

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, 88-506, 90-438, and  
7 92-255, Laws of Florida, are codified, reenacted, amended, and  
8 repealed as herein provided.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 (1) The territorial limits of the Loxahatchee River  
16 Environmental Control District shall also include the  
17 following described lands, upon the District acquiring  
18 Hydratech Utilities from Hydratech Utilities, Inc., a Florida  
19 corporation, its successors and/or assigns.

20  
21 Beginning at a point located in Section 2,  
22 Township 39 South, Range 41 East, Martin  
23 County, Florida, which is the intersection of  
24 the westerly extension of the north line of the  
25 Gomez Grant and the east line of said Section  
26 2; thence South 66°32'23" West, a distance of  
27 486.43 feet; thence South 23°27'37" East, a  
28 distance of 1091.01 feet to a point on the east  
29 line of Section 2; thence South 00°34'11" West,  
30 a distance of 513.16 feet along the east line  
31 of said Section 2 to the southeast corner of

1 Section 2; thence South 89°26'35" East along  
 2 the north line of said Section 12, a distance  
 3 of 228.77 feet; thence South 23°27'37" East, a  
 4 distance of 1085.56 feet to a point on a  
 5 non-tangent curve concave northwesterly, having  
 6 a radius of 2011.16 feet; thence Northeasterly  
 7 along the arc of said curve, a distance of  
 8 469.50 feet through a central angle of  
 9 13°22'32", the chord of which bears North  
 10 60°16'03" East; thence North 53°34'23" East, a  
 11 distance of 172.36 feet to the beginning of a  
 12 curve concave southerly having a radius of  
 13 1906.53 feet; thence Northeasterly along the  
 14 arc of said curve a distance of 1347.64 feet  
 15 through a central angle of 40°30'00"; thence  
 16 South 85°55'36" East a distance of 1505.48 feet  
 17 to a point on the west line of the east  
 18 one-half of the east one-half of Section 12;  
 19 thence South along said line to a point on the  
 20 south line of Section 12; thence East along the  
 21 south line of Section 12 to the southeast  
 22 corner of Section 12, Range 41 East, Township  
 23 39 South; thence East along the south line of  
 24 Section 7, Range 42 East, Township 39 South to  
 25 a point on the west line of the Gomez Grant;  
 26 thence Southeasterly along the west line of the  
 27 Gomez Grant to a point on the south line of  
 28 Section 29; thence Southwesterly along the  
 29 centerline of the right-of-way of Powerline  
 30 Road to a point which intersects the south line  
 31 of the northeast one-quarter of Section 32,

1 Township 39 South, Range 42 East; thence East  
 2 along the south line of said northeast quarter  
 3 of Section 32 to a point on the east line of  
 4 Section 32; thence east along the north line of  
 5 the southwest quarter of Section 33, a distance  
 6 of 1980 feet; thence south a distance of 2640  
 7 feet to the south line of Section 33; thence  
 8 east along the south line of Section 33 a  
 9 distance of 660 feet; thence north along the  
 10 east line of the east line of the southwest  
 11 quarter of Section 33, a distance of 2640 feet;  
 12 thence west 1320 feet to a point; thence north  
 13 990 feet to a point; thence west 1320 feet to a  
 14 point; thence north along the east line of the  
 15 northwest quarter of Section 33, a distance of  
 16 1650 feet to the northwest corner of the  
 17 northeast quarter of Section 33; thence east  
 18 along the south line of Section 28 to the  
 19 centerline of S.E. Flora Avenue as now laid out  
 20 and in use; thence North 22°33'46" East along  
 21 said centerline a distance of 395.89 feet to an  
 22 angle point in said centerline; thence North  
 23 11°21'55" East continuing along said  
 24 centerline, a distance of 1051.75 feet to the  
 25 south line of the Gomez Grant; thence North  
 26 66°24'43" East along said south line a distance  
 27 of 2124.11 feet to the east line of said  
 28 Section 28; thence continuing North 66°25'43"  
 29 East along the south line of the Gomez Grant to  
 30 a point on the south line of the Gomez Grant  
 31 which is 2500 feet west of Federal Highway



1 (U.S. #1); thence northerly along a curvilinear  
 2 line which is 2500 feet west of and parallel to  
 3 Federal Highway (U.S. #1) to a point of  
 4 intersection with the centerline of SR 708  
 5 (Bridge Road); thence northeasterly along the  
 6 centerline of SR 708 (Bridge Road), as now laid  
 7 out and in use, to the east line of the  
 8 Intracoastal Waterway; thence northwesterly  
 9 along the east line of the Intracoastal  
 10 Waterway to a point lying in Section 33,  
 11 Township 38 south, Range 42 East, which point  
 12 intersects the easterly extension of the north  
 13 line of the Gomez Grant; thence westerly along  
 14 the north line of the Gomez Grant and its  
 15 westerly extension to the point and place of  
 16 beginning in Section 2, Township 39 South,  
 17 Range 41 East.

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

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

31

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

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

12           (4) Vacancy.--In the event of a vacancy occurring in  
13 the office of a Board member, the procedure to fill the  
14 vacancy shall conform to the Florida Election Code, chapters  
15 97-106, Florida Statutes.

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

26           (6) Board records.--The Board members shall cause true  
27 and accurate minutes and records to be kept of all business  
28 transacted by them and shall keep full, true, and complete  
29 books of account. Minutes, records, and books of accounts  
30 shall at all reasonable times be open and subject to the  
31 inspection of the public, and any person desiring so to do may

1 make or procure copies of such minutes, records, and books, or  
2 of such portions thereof as he or she may desire.

3 (7) Public meetings.--The Board shall meet at least  
4 quarterly, in public meetings, at the call of the member  
5 elected chair by the membership, or by written call of a  
6 quorum of three members.

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

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

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

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

1 right of indemnification shall be in addition to and not  
2 exclusive of all other rights to which such Board members or  
3 officers may be entitled.

4 (12) Removal.--Any member of the Board may be removed  
5 from office by the electors of the district by the following  
6 procedure:

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

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

24 (c) If a majority of the votes cast in a recall  
25 election is in favor of removal of a member of the Board, the  
26 member shall be deemed removed from office upon the  
27 announcement of the official canvass of the election and the  
28 vacancy shall be filled in the manner provided in subsection  
29 (4).

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

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

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

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

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

28           (5) "Assessment bonds" means bonds or other  
29 obligations secured by and payable from special assessments  
30 levied against benefited lands, and which may be additionally  
31

1 secured by a pledge of the full faith and credit of the  
2 district.

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

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

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

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

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

1 public entity for any moneys advanced in connection with any  
2 of the foregoing items of cost.

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

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

19 (12) "Department" means all applicable state agencies  
20 and departments.

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

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

31



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

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

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

11           (5) To provide for all surveys and for preparation of  
12 plans, specifications, and estimates in connection with the  
13 construction of a system, or for studies to determine the  
14 feasibility of acquiring existing municipal or private  
15 systems.

16           (6) To enter into contracts with the government of the  
17 United States, or any other department or subdivision of the  
18 state, or with any municipality, private corporation,  
19 partnership, association, or person providing for or relating  
20 to the furnishing of water, the disposal of wastes and sewage,  
21 and for other purposes necessary and proper to effectuate this  
22 act.

23           (7) To accept from any governmental agency grants,  
24 donations, or loans to provide aid for the planning,  
25 construction, reconstruction, or financing of any system; and  
26 to accept grants or donations from any other source of money,  
27 property, labor, or other things of value, to be held, used,  
28 and applied only for the purposes for which such grants or  
29 donations may be made.

30           (8) To enter into contracts with property owners or  
31 developers or building contractors who plan to erect buildings

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

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

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

26 2. After the system or systems shall have been in  
27 operation, the Governing Board of the district may revise such  
28 schedule of rates, fees, and charges, which shall be so fixed  
29 and revised as to provide funds, with other funds available  
30 for such purposes, sufficient at all times to pay the cost of  
31 maintaining, repairing, and operating the system or systems,

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

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

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

30         5. In cases where the character of the sewage from any  
 31 manufacturing or industrial plant or any building or premises

1 is such that it imposes an unreasonable burden upon any sewage  
2 disposal system, an additional charge may be made therefor, or  
3 the Governing Board of the district may, if it deems it  
4 advisable, compel such manufacturing or industrial plant or  
5 such building or premises to treat such sewage in such manner  
6 as shall be specified by the Governing Board of the district  
7 before discharging such sewage into any sewer lines owned or  
8 maintained by the district.

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

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

1 into effect and thereupon the resolution providing for the  
2 issuance of water revenue bonds and/or sewer revenue bonds may  
3 be finally adopted.

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

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

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

1 All such connections shall be made in accordance with rules  
2 and regulations which shall be adopted from time to time by  
3 the Governing Board of the district.

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

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

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

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

1 deposited for the credit of the following separate funds for  
2 the following purposes:

3 1. Sinking fund for the payment of interest on and the  
4 principal of such water revenue bonds and/or sewer revenue  
5 bonds as the same shall become due, necessary charges of  
6 paying agents for the paying of such interest and principal,  
7 and any premium upon bonds retired by call or purchase before  
8 their maturity or respective maturities, including the  
9 accumulation of reserves for such purposes.

10 2. A fund for anticipated renewals and replacements  
11 and extraordinary repairs.

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

19 (g) The Governing Board of the district shall, at the  
20 close of each fiscal year, make or cause to be made a  
21 comprehensive report of its operations of the water supply  
22 system or systems and sewage disposal system or systems under  
23 its control during the preceding fiscal year, including all  
24 matters relating to rates, revenues, expenses for maintenance,  
25 repair, and operation and replacements and extensions,  
26 principal and interest retirements, and the status of all  
27 funds, and there shall be set forth in such report the budget  
28 recommended by the commission for the current fiscal year. A  
29 copy of such annual report shall be filed with the district  
30 office and shall be open to the inspection of all interested  
31 persons. Any surplus of the gross revenues remaining at the



1 end of any fiscal year after making the required deposits for  
2 the credit of the separate funds set forth above, and not  
3 appropriated in the budget for the then current fiscal year,  
4 shall be paid into the sinking fund.

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

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

29 (j) The Governing Board of the district is hereby  
30 authorized to provide by resolution for the issuance of water  
31 revenue refunding bonds of the district for the purpose of

1 refunding any water revenue bonds then outstanding and issued  
2 under the provisions of this act. The Governing Board of the  
3 district is further authorized to provide by resolution for  
4 the issuance of water revenue bonds of the district for  
5 combined purposes:

6 1. Paying the cost of any extension, addition, or  
7 reconstruction of a water supply system or systems or water  
8 system improvements or the cost of a new water supply system  
9 or systems or water system improvements.

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

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

29 1. Paying the cost of any extension, addition, or  
30 reconstruction of a sewage disposal system or systems or sewer  
31

1 improvements or the cost of a new sewage disposal system or  
2 systems or sewer improvements.

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

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

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

28 (12) To levy special assessments against properties  
29 adjoining or in close proximity to sewer and water lines of  
30 the district, which would be specifically benefited by the  
31 construction, acquisition, extension, and operation thereof

1 which the system is designed to serve, provided that such  
2 assessments shall not exceed the cost of the assessable  
3 improvements constructed.

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

25 (b)1. As soon as may be practicable after the passage  
26 of such resolution, the engineer for the district shall  
27 prepare in duplicate plans and specifications of each  
28 improvement ordered thereby and an estimate of the cost  
29 thereof. Such cost may include, in addition to the items of  
30 cost set forth in section 5(6) the cost of relaying streets  
31

1 and sidewalks necessarily torn up or damaged and shall include  
2 the following items of incidental expense:

3 a. Printing and publishing of notices and proceedings.

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

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

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

25 (c) The Governing Board, upon the filing with it of  
26 such plans, specifications, estimate, and tentative  
27 apportionment of cost, shall publish once in a newspaper  
28 published in Martin County and once in a newspaper published  
29 in Palm Beach County a notice stating that at a regular  
30 meeting of the Governing Board on a certain day and hour, not  
31 earlier than 10 days from such publication, the Governing

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

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

28 (e) All objections to any such resolution on the  
 29 grounds that it contains items which cannot be properly  
 30 assessed against property, or that it is, for any default or  
 31 defect in the passage or character of the resolution or the

1 plans and specifications or estimate, void or voidable in  
2 whole or in part, or that it exceeds the power of the  
3 Governing Board, shall be made in writing, in person or by  
4 attorney, and filed with the Governing Board at or before the  
5 time or adjourned time of such hearing. Any objections against  
6 the making of any improvement not so made shall be considered  
7 as waived, and if an objection shall be made and overruled or  
8 shall not be sustained, the confirmation of the resolution  
9 shall be the final adjudication of the issues presented unless  
10 proper steps shall be taken in a court of competent  
11 jurisdiction to secure relief.

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

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

31

1 of the number of feet of property so abutting, which number of  
2 feet shall be known as frontage.

3 2. The total cost of the improvement, and the amount  
4 of incidental expense.

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

9 a. To each lot or parcel of land, to the property or  
10 curb line of which a water supply lateral or sanitary sewer  
11 lateral shall have been laid, shall be apportioned the cost of  
12 such lateral or laterals.

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

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

28 (g) The preliminary assessment roll shall be advisory  
29 only and shall be subject to the action of the Governing Board  
30 as hereinafter provided. Upon the filing with the Governing  
31 Board of the preliminary assessment roll, the Governing Board



1 shall publish once in a newspaper published in Martin County  
 2 and once in a newspaper published in Palm Beach County a  
 3 notice stating that at a meeting of the Governing Board to be  
 4 held on a certain day and hour, not less than 12 days from the  
 5 date of such publication, which meeting may be a regular,  
 6 adjourned, or special meeting, all interested persons may  
 7 appear and file written objections to the confirmation of such  
 8 roll. Such notice shall state the class of the improvement and  
 9 the location thereof by terminal points and route. Such  
 10 meeting of the commission shall be the first regular meeting  
 11 following the completion of the notice hereinabove required,  
 12 unless the Governing Board shall have provided for a special  
 13 meeting for such purpose.

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

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

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

1 payment for any assessment, and provided, further, that any  
 2 assessment may be paid at any time before due, together with  
 3 interest accrued thereon to the date of payment.

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

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

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

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

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

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

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

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

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

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

24 (17) To construct, install, erect, and acquire and to  
25 operate, maintain, improve, extend, or enlarge and reconstruct  
26 a system or systems within the boundaries of the district and  
27 to have the control and jurisdiction thereof; to pay all or  
28 part of the cost of such construction, reconstruction,  
29 erection, acquisition, or installation of such utility system  
30 or combined utility system and additions, extensions, and  
31

1 improvements thereto, except as otherwise provided in this  
2 act.

3 (18) To acquire by purchase, gift, or condemnation in  
4 accordance with the provisions of chapters 73 and 74, Florida  
5 Statutes, such lands and rights and interest therein,  
6 including lands under water and riparian rights; and to  
7 acquire such personal property as it may deem necessary in  
8 connection with the construction, reconstruction, improvement,  
9 extension, installation, erection, or operation and  
10 maintenance of any system and to hold and dispose of such real  
11 and personal property, including, but not limited to, systems  
12 owned and operated by municipalities and counties.

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

23 (20) To furnish water and sewer collection services  
24 within the district; or to construct or acquire jointly with  
25 the county or counties and municipality or municipalities  
26 located within the district, systems or any parts or  
27 facilities hereof under such terms and conditions as shall be  
28 agreed upon between the district and such municipalities or  
29 counties; and to acquire, from any municipality or county, and  
30 operate any system, or any parts or facilities thereof,  
31 located within the boundaries of the district or territory,

1 either within or without such municipality or county, except  
2 as otherwise provided in this act.

3 (21) To develop current and long-range plans to  
4 provide urban water and sewage to present and future  
5 population centers within the district at the earliest  
6 possible date.

7 (22) To investigate complaints caused by inadequate  
8 services or operation.

9 (23) To utilize or expand existing systems to serve  
10 population needs.

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

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

16 (26) To levy an ad valorem tax in accordance with  
17 section 7.

18 (27) To issue revenue bonds and general obligation  
19 bonds, for the purposes of this act, in the manner set forth  
20 herein:

21 (a) The Governing Board of the district is hereby  
22 authorized to provide by resolution at one time or from time  
23 to time for the issuance of either water revenue bonds, sewer  
24 revenue bonds, or general obligation bonds of the district for  
25 the purpose of paying all or any part of the cost of any one  
26 or more of the following:

27 1. A water supply system or systems.

28 2. Extensions and additions thereto.

29 3. Water system improvements.

30 4. A sewage disposal system or systems.

31 5. Extensions and additions thereto.



1           6. Sewer improvements.

2  
3   The bond of each issue shall be dated, shall bear interest at  
4   such rate or rates not exceeding 7.5 percent per annum, shall  
5   mature at such time or times not exceeding 50 years from their  
6   date or dates as may be determined by the Governing Board of  
7   the district, and may be made redeemable before maturity at  
8   the option of the district at such price or prices and under  
9   such terms and conditions as may be fixed by the Governing  
10   Board prior to the issuance of the bonds.

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

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

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

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

25           (f) The proceeds of such bonds shall be used solely  
 26 for the payment of costs of the water supply system or systems  
 27 or the water system improvements or the sewage disposal system  
 28 or systems or the sewer improvements, for the purchase,  
 29 construction, or reconstruction of which such bonds shall have  
 30 been authorized, and shall be disbursed in such manner and  
 31 under such restrictions, if any, as the Governing Board of the

1 district may provide in the authorizing resolution. If the  
2 proceeds of such bonds, by error of estimates or otherwise,  
3 shall be less than such costs, additional bonds may in like  
4 manner be issued to provide the amount of such deficit and  
5 unless otherwise provided in the authorizing resolution shall  
6 be deemed to be of the same issue and shall be entitled to  
7 payment from the same fund without preference or priority of  
8 the bonds first issued for the same purpose. If the proceeds  
9 of the bonds of any issue shall exceed the amount required for  
10 the purpose for which such bonds shall have been issued, the  
11 surplus shall be paid into the fund provided under the  
12 provisions of this chapter for the payment of principal of and  
13 the interest on such bonds.

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

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

22           (i) 1. The resolution authorizing the issuance of  
 23 water revenue bonds under the provisions of this act shall  
 24 pledge the revenues to be received but shall not convey or  
 25 mortgage any water supply system or water system improvements,  
 26 or any part thereof.

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

1           3. Either water revenue bonds or sewer revenue bonds  
 2 may contain such provisions for protecting and enforcing the  
 3 rights and remedies of the bondholders as may be reasonable  
 4 and proper and not in violation of law, including covenants  
 5 setting forth the duties of the Governing Board of the  
 6 district in relation to the purchase, construction,  
 7 reconstruction, improvement, maintenance, operation, repair,  
 8 and insurance of the water supply system or systems and the  
 9 water system improvements and the sewage disposal system or  
 10 systems and the sewer improvements and the provisions for the  
 11 custody, safeguarding, and application of all moneys, and for  
 12 the employment of consulting engineers in connection with such  
 13 purchase, construction, reconstruction, or operation. Such  
 14 resolution may set forth the rights and remedies of the  
 15 bondholders and may restrict the individual right of action by  
 16 bondholders as is customary in trust agreements or trust  
 17 indentures securing bonds or debentures or corporations.

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

30           (j) The resolution providing for the issuance of water  
 31 revenue bonds and/or sewer revenue bonds may also contain such

1 limitations upon the issuance of additional water revenue  
2 bonds and/or sewer revenue bonds as the Governing Board of the  
3 district may deem proper, and such additional bonds shall be  
4 issued under such restrictions and limitations as may be  
5 prescribed by such resolution.

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

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

25 (m) Notwithstanding the provisions of paragraphs (h),  
26 (i), (j), and (k), the district may issue water and sewer  
27 revenue bonds for the purpose of construction, acquisition, or  
28 improvement of water supply systems or water system  
29 improvements and sewage disposal systems or sewer  
30 improvements, which have been combined by the district. Such  
31 water and sewer revenue bonds may also be issued for the

1 purpose of the construction, acquisition, or improvement of  
2 such combined system, or any part thereof, and the refunding  
3 of any outstanding bonds or obligations theretofore issued to  
4 finance the cost of such combined system or any part thereof.

5 (n) In the event that the water supply system or water  
6 system improvements and sewage disposal systems and sewer  
7 improvements are combined into one water and sewer system, all  
8 of the provisions of this chapter relating to water supply  
9 systems or water system improvements and sewage disposal  
10 systems and sewer improvements and water revenue bonds and  
11 sewer revenue bonds shall apply to such combined systems and  
12 water and sewer revenue bonds to the extent the same are  
13 applicable.

14 Section 7. The Board may, subject to approval as  
15 provided in section 17, levy upon all of the taxable property  
16 in the district a special tax not exceeding 1/4 mill on the  
17 dollar during each year solely for the purposes authorized and  
18 prescribed by this act. Said levy shall be made each year not  
19 later than July 1 by resolution of the Board of a majority  
20 thereof duly entered upon its minutes. Certified copies of  
21 such resolution executed in the name of the Board by the chair  
22 and secretary and under its corporate seal shall be made and  
23 delivered to the Boards of County Commissioners of Palm Beach  
24 and Martin Counties and to the Department of Revenue, not  
25 later than July 1 of each year. The property appraisers of the  
26 respective counties shall assess and the collectors of the  
27 respective counties shall collect the amount of taxes so  
28 assessed and levied by the Board upon all of the taxable  
29 property in the district at the rate of taxation adopted by  
30 the Board for the year and included in the resolution, and the  
31 levy shall be included in the warrants of property appraisers

1 and attached to the assessment roll of taxes for the  
2 respective counties each year. The tax collectors shall  
3 collect such taxes so levied by the Board in the same manner  
4 as other taxes are collected and shall pay the same within the  
5 time and in the manner prescribed by law to the treasurer of  
6 the Board. The Department of Revenue shall assess all such  
7 property in accordance with section 193.035, Florida Statutes.  
8 All such taxes shall be held by the treasurer for the credit  
9 of the Board and paid out in accordance with the provisions of  
10 this act.

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

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

28 (2) The district shall have a lien on all lands and  
29 premises served by it for all charges, until paid, for  
30 services provided to such lands or premises by the district,  
31 or connection fees associated therewith, which lien shall be



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

17 Section 9. The district may assume the operation of  
 18 any system which substantially fails to meet its financial  
 19 responsibilities or operating standards pursuant to this act  
 20 or other laws and regulations of this state.

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

25 Section 11. The Board shall prepare an annual report,  
 26 audited by a qualified certified public accountant, including  
 27 all matters relating to revenues, expenses of maintenance,  
 28 repair, and operation and renewals and capital replacements,  
 29 principal and interest requirements, and the status of all  
 30 funds and accounts. Copies of such report shall be filed with  
 31 the department by October 1 of the following fiscal year and

1 shall be open to public inspection and available upon request  
2 at cost.

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

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

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

21 Section 15. In case any one or more of the sections or  
22 provisions of this act, or the application of such sections or  
23 provisions to any situations, circumstances, or person, shall  
24 for any reason be held to be unconstitutional or invalid, such  
25 unconstitutionally or invalidity shall not affect any other  
26 sections or provisions of this act or the application of such  
27 sections or provisions to any other situation, circumstance,  
28 or person, and it is intended that this act shall be construed  
29 and applied as if such section or provision so held  
30 unconstitutional or invalid had not been included in this act.

31

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

11           Section 17. The provisions of section 7 which  
 12 authorize the levy of ad valorem taxation shall take effect  
 13 only upon its approval by a vote of the electors of the  
 14 district as may be required by the State Constitution. The  
 15 Board shall call and provide for the holding of a referendum  
 16 at the next election of the district or at a special election  
 17 called by the Board for that purpose at which referendum the  
 18 qualified electors in the district shall approve or reject the  
 19 authority to levy ad valorem taxes provided in this act, all  
 20 as may be now required by the Florida Constitution; and the  
 21 previous failure of the district to previously call such  
 22 referendum as required by the former language of section 17 of  
 23 chapter 71-822, Laws of Florida, shall in no way affect the  
 24 validity of the result of such referendum to be held. If ad  
 25 valorem taxation shall be approved at said election, the Board  
 26 may impose an initial tax levy not to exceed 1/4 mill. Any  
 27 subsequent increase in said tax levy may only be made with the  
 28 approval of the electors of said district at a special  
 29 election called by the Board and held for that purpose. Such  
 30 elections shall be held in accordance with the provisions of  
 31 sections 100.211-100.351, Florida Statutes.

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

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

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

31

1 election to be held not less than 60 days nor more than 90  
2 days from the receipt of such certification.

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

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

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

22 Section 4. Chapters 71-822, 75-475, 76-429, 76-431,  
23 78-559, 78-561, 80-577, 86-429, 86-430, 88-506, 90-438, and  
24 92-255, Laws of Florida, are repealed.

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

29 Section 6. This act shall take effect upon becoming a  
30 law.

31