

1
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8 repealed as herein provided.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.

31

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.

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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.

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