may be fixed by the Governing
6 Board prior to the issuance of the bonds.

7 (b) The Governing Board of the district shall
8 determine the form of the bonds, including any interest
9 coupons to be attached thereto, and the manner of the
10 execution of the bonds and shall fix the denomination or
11 denominations of the bonds and place or places of payment of
12 principal or interest which may be at any bank or trust
13 company within or without the state. In case any officer whose
14 signature or facsimile of whose signature appears on any bonds
15 or coupons ceases to be such officer before the delivery of
16 such bonds, such signature or facsimile shall nevertheless be
17 valid and sufficient for all purposes as if he or she had
18 remained in office until such delivery.

19 (c) All bonds issued under the provisions of this act
20 have and are hereby declared to have all the qualities and
21 incidents of negotiable instruments. Bonds may be issued in
22 coupon or in registered form or both as the Governing Board
23 may determine and provision may be made for the registration
24 of any coupon bonds as to principal alone and also as to both
25 principal and interest and for the reconversion into coupon
26 bonds of any bonds registered as to bond principal and
27 interest.

28 (d) The issuance of such bonds shall not be subject to
29 any limitations or conditions contained in any other statute
30 and the Governing Board may sell such bonds in such manner at
31 public or private sale and for such price as it may determine

1 to be for the best interests of the district, but no such sale
2 shall be made at a price so low as to require the payment of
3 interest on the money received therefor at more than 7.5
4 percent per annum computed with relation to the absolute
5 maturity of the bonds in accordance with the standard tables
6 of bond values, excluding from such computations the amount of
7 any premium to be paid on redemption of any bonds prior to
8 maturity. Prior to the preparation of definitive bonds, the
9 district may, under like restrictions, issue interim receipts
10 and temporary bonds with or without coupons exchangeable for
11 definitive bonds when such bonds have been executed and are
12 available for delivery. The Governing Board of the district
13 may also provide for the replacement of any bonds which become
14 mutilated, destroyed, or lost.

15 (e) Bonds may be issued under the provisions of this
16 chapter without obtaining the consent of any commission,
17 board, bureau, or agency of the state and without the
18 proceeding or happening of any other condition or thing than
19 those proceedings, conditions, or things which are
20 specifically required by this act.

21 (f) The proceeds of such bonds shall be used solely
22 for the payment of costs of the water supply system or systems
23 or the water system improvements or the sewage disposal system
24 or systems or the sewer improvements, for the purchase,
25 construction, or reconstruction of which such bonds shall have
26 been authorized, and shall be disbursed in such manner and
27 under such restrictions, if any, as the Governing Board of the
28 district may provide in the authorizing resolution. If the
29 proceeds of such bonds, by error of estimates or otherwise,
30 shall be less than such costs, additional bonds may in like
31 manner be issued to provide the amount of such deficit and

1 unless otherwise provided in the authorizing resolution shall
2 be deemed to be of the same issue and shall be entitled to
3 payment from the same fund without preference or priority of
4 the bonds first issued for the same purpose. If the proceeds
5 of the bonds of any issue shall exceed the amount required for
6 the purpose for which such bonds shall have been issued, the
7 surplus shall be paid into the fund provided under the
8 provisions of this chapter for the payment of principal of and
9 the interest on such bonds.

10 (g) For the payment of the principal and interest
11 thereon on any general obligation bonds issued for the benefit
12 of the district issued under the provisions of this act the
13 Governing Board of the district is hereby authorized and
14 required to levy annually a special tax upon all taxable
15 property within the district over and above all other taxes
16 authorized or limited by law sufficient to pay such principal
17 and interest as the same respectively becomes due and payable,
18 and the proceeds of all such taxes shall, when collected, be
19 paid into a special fund and used for no other purpose than
20 the payment of such principal and interest. However, there may
21 be pledged to the payment of such principal and interest the
22 proceeds of such water service charge and/or sewer service
23 charges and in the event of such pledge the amount of the
24 annual tax levied herein required may be reduced in any year
25 by the amount of such proceeds actually received in the
26 preceding year and then remaining on deposit to the credit of
27 such fund for the payment of such principal and interest.

28 (h) Water revenue bonds may be used only in connection
29 with the acquisition, construction, or operation of water
30 supply systems or water system improvements, and sewer revenue
31 bonds may be used only in connection with the acquisition,

1 construction, and operation of sewage disposal systems and
2 sewer improvements. Water revenue bonds and/or sewer revenue
3 bonds issued under the provisions of this act shall not be
4 deemed to constitute a pledge of the faith and credit of the
5 district but such bonds shall be payable solely from the funds
6 provided therefor under the provisions of this act. All such
7 bonds shall contain a statement on their face substantially to
8 the effect that the district is not obligated to pay such
9 bonds or the interest thereon except from such funds and that
10 the faith and the credit of the district is not pledged to the
11 payment of the principal of or the interest on such bonds. The
12 issuance of water revenue bonds and/or sewer revenue bonds
13 under the provisions of this act shall not directly or
14 indirectly or contingently obligate the district to levy any
15 taxes whatever therefor or to make any appropriation for their
16 payment except from the funds pledged under the provisions of
17 this act.

18 1. The resolution authorizing the issuance of water
19 revenue bonds under the provisions of this act shall pledge
20 the revenues to be received but shall not convey or mortgage
21 any water supply system or water system improvements, or any
22 part thereof.

23 2. The resolution authorizing the issuance of sewer
24 revenue bonds under the provisions of this act shall pledge
25 the revenue to be received but it shall not convey or mortgage
26 any sewage disposal system or sewer improvements or any part
27 thereof.

28 3. Either water revenue bonds or sewer revenue bonds
29 may contain such provisions for protecting and enforcing the
30 rights and remedies of the bondholders as may be reasonable
31 and proper and not in violation of law, including covenants

1 setting forth the duties of the Governing Board of the
2 district in relation to the purchase, construction,
3 reconstruction, improvement, maintenance, operation, repair,
4 and insurance of the water supply system or systems and the
5 water system improvements and the sewage disposal system or
6 systems and the sewer improvements and the provisions for the
7 custody, safeguarding, and application of all moneys, and for
8 the employment of consulting engineers in connection with such
9 purchase, construction, reconstruction, or operation. Such
10 resolution may set forth the rights and remedies of the
11 bondholders and may restrict the individual right of action by
12 bondholders as is customary in trust agreements or trust
13 indentures securing bonds or debentures or corporations.

14 4. In addition to the foregoing, such resolution may
15 contain such other provisions as the Governing Board of the
16 district may deem reasonable and proper for the security of
17 bondholders. Except as in this act otherwise provided, the
18 Governing Board of the district may provide for the payment of
19 the proceeds of the sale of the bonds and revenues of the
20 water supply system or systems and of any water system
21 improvements or of the sewage disposal system or systems and
22 of any sewer improvements to such officer, board, or
23 depository as it may designate for the custody thereof, and
24 for the method of disbursement thereof, with such safeguards
25 and restrictions as it may determine.

26 (j) The resolution providing for the issuance of water
27 revenue bonds and/or sewer revenue bonds may also contain such
28 limitations upon the issuance of additional water revenue
29 bonds and/or sewer revenue bonds as the Governing Board of the
30 district may deem proper, and such additional bonds shall be
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1 issued under such restrictions and limitations as may be
2 prescribed by such resolution.

3 (k) No water revenue bonds or sewer revenue bonds
4 shall be issued under the authority of this act unless the
5 Governing Board of the district shall have theretofore found
6 and determined the estimated cost of the facilities or systems
7 on account of which such bonds are to be issued, the estimated
8 annual revenues of such facilities or systems, and the
9 estimated annual cost of maintaining, repairing, and operating
10 such facilities or systems, nor unless it shall appear from
11 such estimate that the annual revenues will be sufficient to
12 pay such cost of maintenance, repair, and operation and the
13 interest on such bonds and the principal thereof as such
14 interest and principal shall become due.

15 (l) If the approval of the issuance of water revenue
16 bonds or sewer revenue bonds at an election of the freeholders
17 who are qualified electors residing in the district shall be
18 required by the State Constitution, such election shall be
19 called, noticed, and conducted and the result thereof
20 determined and declared as shall have been or may be required
21 by law for the issuance of bonds of the district.

22 (m) Notwithstanding the provisions of paragraphs (h),
23 (i), (j), and (k), the district may issue water and sewer
24 revenue bonds for the purpose of construction, acquisition, or
25 improvement of water supply systems or water system
26 improvements and sewage disposal systems or sewer
27 improvements, which have been combined by the district. Such
28 water and sewer revenue bonds may also be issued for the
29 purpose of the construction, acquisition, or improvement of
30 such combined system, or any part thereof, and the refunding
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1 of any outstanding bonds or obligations theretofore issued to
2 finance the cost of such combined system or any part thereof.
3 (n) In the event that the water supply system or water
4 system improvements and sewage disposal systems and sewer
5 improvements are combined into one water and sewer system, all
6 of the provisions of this chapter relating to water supply
7 systems or water system improvements and sewage disposal
8 systems and sewer improvements and water revenue bonds and
9 sewer revenue bonds shall apply to such combined systems and
10 water and sewer revenue bonds to the extent the same are
11 applicable.
12 Section 7. The Board may, subject to approval as
13 provided in section 17, levy upon all of the taxable property
14 in the district a special tax not exceeding 1/4 mill on the
15 dollar during each year solely for the purposes authorized and
16 prescribed by this act. Said levy shall be made each year not
17 later than July 1 by resolution of the Board of a majority
18 thereof duly entered upon its minutes. Certified copies of
19 such resolution executed in the name of the Board by the chair
20 and secretary and under its corporate seal shall be made and
21 delivered to the Boards of County Commissioners of Palm Beach
22 and Martin Counties and to the Department of Revenue, not
23 later than July 1 of each year. The property appraisers of the
24 respective counties shall assess and the collectors of the
25 respective counties shall collect the amount of taxes so
26 assessed and levied by the Board upon all of the taxable
27 property in the district at the rate of taxation adopted by
28 the Board for the year and included in the resolution, and the
29 levy shall be included in the warrants of property appraisers
30 and attached to the assessment roll of taxes for the
31 respective counties each year. The tax collectors shall

1 collect such taxes so levied by the Board in the same manner
2 as other taxes are collected and shall pay the same within the
3 time and in the manner prescribed by law to the treasurer of
4 the Board. The Department of Revenue shall assess and levy on
5 all the railroad lines and railroad property and telegraph and
6 telephone lines and telegraph and telephone property situated
7 in the district in the amount of each such levy as in the case
8 of other state and county taxes, and collect the taxes thereon
9 in the same manner as it is required by law to assess and
10 collect taxes for state and county purposes, and remit the
11 same to the treasurer of the Board. All such taxes shall be
12 held by the treasurer for the credit of the Board and paid out
13 in accordance with the provisions of this act.

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

17 (1) The district may, if such default continues for 30
18 days or more after written notice to such delinquent customer,
19 discontinue and shut off the supply of the services and
20 facilities of said system, to the person, firms, corporation,
21 or other body, public or private, so supplied with such
22 services or facilities, until such fees, rates, or charges,
23 including legal interest, penalties, and charges for the
24 shutting off and discontinuance or the restoration of such
25 services or facilities are fully paid. Such delinquent fees or
26 charges, together with legal interest, penalties, and charges
27 for the shutting off and discontinuance or the restoration of
28 such services or facilities, and reasonable attorney's fees,
29 costs, and other expenses, may be recovered by the Board in a
30 court of competent jurisdiction.

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

21 Section 9. The district may assume the operation of
22 any system which substantially fails to meet its financial
23 responsibilities or operating standards pursuant to this act
24 or other laws and regulations of this state.

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

29 Section 11. The Board shall prepare an annual report,
30 audited by a qualified certified public accountant, including
31 all matters relating to revenues, expenses of maintenance,

1 repair, and operation and renewals and capital replacements,
2 principal and interest requirements, and the status of all
3 funds and accounts. Copies of such report shall be filed with
4 the department by October 1 of the following fiscal year and
5 shall be open to public inspection and available upon request
6 at cost.

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

18 Section 13. The Board shall have the power to
19 transfer, sell, or assign any of the property of the district
20 which it finds is not needed to carry out the purposes of this
21 act to any other governmental agency at whatever terms it
22 deems reasonable.

23 Section 14. The provisions of this act shall be
24 liberally construed to effect its purposes.

25 Section 15. In case any one or more of the sections or
26 provisions of this act, or the application of such sections or
27 provisions to any situations, circumstances, or person, shall
28 for any reason be held to be unconstitutional or invalid, such
29 unconstitutionally or invalidity shall not affect any other
30 sections or provisions of this act or the application of such
31 sections or provisions to any other situation, circumstance,

1 or person, and it is intended that this act shall be construed
2 and applied as if such section or provision so held
3 unconstitutional or invalid had not been included in this act.

4 Section 16. Nothing contained in this act shall be
5 construed to empower the district to exercise control over the
6 management of waters of the Central and Southern Florida Flood
7 Control project, or over any of the works of the Central and
8 Southern Florida Flood Control District. Nothing contained
9 herein shall be construed to empower the district to use the
10 power of eminent domain against the Central and Southern
11 Florida Flood Control District, nor to empower the levy of
12 special assessment or ad valorem taxes against lands held by
13 the Central and Southern Florida Flood Control District.

14 Section 17. The provisions of section 7 which
15 authorize the levy of ad valorem taxation shall take effect
16 only upon its approval by a vote of the electors of the
17 district as may be required by the State Constitution. The
18 Board shall call and provide for the holding of a referendum
19 at the next election of the district or at a special election
20 called by the Board for that purpose at which referendum the
21 qualified electors in the district shall approve or reject the
22 authority to levy ad valorem taxes provided in this act, all
23 as may be now required by the Florida Constitution; and the
24 previous failure of the district to previously call such
25 referendum as required by the former language of section 17 of
26 chapter 71-822, Laws of Florida, shall in no way affect the
27 validity of the result of such referendum to be held. If ad
28 valorem taxation shall be approved at said election, the Board
29 may impose an initial tax levy not to exceed 1/4 mill. Any
30 subsequent increase in said tax levy may only be made with the
31 approval of the electors of said district at a special

1 election called by the Board and held for that purpose. Such
2 elections shall be held in accordance with the provisions of
3 sections 100.211-100.351, Florida Statutes.

4 Section 18. The qualified electors of the district
5 shall have the power of initiative to propose an action to be
6 taken by the Board which the Board is authorized under this
7 act to take and the power of referendum to require
8 reconsideration by the Board of any action of a nature
9 requiring full compliance with the Administrative Procedure
10 Act taken by the Board. If the Board fails to take the action
11 proposed or to repeal the action to be reconsidered, the
12 electors shall be entitled to approve or reject the proposed
13 or reconsidered action according to the following procedure:

14 (1) A petition must be prepared and filed with the
15 Board within 10 days after final passage of such action which
16 shall contain a statement of the proposed action or of the
17 action to be reconsidered and the signatures of at least 10
18 percent of the qualified electors within the district voting
19 in the most recent district election, or 5 percent of the
20 registered district voters, whichever is greater.

21 (2) The petition shall be filed with the Board which
22 shall submit the petition to the supervisors of elections of
23 the counties within the district for verification of
24 signatures. Upon receipt of certification by the supervisors
25 of elections that the petition contains at least 10 percent of
26 qualified electors within the district, voting in the most
27 recent district election, or 5 percent of the registered
28 district voters, whichever is greater, the Board shall
29 promptly consider the proposed action or reconsider the action
30 to be reconsidered by voting its repeal. If the Board does not
31 adopt the proposed action or repeal the action to be

1 reconsidered within 30 days after receipt of the
2 certification, the Board shall fix a day for holding an
3 election to be held not less than 60 days nor more than 90
4 days from the receipt of such certification.

5 (3) This section shall not apply to any actions of the
6 Board approved prior to the effective date of the 1978
7 amendments, nor shall the same in any manner affect
8 obligations and indebtedness incurred prior to the 1978
9 amendments. If a majority of the votes cast in the election
10 are in favor of the proposed action or in favor of the repeal
11 of the action being reconsidered, the proposed action shall be
12 considered adopted, or the action being reconsidered shall be
13 considered repealed upon the announcement of the official
14 canvass of the election.

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

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

24 Section 4. Chapters 71-822, 75-475, 76-429, 76-431,
25 78-559, 78-561, 80-577, 86-429, 86-430, 87-515, 88-506,
26 90-438, and 92-255, Laws of Florida, are repealed.

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

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1 Section 6. This act shall take effect upon becoming a
2 law.
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