



CHAMBER ACTION

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The Committee on Local Government & Veterans' Affairs recommends the following:

**Committee Substitute**

Remove the entire bill and insert:

A bill to be entitled

An act relating to Osceola County; creating an independent special district known as Tohopekaliga Water Authority; providing legislative findings and intent; providing definitions; describing the district boundaries; providing for service areas subject to the approval of affected general purpose local governments; providing that the purpose of the district shall be for the planning, acquisition, development, operation, and maintenance of water and wastewater management systems within the district and its service area; limiting the provision of district services and facilities to only those areas authorized by affected general purpose local governments; providing for an appointed governing body of the district composed of five supervisors and setting forth their authority, terms of office, qualifications, compensation, and method of appointment; providing for the filling of vacancies in office; providing district powers, functions,



29 | and duties; providing for the acquisition of land;  
 30 | providing for the levy and collection of rates, fees,  
 31 | assessments, and other charges for the provision of  
 32 | capital facilities or use of district services or payment  
 33 | of operating and financing costs; providing for borrowing  
 34 | money and issuing bonds, certificates, obligations, or  
 35 | other evidence of indebtedness; prohibiting  
 36 | the creation of state, county, or municipal debt;  
 37 | providing for the collection of unpaid rates, fees,  
 38 | assessments, and other charges; providing for the adoption  
 39 | of a master plan; providing for enforcement and penalties;  
 40 | providing for merger and dissolution; providing for  
 41 | severability; providing an effective date.

42 |

43 | Be It Enacted by the Legislature of the State of Florida:

44 |

45 |       Section 1. Popular Name. This act shall be known by the  
 46 | popular name the "Tohopekaliga Water Authority Act."

47 |       Section 2. Legislative Findings.

48 |       (1) It is declared as a matter of legislative  
 49 | determination that the extensive growth of population and  
 50 | attendant commerce throughout Osceola County has given rise to  
 51 | public health and water supply concerns in that many of the  
 52 | unincorporated areas of Osceola County are not served by water  
 53 | and sewer facilities normally and generally provided and  
 54 | maintained by governmental agencies and instead are served by  
 55 | private wells and privately owned package sewage treatment  
 56 | plants or septic tanks. The proliferation of such package and



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57 sewage treatment plants and the use of septic tanks pose a  
58 significant risk of contamination of water supply sources for  
59 both incorporated and unincorporated areas of Osceola County.

60 (2) It is declared as a matter of legislative  
61 determination that the extensive growth of population and  
62 attendant commerce throughout Osceola County has caused affected  
63 general purpose local governments within Osceola County to  
64 recognize the need to consider, advance, and develop a regional  
65 approach to the governmental delivery and provision of potable  
66 water, wastewater, nonpotable water, and reclaimed water  
67 facilities and services, the protection of the environment, and  
68 the use of valuable water resources.

69 (3) Each of the affected general purpose local governments  
70 within Osceola County must meet the comprehensive planning  
71 requirements of chapter 163, Florida Statutes, which mandate  
72 that local governments coordinate their plans for future growth  
73 with available resources of funding and availability of  
74 infrastructure. The provision of potable and nonpotable water  
75 and wastewater services and facilities is a major factor in such  
76 infrastructure coordination. A focused regional approach to  
77 local governmental ownership and provision of potable and  
78 nonpotable water and wastewater utility facilities is desirable  
79 and will readily allow Osceola County and the City of Kissimmee,  
80 and certain adjacent areas upon approval of any affected general  
81 purpose local government, to more effectively meet their  
82 statutory mandate with respect to the utilities element of their  
83 respective comprehensive plans.



84 | (4) It is the intent of the Legislature to create an  
 85 | independent special district in Osceola County that, with the  
 86 | concurrence and approval of affected general purpose local  
 87 | governments, can address and carry out the provision of potable  
 88 | and nonpotable water and wastewater services and facilities in  
 89 | certain areas of Osceola County and certain adjacent areas upon  
 90 | the approval of any affected general purpose local government,  
 91 | as hereinafter provided, to provide economies of scale;  
 92 | eliminate duplicative functions and expenditures; protect the  
 93 | local and regional environment; more efficiently use, preserve,  
 94 | address, protect, and have standing in all respects to use,  
 95 | preserve, address, and protect, valuable local and regional  
 96 | water resources; and advance regional and comprehensive  
 97 | planning.

98 | Section 3. Definitions. When used in this act, unless a  
 99 | different meaning appears clearly from the context:

100 | (1) "Authority" or "District" means Tohopekaliga Water  
 101 | Authority and, unless the context indicates otherwise, means the  
 102 | independent special district created by this act and identified  
 103 | in section 4, to be known as the Authority or District, and the  
 104 | territory included within the special district.

105 | (2) "Authority facilities" means the Authority's potable  
 106 | and nonpotable water production, transmission, treatment, and  
 107 | distribution facilities, systems, and property, and the  
 108 | Authority's wastewater treatment, collection, and disposal  
 109 | facilities, systems, and property, including reuse, nonpotable,  
 110 | and reclaimed water facilities and systems, as they may be  
 111 | modified, improved, or expanded from time to time, which are



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112 owned, leased, operated, managed, or used, from time to time, by  
113 the Authority to provide water and wastewater services.  
114 Authority facilities shall include all property, real or  
115 personal, tangible or intangible, now or hereafter owned,  
116 leased, operated, or managed by the Authority in connection with  
117 the provision of water and wastewater services and shall also  
118 include any such property used or to be used jointly as  
119 specifically provided for herein.

120 (3) "Cost," when used in connection with a project, means:

121 (a) The Authority's cost of construction.

122 (b) Costs of transfer or acquisition by or for the  
123 Authority of such project, including, without limitation, any  
124 annual revenue transfer obligations payable to one or more  
125 predecessor general purpose local governments pursuant to  
126 interlocal agreement.

127 (c) Costs of land and interests thereon and the cost of  
128 the Authority incidental to such transfer or acquisition.

129 (d) The cost of any indemnity or surety bonds and premiums  
130 for insurance during construction.

131 (e) All interest due to be paid on the obligations  
132 relating to the project during the period of acquisition and  
133 construction of such project and for periods subsequent to  
134 completion of acquisition and construction as the Board of  
135 Supervisors may determine by resolution.

136 (f) Engineering, legal, and other consulting fees and  
137 expenses.

138 (g) Costs and expenses of the financing incurred for such  
139 project, including audits, fees, and expenses of any paying



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140 agent, registrar, trustee, consultant, attorney, engineer,  
141 credit enhancer, or depository.

142 (h) Payments, when due (whether at the maturity of  
143 principal or the due date of interest or upon redemption) on any  
144 interim or temporary indebtedness incurred for such project.

145 (i) Costs of machinery, equipment, supplies, and spare  
146 parts required by the Authority for the commencement of  
147 operation of such project or continuation of operation of such  
148 project.

149 (j) Any other costs properly attributable to such project  
150 or to the issuance of obligations which finance such project, as  
151 determined by generally accepted accounting principles  
152 applicable to such project, and shall include reimbursement to  
153 the Authority or a predecessor local government for any such  
154 items of cost advanced, incurred, or paid by the Authority or a  
155 general purpose local government prior to issuance of the  
156 obligations issued to finance or acquire such project.  
157 Additional items of cost may be provided pursuant to the  
158 financing documents.

159 (4) "Financing documents" means the resolution or  
160 resolutions duly adopted by the Authority, as well as any  
161 indenture of trust, trust agreement, interlocal agreement, or  
162 other instrument relating to the issuance or security of any  
163 bond or obligations of the Authority.

164 (5) "Obligations" means a series of bonds, obligations, or  
165 other evidence of indebtedness, including, but not limited to,  
166 notes, commercial paper, capital leases, or any other  
167 obligations of the Authority issued hereunder, or under any



168 general law provisions, and pursuant to the financing documents.  
169 The term shall also include any lawful obligation committed to  
170 by the Authority pursuant to an interlocal agreement with  
171 another governmental body or agency.

172 (6) "Pledged funds" means:

173 (a) The revenues, fees, charges, special assessments, and  
174 other moneys received by the Authority or its designee relating  
175 to its ownership or operation of the Authority facilities, or  
176 some portion thereof.

177 (b) Until applied in accordance with the terms of the  
178 financing documents, all moneys in the funds, accounts, and sub-  
179 accounts established thereby, including investments therein.

180 (c) Such other property, assets, and moneys of the  
181 Authority as shall be pledged pursuant to the financing  
182 documents, in each case to the extent provided by the Board of  
183 Supervisors pursuant to the financing documents. The funds  
184 pledged to one series of obligations may be different than the  
185 funds pledged to other series of obligations. Pledged funds  
186 shall not include any ad valorem tax revenues or general fund  
187 account of the Authority.

188 (7) "Project" means any structure, property, or facility  
189 which the Authority, from time to time, may determine to  
190 construct or acquire as part of its Authority facilities,  
191 together with all improvements, equipment, structures, and other  
192 facilities necessary or appropriate in connection therewith.  
193 This term is to be broadly construed so as to include the lawful  
194 undertaking which will accrue, or is reasonably expected to  
195 accrue, to the benefit of the Authority facilities, including



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196 joint ventures and acquisitions of partial interests or  
197 contractual rights. "Project" shall include, but not be limited  
198 to, acquisition or transfer of any water or wastewater utility  
199 system, water or wastewater utility assets, or securing the  
200 right to provide any water or wastewater utility service as  
201 provided for in one or more interlocal agreements between the  
202 Osceola County Board of County Commissioners and the City  
203 Commission of the City of Kissimmee or any other governmental  
204 body. "Project" may also include working capital, as well as any  
205 costs or judgments associated with litigation.

206 (8) "Ratepayer" means any natural person who pays rates,  
207 fees, or charges on a recurring basis to the Authority, or who  
208 is an official, officer, member, or employee of any entity,  
209 public or private, that pays rates, fees, or charges on a  
210 recurring basis to the Authority.

211 (9) "Service area" means the geographic boundaries within  
212 which the Authority provides, or is otherwise authorized  
213 pursuant to the provisions of this act to provide, water or  
214 wastewater services or facilities.

215 Section 4. District Establishment and Creation.

216 (1) There is hereby created and established a special  
217 purpose local governmental body, corporate and politic, to be  
218 known as Tohopekaliga Water Authority. The Tohopekaliga Water  
219 Authority is hereby created and incorporated as an independent  
220 special district, pursuant to and in conformance with chapter  
221 189, Florida Statutes.

222 (2) The District boundary shall embrace and include:





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223        (a) The territory within Osceola County consisting of the  
224 incorporated area of the City of Kissimmee and including those  
225 areas served or provided with water and wastewater service by  
226 the City of Kissimmee on the effective date hereof.

227        (b) All unincorporated areas within Osceola County, less  
228 and except any areas included within the Reedy Creek Improvement  
229 District, on the effective date hereof, and less and except the  
230 territory within Osceola County consisting of the incorporated  
231 area of the City of St. Cloud, and including those  
232 unincorporated areas authorized by law to be served or provided  
233 with water and wastewater service by the City of St. Cloud on  
234 the effective date hereof. This act shall not be construed to  
235 prohibit or inhibit the City of St. Cloud from lawfully  
236 extending, expanding, or providing authorized municipal services  
237 and facilities as provided for in section 180.02(3), Florida  
238 Statutes. The Authority shall be estopped in any future  
239 proceeding conducted pursuant to section 180.03 or section  
240 180.04, Florida Statutes, by the City of St. Cloud, or any  
241 action arising therefrom, from asserting or claiming the  
242 willingness and ability to provide potable water or wastewater  
243 service to:

244            1. All lands in Osceola County, Florida, lying in Section  
245 8, Township 25 South, Range 31 East.

246            2. All lands in Osceola County, Florida, lying in Section  
247 5, Township 25 South, Range 31 East lying easterly of the  
248 eastern boundary of Fells Cove Subdivision, according to the  
249 plat recorded in the Public Records of Osceola County, Florida,  
250 (including specifically the Floridian R.V. Park).



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251           3. All lands in Osceola County, Florida lying within  
252 Florida Turnpike right-of-way in the Northwest quarter (NW1/4)  
253 Section 36, Township 27 South, Range 30 East (Canoe Creek DOT  
254 facility).

255

256 The District boundary may be expanded to include any service  
257 area within the boundaries of an affected general purpose local  
258 government upon the adoption of a resolution by the governing  
259 body of the affected general purpose local government  
260 authorizing the Authority to provide its service and facilities  
261 therein.

262           (3) The Authority is created for all purposes set forth in  
263 this act and chapter 189, Florida Statutes, as may be amended  
264 from time to time.

265           (4) The charter created by this act may be amended only by  
266 special act of the Legislature.

267           (5) The purpose of the District shall be to perform such  
268 acts as shall be necessary for the sound planning, acquisition,  
269 development, operation, and maintenance of governmentally owned  
270 potable and nonpotable water and wastewater management and  
271 delivery systems within the District and its service area,  
272 including all business facilities necessary and incidental  
273 thereto. As provided herein, the Authority shall have exclusive  
274 jurisdiction over the acquisition, development, operation, and  
275 management of such water and wastewater management systems  
276 capable of being provided by general purpose local governments  
277 in and for the District boundaries and the service area.



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278           Section 5. Authority to Operate in Osceola County or Areas  
279 Adjacent to Osceola County; Subject to General Purpose Local  
280 Government Consent. By resolution of the governing bodies of  
281 each of the general purpose local governments affected, all  
282 power and authority available to the Authority under general  
283 law, including without limitation, chapters 163, 189, and 197,  
284 Florida Statutes, and this act shall be deemed to be irrevocably  
285 authorized and may be implemented by the Authority within the  
286 boundaries of each of the general purpose local governments  
287 affected. Exclusive of the provision of services, facilities, or  
288 programs provided on a wholesale or bulk service basis, the  
289 Authority shall not provide its potable or nonpotable water or  
290 wastewater management or delivery services or programs to retail  
291 customers in the District or a service area without entering  
292 into an interlocal agreement with any affected general purpose  
293 local government which addresses the representation of such  
294 retail customers of each affected service area. This act  
295 expressly authorizes by law the transfer to the Authority or the  
296 contracting by the Authority for the provision of any water or  
297 wastewater systems, facilities, or services within the District  
298 or its service area.

299           Section 6. Governing Body.

300           (1) The governing body of the Authority shall consist of  
301 five members acting as the Board of Supervisors, each of whom  
302 shall serve a term of 3 years commencing on October 1, provided  
303 the procedure for appointment of members of the Board of  
304 Supervisors and their initial terms of office shall be as  
305 follows:



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306        (a) Board Supervisor No. 1 and Board Supervisor No. 2  
307 shall serve for initial terms of approximately 2 years, ending  
308 on September 30, 2005. Board Supervisor No. 1 shall be  
309 appointed by the Osceola County Board of County Commissioners.  
310 Board Supervisor No. 2 shall be appointed by the City Commission  
311 of the City of Kissimmee.

312        (b) Board Supervisor No. 3 and Board Supervisor No. 4  
313 shall serve initial terms of approximately 3 years, ending on  
314 September 30, 2006. Board Supervisor No. 3 shall be appointed  
315 by the Osceola Board of County Commissioners. Board Supervisor  
316 No. 4 shall be appointed by the City Commission of the City of  
317 Kissimmee.

318        (c) Board Supervisor No. 5 shall serve an initial term of  
319 approximately 4 years, ending September 30, 2007. Board  
320 Supervisor No. 5 shall be collectively appointed by joint  
321 resolution of the Osceola County Board of County Commissioners  
322 and the City Commission of the City of Kissimmee and shall serve  
323 as the Chairperson of the Board of Supervisors.

324        (2) All members of the Board of Supervisors shall be  
325 ratepayers and qualified electors of Osceola County or of the  
326 service area adjacent to Osceola County in which the District  
327 has been authorized to operate. Each of the general purpose  
328 local governments responsible for appointing members shall  
329 consider but is not required to appoint members with business,  
330 real estate development, engineering, accounting, financial,  
331 scientific, utility, governmental, or public service  
332 backgrounds.



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333       (3) Board members shall serve no more than 3 consecutive  
334 3-year terms, not including any initial term of less than 3  
335 years.

336       (4) Upon the occasion of a vacancy for any reason in the  
337 term of office of a member of the Board of Supervisors, which  
338 vacancy occurs prior to the replacement of the member by  
339 appointment and which remains unfilled for 60 days after such  
340 vacancy due to the failure of the respective general purpose  
341 local government governing body to duly appoint a successor as  
342 provided in subsection (1), a successor shall be appointed by  
343 the Governor. Any person appointed to fill a vacancy shall be  
344 appointed to serve only for the unexpired term and until a  
345 successor is duly appointed.

346       (5) The Board of Supervisors shall elect a Vice  
347 Chairperson, Secretary, and such other officers of the Authority  
348 as may be hereafter designated and authorized by the Board of  
349 Supervisors, each of whom shall serve for 1 year commencing as  
350 soon as practicable after October 1 and until his or her  
351 successor is chosen. The Chairperson, Vice Chairperson, and  
352 Secretary shall conduct the meetings of the Authority and  
353 perform such other functions as herein provided. The  
354 Chairperson and Vice Chairperson shall take such actions and  
355 have all such powers and sign all documents on behalf of the  
356 Authority in furtherance of this act or as may be approved by  
357 resolution of the Board of Supervisors adopted at a duly called  
358 meeting. The Vice Chairperson, in the Chairperson's absence,  
359 shall preside at all meetings. The Secretary, or his or her  
360 designee, shall keep minutes of all meetings, proceedings, and



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361 acts of the Board of Supervisors, but such minutes need not be  
362 verbatim. Copies of all minutes of the meetings of the  
363 Authority shall promptly be sent by the Secretary, or his or her  
364 designee, to all members of the Board of Supervisors and to each  
365 general purpose local government located within the District or  
366 the service area. The Secretary may also attest to the  
367 execution of documents. The Secretary shall have such other  
368 powers as may be approved by resolution of the Board of  
369 Supervisors adopted at a duly called meeting.

370 (6) The Board of Supervisors shall have those  
371 administrative duties set forth in this act and chapter 189,  
372 Florida Statutes, as may be amended from time to time. Any  
373 certificate, resolution, or instrument signed by the  
374 Chairperson, Vice Chairperson, or such other person of the  
375 Authority as may hereafter be designated and authorized by the  
376 Board of Supervisors shall be evidence of the action of the  
377 Authority, and any such certificate, resolution, or other  
378 instrument so signed shall be conclusively presumed to be  
379 authentic.

380 (7) The members of the Board of Supervisors shall receive  
381 as compensation for their services a fee of \$100 per meeting,  
382 not to exceed 3 meetings per month. The amount of compensation  
383 shall be adjusted annually based upon the index provided in  
384 section 287.017(2), Florida Statutes, or its successor in  
385 function. In addition, each member of the Board of Supervisors  
386 shall be reimbursed for expenses as provided in section 112.061,  
387 Florida Statutes, or otherwise approved by the Board of



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388 Supervisors for travel on Authority business outside of the  
389 boundaries of the District or service area of the District.

390 (8) A majority of the Board of Supervisors shall  
391 constitute a quorum for the transaction of business of the  
392 Authority. The affirmative vote of the majority of the members  
393 of the Board of Supervisors present and voting (exclusive of any  
394 member having a conflict) shall be necessary to transact  
395 business. However, any increase in rates, fees, or charges  
396 shall require the affirmative vote of a majority of the entire  
397 Board of Supervisors.

398 Section 7. Conflicts of Interest Prohibited. No member,  
399 officer, agent, or employee of the Authority, either for himself  
400 or herself or as agent for anyone else or as a stockholder or  
401 owner in any other legal entity, shall participate in or benefit  
402 directly or indirectly from any sale, purchase, lease, contract,  
403 or other transaction entered into by the Authority. For the  
404 purposes of this act, a direct or indirect benefit or  
405 participation shall mean a "special private gain or loss" as  
406 defined in the Code of Ethics for Public Officers and Employees,  
407 part III of chapter 112, Florida Statutes, and shall be  
408 determined in the same manner as the question of "special  
409 private gain or loss" would be determined for purposes of a  
410 violation of section 112.3143, Florida Statutes, or its  
411 successor in function. A member, officer, agent, or employee of  
412 the Authority may rely upon an advisory opinion or determination  
413 of the State Commission on Ethics or the Authority's general  
414 counsel as to the question of whether or not there would be a  
415 special private gain or loss, and such determination shall also



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416 be determinative of the ability of the member, officer, agent,  
417 or employee to vote under the provisions of this act or of the  
418 conduct of the member, officer, agent, or employee under this  
419 act. The violation of any provisions of this act is declared to  
420 be a criminal offense and misdemeanor within the meaning of  
421 section 775.08, Florida Statutes, and shall be punishable as  
422 provided by general law. The provisions of this section shall  
423 be cumulative to any general laws of the state which are from  
424 time to time applicable to members, officers, agents, or  
425 employees of the Authority and which require the disclosure of,  
426 or prohibit, conflicts of interest.

427 Section 8. Meetings; Notice. The Board of Supervisors  
428 shall hold meetings pursuant to sections 189.416 and 189.417,  
429 Florida Statutes.

430 Section 9. Reports; Budgets; Audits. The District shall  
431 prepare and submit reports, budgets, and audits as provided in  
432 sections 189.415 and 189.418, Florida Statutes.

433 Section 10. District Powers, Functions, and Duties.

434 (1) The Authority shall have all powers to carry out the  
435 purposes of this act and the functions and duties provided for  
436 herein, including the following powers which shall be in  
437 addition to and supplementing any other privileges, benefits,  
438 and powers granted by this act or general law:

439 (a) To acquire, construct, own, lease, operate, manage,  
440 maintain, dispose of, improve, and expand the Authority  
441 facilities and to have the exclusive control and jurisdiction  
442 thereof.





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443        (b) To execute all contracts and other documents, adopt  
444 all proceedings, and perform all acts determined by the Board of  
445 Supervisors as necessary or advisable to carry out the purposes  
446 of this act. The Chairperson or Vice Chairperson shall execute  
447 contracts and other documents on behalf of the Board of  
448 Supervisors.

449        (c) To provide for mandatory water and/or wastewater  
450 connections of potential customers, including customers served  
451 by onsite sewage treatment and disposal systems, upon  
452 availability of service by the Authority within 90 days after  
453 notice of availability of such services.

454        (d) To collect rates, fees, and charges from public or  
455 quasi-public corporations, municipalities, counties, the state  
456 or its agencies, the federal government, or any other public or  
457 governmental agencies or bodies for the use or provision of  
458 Authority facilities or services.

459        (e) To fix, levy, and collect rates, fees, and other  
460 charges (including system development charges or impact fees)  
461 from persons or property, or both, for the use of the services,  
462 facilities, and product of the Authority facilities or to pay  
463 the operating or financing costs of the Authority facilities  
464 available to potential users; to fix and collect charges for  
465 making connections with the Authority facilities; and, to the  
466 extent provided by law, to provide for reasonable penalties to  
467 be imposed on any users or property for any such rates, fees, or  
468 charges that are delinquent.

469        (f) To discontinue or terminate water or wastewater  
470 service to any person or customer who violates the provisions of



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471 this act or any duly adopted resolutions or regulations of the  
472 Authority, including, but not limited to, delinquency of any  
473 amounts owed the Authority or failure to connect to the  
474 Authority's facilities or water or wastewater systems and  
475 failure to provide to the Authority without cost such easements  
476 or property interests as are reasonably required to provide  
477 service. Any means of enforcement available to the Authority to  
478 require and enforce the use of its service or facilities shall  
479 be alternative and supplemental to any other means available to  
480 the Authority.

481 (g) To contract for the service of engineers, accountants,  
482 attorneys, and other experts or consultants and such other  
483 agents and employees as the Board of Supervisors may require or  
484 deem appropriate from time to time.

485 (h) To acquire such lands and rights and interests  
486 therein, including lands under water and riparian rights; to  
487 acquire such personal property as the Authority may deem  
488 necessary and appropriate in connection with the acquisition,  
489 ownership, expansion, improvement, operation, and maintenance of  
490 the Authority facilities; and to hold and dispose of all real  
491 and personal property under its control. The power of eminent  
492 domain, to the maximum extent available to any general purpose  
493 local government, may be exercised by the Authority both within  
494 and outside the District or service area for the purpose of  
495 carrying out the intent of this act.

496 (i) To lease or rent any of its easements, real property  
497 interests, or facilities to other utility providers which are  
498 owned by a municipality, county, or special district, or which



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499 hold a franchise from a municipality or county, with such lease  
500 or rental to be for joint use by the Authority and such other  
501 utility provider.

502 (j) To adopt all necessary regulations by resolution that  
503 provide design and construction specifications and procedures  
504 for the dedication of facilities to the Authority. The  
505 Authority may require as condition precedent to the approval of  
506 any connection to Authority facilities:

507 1. That all subdivision type infrastructure, or other  
508 contributed transmission or distribution infrastructure  
509 necessary to serve a particular project or customer, and  
510 necessary easements be approved by and dedicated to the  
511 Authority.

512 2. Surety bonds or other guarantees from any developer to  
513 ensure completion of construction in compliance with such  
514 uniform water and wastewater standards, rules, and regulations  
515 adopted by the Authority.

516 3. That the developer make available interim treatment  
517 facilities or services or contract for same on an interim basis  
518 from an authorized service provider.

519 4. That the developer, or the person or entity the  
520 developer has contracted with, provide interim treatment service  
521 or lease back for nominal consideration and maintain such  
522 dedicated or contributed facilities until such time as the  
523 Authority provides services, provided in each case the foregoing  
524 actions shall be consistent with the comprehensive plans of any  
525 affected general purpose local government.



526 (k) To exercise exclusive jurisdiction, control, and  
 527 supervision over the Authority facilities and to make and  
 528 enforce such rules and regulations for the maintenance,  
 529 management, and operation of the Authority facilities as may be,  
 530 in the judgment of the Board of Supervisors, necessary or  
 531 desirable for the efficient operation of the Authority  
 532 facilities in accomplishing the purposes of this act.

533 (l) To enter into interlocal agreements or join with any  
 534 other special purpose or general purpose local governments,  
 535 public agencies, or authorities in the exercise of common  
 536 powers.

537 (m) To contract with private or public entities or persons  
 538 to obtain, provide, treat, distribute, or receive potable and  
 539 nonpotable water or to provide or receive wastewater disposal,  
 540 collection, or treatment.

541 (n) To prescribe methods of pretreatment of commercial or  
 542 industrial wastes before accepting such wastes for treatment and  
 543 to refuse to accept such commercial or industrial wastes when  
 544 not sufficiently pretreated as may be prescribed, and, to the  
 545 extent permitted by law, to prescribe penalties including fines  
 546 or penalties not exceeding \$2,000 per day, if the Authority is  
 547 required by a state or federally mandated program to have the  
 548 authority and power to fine or charge any person or entity for  
 549 the refusal to so pretreat such commercial or industrial wastes.

550 (o) To require and enforce the use of services, products,  
 551 and facilities of the Authority whenever and wherever they are  
 552 accessible, and to require and enforce the installation and  
 553 dedication to the Authority of water and wastewater facilities



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554 or easements as a condition precedent to the provision of  
555 service by the Authority or by another entity authorized by the  
556 Authority to provide interim service until Authority services,  
557 products, and facilities are available.

558 1. Whenever water or wastewater service is required, the  
559 owner shall retain a qualified contractor to install the  
560 required facilities, extensions, and connections. All  
561 facilities shall conform to the Authority's specified minimum  
562 design and construction standards and specifications and  
563 applicable growth management, plumbing, and building regulations  
564 and codes. The installation and connection process shall  
565 provide the owner with the right to control the placement,  
566 manner, use, and disposition of the installation on private  
567 property, subject to the minimum design and construction  
568 standards of the Authority and as is reasonably necessary to  
569 protect the efficiency and integrity of the Authority's  
570 facilities. Such control is afforded to the owner to minimize  
571 the physical, aesthetic, and other effects of the installation  
572 or connection on the affected property. Upon connection, the  
573 owner shall be deemed to have granted a license to the Authority  
574 to enter upon the affected property to inspect, repair,  
575 reconstruct, or otherwise maintain the installation or  
576 connection. Unless authorized otherwise, the owner shall be  
577 deemed to own such installation located on the owner's property  
578 and may repair, demolish, or construct in the area of the  
579 improvement served by the installation or connection, subject to  
580 the Authority's minimum design and construction standards and



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581 specifications for the Authority's facilities, and applicable  
582 growth management, plumbing, and building regulations and codes.

583 2. In circumstances in which an owner fails or refuses to  
584 connect to the Authority facilities, the Authority shall be  
585 entitled to seek and employ any legally available remedy to  
586 cause the installation of on-site water or wastewater facilities  
587 necessary to effectuate the connection of the owner's premises  
588 to Authority facilities. Under such circumstances, any  
589 installation by the Authority shall be performed after  
590 reasonable efforts by the Authority to solicit, and in deference  
591 to, the owner's requests, if any, concerning the placement,  
592 manner, use, and disposition of the installation on the owner's  
593 premises subject to the Authority's applicable minimum design  
594 and construction standards and specifications which are  
595 reasonably necessary to protect the efficiency and integrity of  
596 the Authority's facilities. Upon connection, the owner shall be  
597 deemed to have granted a license to the Authority to enter upon  
598 the affected property to inspect, repair, reconstruct, or  
599 otherwise maintain the installation or connection. Unless  
600 authorized otherwise, the owner shall be deemed to own such  
601 installation located on the property and may repair, demolish,  
602 or construct in the area of the improvement served by the  
603 installation or connection, subject to the Authority's minimum  
604 design and construction standards and specifications for  
605 Authority facilities, and applicable growth management,  
606 plumbing, and building regulations and codes.



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607 (p) To sell or otherwise dispose of the effluent, sludge,  
608 or other byproducts as a result of water or wastewater  
609 treatment.

610 (q) To provide wastewater treatment and disposal and  
611 develop, receive, recover, treat, store, and supply potable and  
612 nonpotable water withdrawn from or accumulated within the  
613 District on a retail, wholesale, or bulk service basis.

614 (r) To produce and sell bottled water and to undertake any  
615 activity related thereto.

616 (s) To accomplish construction directly or by letting  
617 construction contracts to other entities, whether public or  
618 private, for all or any part of the construction of improvements  
619 to the Authority facilities as determined by the Board of  
620 Supervisors in accordance with applicable law.

621 (t) To construct, maintain, and operate connecting,  
622 intercepting, or outlet wastewater and wastewater mains and  
623 pipes and water mains, conduits, or pipelines in, along, or  
624 under any streets, alleys, highways, or other public places or  
625 ways regulated by or under the jurisdiction of the state or any  
626 political subdivision or municipal corporation when necessary or  
627 convenient for the purposes of the Authority.

628 (u) Subject to such provisions and restrictions as may be  
629 set forth in any financing document, to enter into contracts  
630 with the government of the United States or any agency or  
631 instrumentality thereof, the state, or any municipality, county,  
632 district, authority, political subdivision, private corporation,  
633 partnership, association, or individual providing for or  
634 relating to the treatment, collection, and disposal of



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635 wastewater or the treatment, supply, and distribution of water  
636 and any other matters relevant thereto or otherwise necessary to  
637 effect the purposes of this act.

638 (v) To receive and accept from any federal or state agency  
639 grants or loans for or in aid of the planning, construction,  
640 reconstruction, or financing of improvements, additions, or  
641 extensions to the Authority facilities and to receive and accept  
642 aid or contributions or loans from any other source of money,  
643 labor, or other things of value, to be held, used, and applied  
644 only for the purpose for which such grants, contributions, or  
645 loans may be made.

646 (w) To purchase or assume the ownership, lease, operation,  
647 management, or control of any publicly or privately owned water  
648 or wastewater facilities, including the assumption, defeasance,  
649 or payment of the financial liabilities associated with such  
650 water and wastewater facilities.

651 (x) To divide the Authority facilities into separate  
652 units, benefit areas, subsystems, or subdistricts, or otherwise  
653 separate a utility system, for imposing special assessments,  
654 setting rates, fees, or charges, accounting or financing  
655 improvements or additions, or any other purpose.

656 (y) To appoint advisory boards and committees to assist  
657 the Board of Supervisors in the exercise and performance of the  
658 powers and duties provided in this act.

659 (z) To sue and be sued in the name of the Authority and to  
660 participate as a party in any civil, administrative, or other  
661 action.





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662        (aa) To adopt and use a seal and authorize the use of a  
663 facsimile thereof.

664        (bb) To employ or contract with any public or private  
665 entity or person to manage and operate the Authority facilities,  
666 or any portion thereof, upon such terms as the Board of  
667 Supervisors deems appropriate.

668        (cc) Subject to such provisions and restrictions as may be  
669 set forth in any financing document, to sell or otherwise  
670 dispose of the Authority facilities, or any portion thereof,  
671 upon such terms as the Board of Supervisors deems appropriate,  
672 and to enter into acquisition or other agreements to effect such  
673 dispositions.

674        (dd) To acquire by purchase, gift, devise, or otherwise,  
675 and to dispose of, real or personal property or any estate  
676 therein.

677        (ee) To make and execute contracts or other instruments  
678 necessary or convenient to the exercise of its powers.

679        (ff) To provide such deferred compensation, retirement  
680 benefits, or other benefits and programs as the Board of  
681 Supervisors deems appropriate.

682        (gg) To maintain an office or offices at such place or  
683 places as the Board of Supervisors may designate from time to  
684 time.

685        (hh) To hold, control, and acquire by donation, purchase,  
686 or eminent domain or dispose of any public easements,  
687 dedications to public use, platted reservations for public  
688 purposes, or any reservations for those purposes authorized by



689 this act and to make use of such easements, dedications, and  
 690 reservations for any of the purposes authorized by this act.

691 (ii) To lease, as lessor or lessee, to or from any person,  
 692 firm, corporation, association, or body, public or private,  
 693 facilities or property of any nature to carry out any of the  
 694 purposes authorized by this act.

695 (jj) To borrow money and issue bonds, certificates,  
 696 warrants, notes, obligations, or other evidence of indebtedness.

697 (kk) To assess, levy, impose, collect, and enforce special  
 698 assessments upon all or any portion of the lands located within  
 699 the District or service area. Such special assessments may be  
 700 apportioned among benefited property in a manner proportionate  
 701 with the benefits received or commensurate with the burdens  
 702 alleviated by the maintenance and use of property based upon  
 703 such factors or combination of factors as determined by  
 704 resolution of the Board of Supervisors. Such special assessments  
 705 may, in the discretion of the Board of Supervisors, be imposed,  
 706 collected, and enforced using any methods and procedures  
 707 authorized by law, including section 197.3632, Florida Statutes,  
 708 or its successor in function; or the Board of Supervisors may  
 709 adopt by resolution its own method or procedures or use any  
 710 other method or means for levy, imposition, collection, and  
 711 enforcement not inconsistent with law.

712 (ll) To apply for and accept grants, loans, and subsidies  
 713 from any governmental entity for the acquisition, construction,  
 714 operation, and maintenance of the Authority facilities and to  
 715 comply with all requirements and conditions imposed in  
 716 connection therewith.



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717 (mm) To the extent allowed by law and to the extent  
718 required to effectuate the purposes of this act, to exercise all  
719 privileges, immunities, and exemptions accorded municipalities  
720 and counties of the state under the provisions of the  
721 constitution and laws of the state.

722 (nn) To invest its moneys in such investments as directed  
723 by the Board of Supervisors in accordance with state law and  
724 which shall be consistent in all instances with the applicable  
725 provisions of the financing documents.

726 (oo) To purchase such insurance as it deems appropriate.

727 (pp) To do all acts and to exercise all of the powers  
728 necessary, convenient, incidental, implied, or proper, both  
729 within and outside of the District and service area, in  
730 connection with any of the powers, duties, obligations, or  
731 purposes authorized by this act, general law, or any interlocal  
732 agreement entered into by the Authority.

733 (2) The Board of Supervisors shall appoint a person or  
734 entity to act as Executive Director of the Authority having such  
735 official title, functions, duties, and powers as the chief  
736 administrative officer of the Authority as the Board of  
737 Supervisors may prescribe. The Board of Supervisors shall  
738 appoint a person or entity to act as the general counsel for the  
739 Authority. The executive director and general counsel shall  
740 each answer directly to the Board of Supervisors. Neither the  
741 executive director nor general counsel shall be a member of the  
742 Board of Supervisors.

743 (3) In exercising the powers conferred by this act, the  
744 Board of Supervisors shall act by resolution or motion made and



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745 adopted at duly noticed and publicly held meetings in  
746 conformance with applicable law.

747 (4) The provisions of chapter 120, Florida Statutes, shall  
748 not apply to the Authority.

749 (5) Nothing herein shall be construed to grant the  
750 Authority any jurisdiction to regulate the services or rates of  
751 any investor-owned utility.

752 (6) Nothing herein shall affect the ability of either the  
753 City Commission of the City of Kissimmee or Board of County  
754 Commissioners of Osceola County to engage in or pursue any civil  
755 or administrative action or remedies, including, but not limited  
756 to, any proceeding or remedy available under chapter 120,  
757 Florida Statutes, or its successor in function.

758 (7) Nothing herein is intended to, or shall be construed  
759 to, limit the power of local self-government of a charter county  
760 or conflict with the Constitution of the State of Florida or the  
761 Osceola County Home Rule Charter approved by vote of the  
762 electors on March 3, 1992, and which became effective on October  
763 1, 1992.

764 Section 11. Creation of State, County, or Municipal Debts  
765 Prohibited. The Authority shall not be empowered or authorized  
766 in any manner to create a debt against the state, county, or any  
767 municipality and may not pledge the full faith and credit of the  
768 state, any county, or any municipality. All revenue bonds or  
769 debt obligations shall contain on the face thereof a statement  
770 to the effect that the state, county, or any municipality shall  
771 not be obligated to pay the same or the interest and that they  
772 are only payable from Authority revenues or the portion thereof



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773 for which they are issued and that neither the full faith and  
774 credit nor the taxing power of the state or of any political  
775 subdivision thereof is pledged to the payment of the principal  
776 of or the interest on such bonds. The issuance of revenue or  
777 refunding bonds under the provisions of this act shall not  
778 directly or indirectly or contingently obligate the state,  
779 county, or any municipality to levy or to pledge any form of  
780 taxation whatever therefore or to make any appropriation for  
781 their payment.

782 Section 12. Adoption of Rates, Fees, and Charges.

783 (1) The Board of Supervisors shall adopt by resolution a  
784 schedule of rates, fees, or other charges for the use of the  
785 services, facilities, and products of the Authority to be paid  
786 by each customer which may be connected with or provided service  
787 by such Authority facilities. The Authority may establish  
788 separate rates, fees, and charges for different portions of the  
789 Authority facilities, including separate rates, fees, and  
790 charges for each utility system. The Board of Supervisors may  
791 establish different rates, fees, and charges for services,  
792 facilities, and products provided by a portion of a utility  
793 system provided such rates, fees, and charges are consistent  
794 with applicable law.

795 (2) Such rates, fees, and charges shall be adopted and  
796 revised so as to provide moneys which, with other funds  
797 available for such purposes, shall be at least sufficient at all  
798 times to pay the expenses of operating, managing, expanding,  
799 improving, and maintaining the Authority facilities, including  
800 renewal and replacement reserves for such Authority facilities;



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801 to pay costs and expenses provided for in this act, general law,  
802 and the financing documents; to pay the principal and interest  
803 on the obligations as the same shall become due and reserves  
804 therefore; to timely pay and deliver any obligations in the form  
805 of annual transfer amounts due and owing to Osceola County and  
806 the City of Kissimmee, or any other general purpose local  
807 government under any interlocal agreement; and to provide a  
808 reasonable margin of safety over and above the total amount of  
809 such payments. Notwithstanding any other provision in this act,  
810 such rates, fees, and charges shall always be sufficient to  
811 comply fully with any covenants contained in the financing  
812 documents. The Authority shall charge and collect such rates,  
813 fees, and charges so adopted and revised, and such rates, fees,  
814 and charges shall not be subject to the supervision or  
815 regulation by any other commission, board, bureau, agency, or  
816 other political subdivision of the state.

817 (3) Such rates, fees, and charges for each utility system  
818 or portion thereof shall be just, equitable, and uniform for the  
819 users in the same class and may be based upon or computed upon  
820 any factor (including, by way of example and not limitation,  
821 distinguishing between residential and nonresidential customers  
822 or uses) or combination of factors affecting the use of the  
823 services, products, or facilities furnished to the customers of  
824 such utility system or portion thereof, as may be determined by  
825 the Board of Supervisors from time to time. Except as described  
826 in subsections (7) and (8), no rates, fees, or charges shall be  
827 fixed, adopted, or revised under the foregoing provisions of  
828 this section until after a duly noticed public hearing at which



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829 all of the customers of the Authority facilities affected  
830 thereby, or owners, tenants, or occupants served or to be served  
831 thereby, and all other interested persons shall have an  
832 opportunity to be heard concerning the proposed rates, fees, or  
833 charges. Notice of such public hearing setting forth the  
834 proposed schedule or schedules of rates, fees, or charges shall  
835 be given by one publication in a newspaper of general  
836 circulation in the portion of the service area or areas affected  
837 by such proposed rates, fees, or charges at least 20 days before  
838 the date fixed in such notice for the public hearing, which may  
839 be adjourned from time to time. After such hearing, the proposed  
840 schedule or schedules, either as initially adopted or as  
841 modified or amended, may be finally adopted.

842 (4) Except as required by any covenant to timely meet,  
843 perform, or repay any obligations under any financing documents  
844 or as described in subsections (7) and (8), no rates, fees, or  
845 charges shall be increased or adopted for 2 years after the  
846 effective date of this act, unless the Authority causes a rate  
847 consultant to review its rates, fees, charges, gross revenue,  
848 operating expenses, and methods of operation and determines that  
849 such increase is either predicated upon implementing an  
850 identified capital improvement plan or meeting state or federal  
851 conservation or water demand management requirements.

852 (5) The rates, fees, or charges adopted for any class of  
853 customers served shall be extended to cover any additional  
854 customers thereafter served which shall fall within the same  
855 class without the necessity of any further hearing or notice.



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856       (6) The Board of Supervisors may appoint the Executive  
857 Director, a member of the Board of Supervisors, a committee of  
858 members of the Board of Supervisors, or a special master to  
859 conduct the public hearing or hearings on its behalf relating to  
860 rates, fees, and charges. The Executive Director, member of the  
861 Board of Supervisors, committee of members of the Board of  
862 Supervisors, or designated special master shall act as a hearing  
863 officer or hearing officers and report to the Board of  
864 Supervisors its findings relating to such public hearing. Only  
865 the Board of Supervisors may set or revise rates, fees, and  
866 charges.

867       (7) Notwithstanding the provisions of subsection (3) or  
868 any other provision of applicable law, upon acquisition of a  
869 utility system, no public hearing shall be required for adoption  
870 by the Authority by resolution of the rates, fees, and charges  
871 contained in the rate tariff relating thereto previously  
872 approved by the Florida Public Service Commission or any  
873 governmental seller thereof. In the event any rate tariff  
874 previously approved by a governmental seller includes such a  
875 surcharge authorized by section 180.191, Florida Statutes, the  
876 Authority may continue the imposition of any such surcharge  
877 provided that the Authority incrementally reduces each year  
878 thereafter and ultimately discontinues such surcharge within 15  
879 years after any such acquisition by the Authority.

880       (8) Notwithstanding the provisions of subsection (3), no  
881 subsequent public hearings to implement a periodic automatic  
882 indexing factor shall be required after the adoption by the  
883 Board of Supervisors of a periodic automatic indexing factor





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884 applicable to the initial or any revised schedule of rates,  
885 fees, and charges of any utility system.

886 (9) Notwithstanding anything in this act to the contrary,  
887 the Authority may establish a general fund account into which  
888 moneys may be deposited from a surcharge not to exceed 2 percent  
889 upon the rates, fees, and charges for the Authority facilities  
890 or portion thereof. Any moneys deposited to such general fund  
891 account from such a surcharge on the rates, fees, and charges  
892 for Authority facilities shall be considered legally available  
893 for any lawful purpose approved by the Board of Supervisors.  
894 Moneys in such general fund account may be used to pay for  
895 initial costs and expenses associated with acquiring Authority  
896 facilities and any other lawful purpose approved by the Board of  
897 Supervisors. However, whenever reasonably practicable, the  
898 Board of Supervisors shall endeavor in good faith to recover and  
899 return to such general fund account expenditures from benefited  
900 ratepayers or landowners that are not determined by the Board of  
901 Supervisors to provide a general benefit to the District or  
902 service area.

903 (10) The Authority may impose charges for the recovery of  
904 all costs and expenditures, including, but not limited to,  
905 planning, feasibility studies, construction and engineering  
906 document preparation, project development costs, or other costs  
907 associated with the planning and development of any project. In  
908 the event the Authority determines not to proceed with the  
909 construction or implementation of any project and reimbursement  
910 of all costs and expenditures is not made to the Authority  
911 pursuant to interlocal agreement, grant, or otherwise, the



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912 Authority may identify all unrecovered costs and expenditures  
913 associated with the planning and development of such project and  
914 impose a charge on a potential user basis, per parcel basis, or  
915 any other basis which reasonably shares and recovers all or a  
916 portion of such unrecovered planning and development costs among  
917 the parcel owners or potential users for which the projects were  
918 planned or developed.

919 Section 13. System Development Charges; Impact Fees.

920 (1) The District is hereby empowered to levy and collect  
921 system development charges for capital improvements and debt  
922 service on capital improvements within the boundaries of the  
923 District and the service areas under any of the following  
924 conditions:

925 (a) Whenever a property owner or his or her authorized  
926 representative connects an existing structure or improvement to  
927 any Authority facilities;

928 (b) Whenever a property owner or his or her authorized  
929 representative receives a permit from the Florida Department of  
930 Environmental Protection, or its successor in function, to  
931 extend or connect to Authority facilities or applies for a  
932 building permit to construct, install, or alter any structure or  
933 improvement where such extension, connection, construction,  
934 installation, or alteration increases the potential demand on  
935 the Authority facilities; or

936 (c) Whenever a property owner or his or her authorized  
937 representative applies for a building permit to construct,  
938 install, or alter any structure or improvement where such  
939 construction, installation, or alteration increases the



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940 potential demand on the Authority facilities, even though the  
941 subject property may receive interim utility service from a  
942 source other than the District.

943 (2) If the structure or improvement on the property for  
944 which a system development charge has been paid is not  
945 authorized to connect to the Authority facilities within 10  
946 years after the date of such payment, the property owner holding  
947 legal title at the end of the 10-year period shall be eligible  
948 for a refund of the system development charge without interest.  
949 In such an event, the District shall notify the property owner  
950 at the address reflected on the most recent tax roll of his or  
951 her eligibility for a refund by mailing notice to the property  
952 owner. Such notice shall fairly explain the procedure for  
953 applying for a refund and shall be sent by registered mail with  
954 return receipt requested. Any property owner eligible for a  
955 refund shall file written application with the Board of  
956 Supervisors for a refund within 90 days after the date of  
957 mailing of the notice by the District, or such property owner  
958 shall be deemed to have waived any right to a refund and the  
959 District shall be entitled to retain and apply the system  
960 development charge for capital improvements. Failure to  
961 construct the improvement for which a system development charge  
962 has been paid shall not constitute grounds for a refund, nor  
963 shall delay or failure to receive the mailed notice of  
964 eligibility for a refund toll the 90-day time limit within which  
965 an application for refund must be filed.

966 (3) All system development charges shall, in accordance  
967 with accepted general accounting principles, be segregated from



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968 all other funds held by the District and accounted for  
969 separately. Except as otherwise provided by any financing  
970 documents authorizing the issuance of obligations of the  
971 District, such accounts shall not be transferred or used for any  
972 purpose other than providing capital improvements in the form of  
973 Authority facilities necessitated by growth or new demand upon  
974 the Authority facilities and for payment of debt service on  
975 obligations issued to finance any such capital improvements.

976 (4) System development charges shall be reviewed at least  
977 every 4 years by the District to determine that the charges are  
978 equitable and proportionate to the current estimate of costs for  
979 providing the capital improvements for which the charges are  
980 imposed. The initial schedule of system development charges  
981 shall be those already in effect in the District and any  
982 subdistricts or applicable service area at the time the District  
983 acquires any utility system. The District may thereafter change  
984 or revise the schedule of system development charges upon  
985 compliance with the notice and hearing requirements set forth  
986 for the adoption of rates, fees, and other charges.

987 (5) The District, in its discretion, may permit the owners  
988 of existing structures which connect to the District's system to  
989 pay the system development charges on an installment basis with  
990 interest in the form of a special assessment. In the event that  
991 system development charges shall not be paid as and when due,  
992 any unpaid balance thereof together with all reasonable costs of  
993 establishing the assessment lien, collection, and statutory  
994 discounts may be collected as a non-ad valorem assessment on the  
995 same bill as property taxes.



996           (6) Nothing in this act shall be construed to invalidate  
 997 any system development charges, impact fees, or other capital  
 998 contribution charges previously levied or collected by Osceola  
 999 County or the City of Kissimmee under any implied authority to  
 1000 levy and collect such charges; such charges being in the nature  
 1001 of impact fees are hereby ratified and confirmed.

1002           (7) In addition to and as an alternative to the provisions  
 1003 of subsections (1) through (6), the District is empowered to  
 1004 levy and collect impact fees within the boundaries of the  
 1005 District and the service area in the same manner and to the same  
 1006 extent as a county or municipality.

1007           Section 14. Unpaid Rates, Fees, and Charges to Constitute  
 1008 a Lien. In the event that the rates, fees, or charges for the  
 1009 use of the services, facilities, and products of the Authority  
 1010 shall not be paid as and when due, any unpaid balance thereof,  
 1011 and all interest accruing thereon, shall be a lien on any parcel  
 1012 or property affected thereby. Such liens shall be superior and  
 1013 paramount to the interest on such parcel or property of any  
 1014 owner, lessee, tenant, mortgage, or other person except the lien  
 1015 of state, county, municipal, and district taxes and other non-ad  
 1016 valorem assessments and shall be on parity with the lien of all  
 1017 such ad valorem property taxes and non-ad valorem assessments.  
 1018 In the event that any such rates, fees, or charges shall not be  
 1019 paid as and when due and shall be in default for 30 days or  
 1020 more, the unpaid balance thereof and any interest accrued  
 1021 thereon not exceeding the legal rate, together with attorney's  
 1022 fees and costs, may be recovered by the Authority in a civil  
 1023 action, and any such lien and accrued interest may be foreclosed



1024 or otherwise enforced by the Authority by action or suit in  
 1025 equity as for the foreclosure of a mortgage on real property;  
 1026 or, alternatively, in lieu of foreclosure, an equivalent amount  
 1027 to such outstanding balance charges may be collected pursuant to  
 1028 sections 197.3632 and 197.3635, Florida Statutes, or any  
 1029 successor statutes, authorizing the collection of charges in the  
 1030 form of special assessments, therein characterized as non-ad  
 1031 valorem assessments, on parity with the lien of ad valorem  
 1032 taxes. However, any such alternative collection procedure shall  
 1033 provide notice to the landowner in the manner required by law,  
 1034 and any existing lien of record on the affected parcel for the  
 1035 delinquent rate, fee, or charge is supplanted by the lien  
 1036 resulting from the certification of any assessment roll to the  
 1037 tax collector.

1038 Section 15. [Reserved]

1039 Section 16. Enforcement of Non-ad Valorem Assessments and  
 1040 Authorized Taxes. The collection and enforcement of all non-ad  
 1041 valorem assessments and taxes levied by the Authority shall be  
 1042 at the same time and in like manner as county taxes, and the  
 1043 provisions of general law relating to the sale of lands for  
 1044 unpaid and delinquent county taxes, the issuance, sale, and  
 1045 delivery of tax certificates for such unpaid and delinquent  
 1046 county taxes, the redemption thereof, in the issuance to  
 1047 individuals of tax deeds based thereon, and all other procedures  
 1048 in connection therewith shall be applicable to the Authority and  
 1049 the delinquent and unpaid assessments and authorized taxes of  
 1050 the Authority to the same extent as if said statutory provisions



1051 were expressly set forth in this act. Any authorized taxes  
 1052 shall be subject to the same discounts as county taxes.

1053 Section 17. Bonds and Obligations.

1054 (1) The Board of Supervisors shall have the power and is  
 1055 hereby authorized to provide pursuant to the financing  
 1056 documents, at one time or from time to time in one or more  
 1057 series, for the issuance of obligations of the Authority, or  
 1058 notes in anticipation thereof, for one or more of the following  
 1059 purposes:

1060 (a) Paying all or part of the cost of one or more  
 1061 projects.

1062 (b) Refunding any bonds or other indebtedness of the  
 1063 Authority.

1064 (c) Assuming or repaying the indebtedness relating to  
 1065 Authority facilities acquired or leased by the Authority from a  
 1066 public or private entity.

1067 (d) Setting aside moneys in a renewal or replacement  
 1068 account.

1069 (e) Funding a debt service reserve account.

1070 (f) Capitalizing interest on the obligations.

1071 (g) Paying costs of issuance relating to the obligation.

1072 (h) Any other purpose relating to this act.

1073 (2) The principal of and the interest on each series of  
 1074 obligations shall be payable from the pledged funds, all as  
 1075 determined pursuant to the financing documents. The Authority  
 1076 may grant a lien upon and pledge the pledged funds in favor of  
 1077 the holders of each series of obligations in the manner and to  
 1078 the extent provided in the financing documents. Such pledged



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1079 funds shall immediately be subject to such lien without any  
1080 physical delivery thereof, and such lien shall be valid and  
1081 binding as against all parties having claims of any kind in  
1082 tort, contract, or otherwise against the Authority.

1083 (3) The obligations of each series shall be dated, shall  
1084 bear interest at such rate or rates, shall mature at such time  
1085 or times not exceeding 40 years from their date or dates, and  
1086 may be made redeemable before maturity, at the option of the  
1087 Authority, at such price or prices and under such terms and  
1088 conditions as shall be determined by the Board of Supervisors  
1089 pursuant to the financing documents. The Board of Supervisors  
1090 shall determine the form of the obligations and the manner of  
1091 executing such obligations and shall fix the denomination of  
1092 such obligations and the place of payment of the principal and  
1093 interest, which may be at any bank or trust company within or  
1094 without the state. In case any officer whose signature or  
1095 facsimile of whose signature shall appear on any obligations  
1096 shall cease to be such officer before the delivery of such  
1097 obligations, such signature or such facsimile shall nevertheless  
1098 be valid and sufficient for all purposes the same as if he or  
1099 she had remained in office until delivery. The Board of  
1100 Supervisors may sell obligations in such manner and for such  
1101 price as it may determine to be in the best interest of the  
1102 Authority in accordance with the terms of the financing  
1103 documents. In addition to the pledged funds, the obligations may  
1104 be secured by such credit enhancement as the Board of  
1105 Supervisors determines to be appropriate pursuant to the  
1106 financing documents. The obligations may be issued as capital





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1107 appreciation bonds, current interest bonds, term bonds, serial  
1108 bonds, variable bonds, or any combination thereof, all as shall  
1109 be determined pursuant to the financing documents.

1110 (4) Prior to the preparation of definitive obligations of  
1111 any series, the Board of Supervisors may issue interim receipts,  
1112 interim certificates, or temporary obligations, exchangeable for  
1113 definitive obligations when such obligations have been executed  
1114 and are available for delivery. The Board of Supervisors may  
1115 also provide for the replacement of any obligation which shall  
1116 become mutilated or be destroyed or lost. Obligations may be  
1117 issued without any other proceedings or the happening of any  
1118 other conditions or things than those proceedings, conditions,  
1119 or things which are specifically required by this act, the  
1120 financing documents, or other applicable laws.

1121 (5) The proceeds of any series of obligations shall be  
1122 used for such purposes, and shall be disbursed in such manner  
1123 and under such restrictions, if any, as the Board of Supervisors  
1124 may provide pursuant to the financing documents.

1125 (6) The financing documents may also contain such  
1126 limitations upon the issuance of additional obligations as the  
1127 Board of Supervisors may deem appropriate, and such additional  
1128 obligations shall be issued under such restrictions and  
1129 limitations as may be prescribed by such financing documents.  
1130 The financing documents may contain such provisions and terms in  
1131 relation to the obligations and the pledged funds as the Board  
1132 of Supervisors deems appropriate and which shall not be  
1133 inconsistent herewith.



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1134       (7) Obligations shall not be deemed to constitute a  
1135 general obligation debt of the Authority or a pledge of the  
1136 faith and credit of the Authority, but such obligations shall be  
1137 payable solely from the pledged funds and any moneys received  
1138 from the credit enhancers of the obligations in accordance with  
1139 the terms of the financing documents. The issuance of  
1140 obligations shall not directly, indirectly, or contingently  
1141 obligate the Authority to levy or to pledge any form of ad  
1142 valorem taxation whatsoever therefor. No holder of any such  
1143 obligations shall ever have the right to compel any exercise of  
1144 the ad valorem taxing power on the part of the Authority to pay  
1145 any such obligations or the interest thereon or the right to  
1146 enforce payment of such obligations or the interest thereon  
1147 against any property of the Authority, nor shall such  
1148 obligations constitute a charge, lien, or encumbrance, legal or  
1149 equitable, upon any property of the Authority, except the  
1150 pledged funds in accordance with the terms of the financing  
1151 documents.

1152       (8) All pledged funds shall be deemed to be trust funds,  
1153 to be held and applied solely as provided in the financing  
1154 documents. Such pledged funds may be invested by the Authority  
1155 in such manner as provided in the financing documents.

1156       (9) Any holder of obligations, except to the extent the  
1157 rights herein given may be restricted by the financing  
1158 documents, may, either at law or in equity, by suit, action,  
1159 mandamus, or other proceeding, protect and enforce any and all  
1160 rights under the laws of the state or granted hereunder or under  
1161 the financing documents, and may enforce and compel the



1162 performance of all agreements or covenants required by this act,  
 1163 or by such financing documents, to be performed by the Authority  
 1164 or by any officer thereof.

1165 (10) The obligations may be validated, at the sole  
 1166 discretion of the Board of Supervisors, pursuant to chapter 75,  
 1167 Florida Statutes. Obligations may be issued pursuant to and  
 1168 secured by a resolution of the Board of Supervisors.

1169 (11) In addition to the other provisions and requirements  
 1170 of this act, any financing documents may contain such provisions  
 1171 as the Board of Supervisors deems appropriate.

1172 (12) All obligations issued hereunder shall not be invalid  
 1173 for any irregularity or defect in the proceedings for the  
 1174 issuance and sale thereof and shall be incontestable in the  
 1175 hands of bona fide purchasers for value. No proceedings in  
 1176 respect to the issuance of such obligations shall be necessary  
 1177 except such as are required by this act, the financing  
 1178 documents, and general law. The provisions of the financing  
 1179 documents shall constitute an irrevocable contract between the  
 1180 Authority and the holders of the obligations issued pursuant to  
 1181 the provisions thereof.

1182 (13) Holders of obligations shall be considered third-  
 1183 party beneficiaries hereunder and may enforce the provisions of  
 1184 this act or general purpose law.

1185 (14) The Board of Supervisors may enter into such swap,  
 1186 hedge, or other similar arrangements relating to any obligations  
 1187 as it deems appropriate.

1188 Section 18. Planning Requirements.



- 1189        (1) Within 3 years after the effective date of this act,  
 1190 the Board of Supervisors shall adopt a master plan which, among  
 1191 other things:
- 1192        (a) Identifies current customers, projects, and future  
 1193 customers.
- 1194        (b) Profiles customers (residential and non-residential,  
 1195 e.g. commercial, industrial).
- 1196        (c) Reviews and generally inventories all existing  
 1197 infrastructure and treatment facilities within the boundaries of  
 1198 or served by the District.
- 1199        (d) Identifies a capital improvement program for the  
 1200 Authority.
- 1201        (e) Reviews all current permits and existing regulations  
 1202 to projected regulations.
- 1203        (f) Identifies and evaluates potential acquisitions or  
 1204 service expansions.
- 1205        (g) Evaluates Authority staffing.
- 1206        (h) Provides for detailed mapping of Authority facilities.
- 1207        (i) Provides for hydraulic analysis of Authority  
 1208 facilities, both existing and proposed.
- 1209        (j) Evaluates present and future sources of raw water and  
 1210 treatment requirements for those sources in terms of capacity,  
 1211 reliability, and economy.
- 1212        (k) Provides for an analysis of all available wastewater  
 1213 alternatives, including surface water discharge, wetlands  
 1214 discharge, percolation facilities, spray irrigation, and deep  
 1215 well injection.



1216           (1) Identifies reclaimed water storage alternatives and  
 1217 wet weather backup alternatives.

1218           (m) Identifies current and potential high volume users of  
 1219 reclaimed water.

1220

1221 Thereafter, the Board of Supervisors shall review and, if  
 1222 necessary, amend the master plan periodically, but no less often  
 1223 than every 4 years.

1224           (2) Treatment facility construction or expansion or line  
 1225 extension policies adopted by the Authority shall be furtherance  
 1226 of land development regulations adopted by the applicable local  
 1227 general purpose government or the applicable local government  
 1228 comprehensive plan.

1229           (3) The construction or expansion of any portion of the  
 1230 Authority's facilities, or major alterations which affect the  
 1231 quantity of the level of service of the Authority's facilities,  
 1232 that are undertaken or initiated by the Authority shall be  
 1233 consistent with the applicable local government comprehensive  
 1234 plan adopted pursuant to part II of chapter 163, Florida  
 1235 Statutes; However, no local government comprehensive plan shall  
 1236 require the Authority to construct, expand, or perform a major  
 1237 alteration of any public facility which would result in the  
 1238 impairment of covenants and agreements relating to obligations  
 1239 issued by the Authority.

1240           (4) Except as provided by law, the Authority shall take no  
 1241 action which is inconsistent with applicable comprehensive  
 1242 plans, land development ordinances, or regulations adopted by  
 1243 any general purpose local government.



1244           (5) The Authority shall comply with the provisions of  
 1245 sections 189.415 and 189.4155, Florida Statutes.

1246           Section 19. Merger; Dissolution.

1247           (1) In no event shall a merger involving the Authority be  
 1248 permitted unless otherwise approved by resolution of all  
 1249 affected general purpose local governments. Upon the effective  
 1250 date of this act, any governmental utility authority created by  
 1251 interlocal agreement between Osceola County and the City of  
 1252 Kissimmee as a separate legal authority pursuant to section  
 1253 163.01(7)(g), Florida Statutes, may be merged into the Authority  
 1254 and this act shall be the surviving charter for the Authority in  
 1255 all respects.

1256           (2) The charter of the Authority may be revoked or amended  
 1257 and the Authority dissolved by a special act of the Legislature  
 1258 or as otherwise provided by law.

1259           (3) The dissolution of the Authority shall occur by law  
 1260 and transfer the title to all property owned by the Authority in  
 1261 a manner consistent with chapter 189, Florida Statutes, unless  
 1262 otherwise provided in a dissolution plan approved and adopted by  
 1263 resolution upon a 4/5 vote of both the City Commission of the  
 1264 City of Kissimmee and the Board of County Commissioners of  
 1265 Osceola County.

1266           Section 20. Effect of Incorporation or Presence of Another  
 1267 Special District. To the maximum extent permitted by law, the  
 1268 subsequent incorporation or annexation of any area included  
 1269 within the boundaries of the District or service area, or the  
 1270 presence or creation of any special district within the  
 1271 boundaries of the District or service area, shall not impair or



1272 alter the authority, power, obligations, or purpose of the  
 1273 Authority or its successor in providing water and wastewater  
 1274 services and facilities within any portion of the District's  
 1275 boundaries or authorized service area now included within  
 1276 Osceola County, any municipality, or special district or  
 1277 subsequently included within any county, municipality, or  
 1278 special district. Nothing herein shall be construed to limit or  
 1279 affect the powers of any municipal services benefit unit or  
 1280 dependent special district established by any charter county.

1281       Section 21. Enforcement and Penalties. The Board of  
 1282 Supervisors or any aggrieved person may have recourse to such  
 1283 remedies in law and equity as may be necessary to ensure  
 1284 compliance with the provisions of this act, including injunctive  
 1285 relief to mandate compliance with or enjoin or restrain any  
 1286 person violating the provisions of this act and any bylaws,  
 1287 resolutions, regulations, rules, codes, and orders adopted under  
 1288 this act, and the court shall, upon proof of such failure of  
 1289 compliance or violation, have the duty to issue forthwith such  
 1290 temporary and permanent injunctions as are necessary to mandate  
 1291 compliance with or prevent such further violations thereof.

1292       Section 22. Tax Exemption. As the exercise of the powers  
 1293 conferred by this act to effect the purposes of this act  
 1294 constitutes the performance of essential public functions, and  
 1295 as the projects of the Authority will constitute public property  
 1296 used for public purposes, all assets and properties of the  
 1297 Authority, all obligations issued hereunder and interest paid  
 1298 thereon, and all rates, fees, charges, and other revenues  
 1299 derived by the Authority from the projects provided for by this



1300 act or otherwise shall be exempt from all taxes by the state or  
 1301 any political subdivision, agency, or instrumentality thereof,  
 1302 except that this exemption shall not apply to interest earnings  
 1303 subject to taxation under chapter 220, Florida Statutes.

1304       Section 23. Liberal Construction of Act. This act, being  
 1305 for the purpose of developing and promoting the public good and  
 1306 the welfare of Osceola County, the territory included in the  
 1307 District, and any service area authorized to be served by the  
 1308 Authority, and the citizens, inhabitants, and taxpayers residing  
 1309 therein, shall be liberally construed to effect the purposes of  
 1310 the act and shall be deemed cumulative, supplemental, and  
 1311 alternative authority for the exercise of the powers provided  
 1312 herein.

1313       Section 24. Limitation of State Authority. The state does  
 1314 hereby pledge to and agree with the holders of any obligations  
 1315 issued under this act, and with those parties who may enter into  
 1316 contracts with the Authority pursuant to the provisions of this  
 1317 act, that the state will not limit or alter the rights hereby  
 1318 vested in the Authority until such obligations are fully met and  
 1319 discharged and such contracts are fully performed on the part of  
 1320 the Authority.

1321       Section 25. Sufficiency of Notice. It is found and  
 1322 determined that the notice of intention to apply for this  
 1323 legislation was given in the time, form, and manner required by  
 1324 the Constitution and laws of the state. Said notice is found to  
 1325 be sufficient and is hereby validated and approved.

1326       Section 26. Severability. The provisions of this act are  
 1327 severable, and it is the intention to confer the whole or any





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1328 part of the powers herein provided for, and if any of the  
1329 provisions of this act or any of the powers granted by this act  
1330 shall be held unconstitutional by any court of competent  
1331 jurisdiction, the decision of such court shall not affect or  
1332 impair any of the remaining provisions of this act or any of the  
1333 remaining powers granted by this act. It is hereby declared to  
1334 be the legislative intent that this act would have been adopted  
1335 had such unconstitutional provision or power not been included  
1336 therein.

1337       Section 27. Conflict. In the event of a conflict of the  
1338 provisions of this act with the provisions of any other act, the  
1339 provisions of this act shall control to the extent of such  
1340 conflict.

1341       Section 28. This act shall take effect upon becoming a  
1342 law.