



CHAMBER ACTION

The Committee on Finance & Tax 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, and duties; providing for the acquisition of land;



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

41

42 Be It Enacted by the Legislature of the State of Florida:

43

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

46 Section 2. Legislative Findings.

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



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57 significant risk of contamination of water supply sources for
58 both incorporated and unincorporated areas of Osceola County.

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

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

83 (4) It is the intent of the Legislature to create an
84 independent special district in Osceola County that, with the



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

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

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

104 (2) "Authority facilities" means the Authority's potable
105 and nonpotable water production, transmission, treatment, and
106 distribution facilities, systems, and property, and the
107 Authority's wastewater treatment, collection, and disposal
108 facilities, systems, and property, including reuse, nonpotable,
109 and reclaimed water facilities and systems, as they may be
110 modified, improved, or expanded from time to time, which are
111 owned, leased, operated, managed, or used, from time to time, by
112 the Authority to provide water and wastewater services.



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

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

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

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

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

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

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

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

137 (g) Costs and expenses of the financing incurred for such
138 project, including audits, fees, and expenses of any paying
139 agent, registrar, trustee, consultant, attorney, engineer,
140 credit enhancer, or depository.



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

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

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

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

163 (5) "Obligations" means a series of bonds, obligations, or
164 other evidence of indebtedness, including, but not limited to,
165 notes, commercial paper, capital leases, or any other
166 obligations of the Authority issued hereunder, or under any
167 general law provisions, and pursuant to the financing documents.
168 The term shall also include any lawful obligation committed to



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169 by the Authority pursuant to an interlocal agreement with
170 another governmental body or agency.

171 (6) "Pledged funds" means:

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

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

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

187 (7) "Project" means any structure, property, or facility
188 which the Authority, from time to time, may determine to
189 construct or acquire as part of its Authority facilities,
190 together with all improvements, equipment, structures, and other
191 facilities necessary or appropriate in connection therewith.
192 This term is to be broadly construed so as to include the lawful
193 undertaking which will accrue, or is reasonably expected to
194 accrue, to the benefit of the Authority facilities, including
195 joint ventures and acquisitions of partial interests or
196 contractual rights. "Project" shall include, but not be limited



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197 to, acquisition or transfer of any water or wastewater utility
198 system, water or wastewater utility assets, or securing the
199 right to provide any water or wastewater utility service as
200 provided for in one or more interlocal agreements between the
201 Osceola County Board of County Commissioners and the City
202 Commission of the City of Kissimmee or any other governmental
203 body. "Project" may also include working capital, as well as any
204 costs or judgments associated with litigation.

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

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

214 Section 4. District Establishment and Creation.

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

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

222 (a) The territory within Osceola County consisting of the
223 incorporated area of the City of Kissimmee and including those



224 areas served or provided with water and wastewater service by
 225 the City of Kissimmee on the effective date hereof.

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

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

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

250 3. All lands in Osceola County, Florida lying within
 251 Florida Turnpike right-of-way in the Northwest quarter (NW1/4)



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252 Section 36, Township 27 South, Range 30 East (Canoe Creek DOT
 253 facility).

254
 255 The District boundary may be expanded to include any service
 256 area within the boundaries of an affected general purpose local
 257 government upon the adoption of a resolution by the governing
 258 body of the affected general purpose local government
 259 authorizing the Authority to provide its service and facilities
 260 therein.

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

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

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

277 Section 5. Authority to Operate in Osceola County or Areas
 278 Adjacent to Osceola County; Subject to General Purpose Local
 279 Government Consent. By resolution of the governing bodies of



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

298 Section 6. Governing Body.

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

305 (a) Board Supervisor No. 1 and Board Supervisor No. 2
306 shall serve for initial terms of approximately 2 years, ending
307 on September 30, 2005. Board Supervisor No. 1 shall be



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308 appointed by the Osceola County Board of County Commissioners.
309 Board Supervisor No. 2 shall be appointed by the City Commission
310 of the City of Kissimmee.

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

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

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

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



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

345 (5) The Board of Supervisors shall elect a Vice
346 Chairperson, Secretary, and such other officers of the Authority
347 as may be hereafter designated and authorized by the Board of
348 Supervisors, each of whom shall serve for 1 year commencing as
349 soon as practicable after October 1 and until his or her
350 successor is chosen. The Chairperson, Vice Chairperson, and
351 Secretary shall conduct the meetings of the Authority and
352 perform such other functions as herein provided. The
353 Chairperson and Vice Chairperson shall take such actions and
354 have all such powers and sign all documents on behalf of the
355 Authority in furtherance of this act or as may be approved by
356 resolution of the Board of Supervisors adopted at a duly called
357 meeting. The Vice Chairperson, in the Chairperson's absence,
358 shall preside at all meetings. The Secretary, or his or her
359 designee, shall keep minutes of all meetings, proceedings, and
360 acts of the Board of Supervisors, but such minutes need not be
361 verbatim. Copies of all minutes of the meetings of the
362 Authority shall promptly be sent by the Secretary, or his or her



363 designee, to all members of the Board of Supervisors and to each
 364 general purpose local government located within the District or
 365 the service area. The Secretary may also attest to the
 366 execution of documents. The Secretary shall have such other
 367 powers as may be approved by resolution of the Board of
 368 Supervisors adopted at a duly called meeting.

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

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

389 (8) A majority of the Board of Supervisors shall
 390 constitute a quorum for the transaction of business of the



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

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



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419 be a criminal offense and misdemeanor within the meaning of
420 section 775.08, Florida Statutes, and shall be punishable as
421 provided by general law. The provisions of this section shall
422 be cumulative to any general laws of the state which are from
423 time to time applicable to members, officers, agents, or
424 employees of the Authority and which require the disclosure of,
425 or prohibit, conflicts of interest.

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

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

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

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

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

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



446 contracts and other documents on behalf of the Board of
447 Supervisors.

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

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

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

468 (f) To discontinue or terminate water or wastewater
469 service to any person or customer who violates the provisions of
470 this act or any duly adopted resolutions or regulations of the
471 Authority, including, but not limited to, delinquency of any
472 amounts owed the Authority or failure to connect to the
473 Authority's facilities or water or wastewater systems and



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474 failure to provide to the Authority without cost such easements
475 or property interests as are reasonably required to provide
476 service. Any means of enforcement available to the Authority to
477 require and enforce the use of its service or facilities shall
478 be alternative and supplemental to any other means available to
479 the Authority.

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

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

495 (i) To lease or rent any of its easements, real property
496 interests, or facilities to other utility providers which are
497 owned by a municipality, county, or special district, or which
498 hold a franchise from a municipality or county, with such lease
499 or rental to be for joint use by the Authority and such other
500 utility provider.



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

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

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

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

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

525 (k) To exercise exclusive jurisdiction, control, and
526 supervision over the Authority facilities and to make and
527 enforce such rules and regulations for the maintenance,
528 management, and operation of the Authority facilities as may be,



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529 in the judgment of the Board of Supervisors, necessary or
530 desirable for the efficient operation of the Authority
531 facilities in accomplishing the purposes of this act.

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

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

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

549 (o) To require and enforce the use of services, products,
550 and facilities of the Authority whenever and wherever they are
551 accessible, and to require and enforce the installation and
552 dedication to the Authority of water and wastewater facilities
553 or easements as a condition precedent to the provision of
554 service by the Authority or by another entity authorized by the
555 Authority to provide interim service until Authority services,
556 products, and facilities are available.



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

582 2. In circumstances in which an owner fails or refuses to
583 connect to the Authority facilities, the Authority shall be
584 entitled to seek and employ any legally available remedy to



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

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

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



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

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

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

627 (u) Subject to such provisions and restrictions as may be
628 set forth in any financing document, to enter into contracts
629 with the government of the United States or any agency or
630 instrumentality thereof, the state, or any municipality, county,
631 district, authority, political subdivision, private corporation,
632 partnership, association, or individual providing for or
633 relating to the treatment, collection, and disposal of
634 wastewater or the treatment, supply, and distribution of water
635 and any other matters relevant thereto or otherwise necessary to
636 effect the purposes of this act.

637 (v) To receive and accept from any federal or state agency
638 grants or loans for or in aid of the planning, construction,
639 reconstruction, or financing of improvements, additions, or
640 extensions to the Authority facilities and to receive and accept



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641 aid or contributions or loans from any other source of money,
642 labor, or other things of value, to be held, used, and applied
643 only for the purpose for which such grants, contributions, or
644 loans may be made.

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

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

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

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

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

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

667 (cc) Subject to such provisions and restrictions as may be
668 set forth in any financing document, to sell or otherwise



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669 dispose of the Authority facilities, or any portion thereof,
670 upon such terms as the Board of Supervisors deems appropriate,
671 and to enter into acquisition or other agreements to effect such
672 dispositions.

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

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

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

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

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

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

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



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

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

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

721 (nn) To invest its moneys in such investments as directed
 722 by the Board of Supervisors in accordance with state law and



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723 which shall be consistent in all instances with the applicable
724 provisions of the financing documents.

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

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

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

742 (3) In exercising the powers conferred by this act, the
743 Board of Supervisors shall act by resolution or motion made and
744 adopted at duly noticed and publicly held meetings in
745 conformance with applicable law.

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

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



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

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

763 Section 11. Creation of State, County, or Municipal Debts
764 Prohibited. The Authority shall not be empowered or authorized
765 in any manner to create a debt against the state, county, or any
766 municipality and may not pledge the full faith and credit of the
767 state, any county, or any municipality. All revenue bonds or
768 debt obligations shall contain on the face thereof a statement
769 to the effect that the state, county, or any municipality shall
770 not be obligated to pay the same or the interest and that they
771 are only payable from Authority revenues or the portion thereof
772 for which they are issued and that neither the full faith and
773 credit nor the taxing power of the state or of any political
774 subdivision thereof is pledged to the payment of the principal
775 of or the interest on such bonds. The issuance of revenue or
776 refunding bonds under the provisions of this act shall not
777 directly or indirectly or contingently obligate the state,
778 county, or any municipality to levy or to pledge any form of



779 taxation whatever therefore or to make any appropriation for
 780 their payment.

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

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

794 (2) Such rates, fees, and charges shall be adopted and
 795 revised so as to provide moneys which, with other funds
 796 available for such purposes, shall be at least sufficient at all
 797 times to pay the expenses of operating, managing, expanding,
 798 improving, and maintaining the Authority facilities, including
 799 renewal and replacement reserves for such Authority facilities;
 800 to pay costs and expenses provided for in this act, general law,
 801 and the financing documents; to pay the principal and interest
 802 on the obligations as the same shall become due and reserves
 803 therefore; to timely pay and deliver any obligations in the form
 804 of annual transfer amounts due and owing to Osceola County and
 805 the City of Kissimmee, or any other general purpose local
 806 government under any interlocal agreement; and to provide a



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807 reasonable margin of safety over and above the total amount of
808 such payments. Notwithstanding any other provision in this act,
809 such rates, fees, and charges shall always be sufficient to
810 comply fully with any covenants contained in the financing
811 documents. The Authority shall charge and collect such rates,
812 fees, and charges so adopted and revised, and such rates, fees,
813 and charges shall not be subject to the supervision or
814 regulation by any other commission, board, bureau, agency, or
815 other political subdivision of the state.

816 (3) Such rates, fees, and charges for each utility system
817 or portion thereof shall be just, equitable, and uniform for the
818 users in the same class and may be based upon or computed upon
819 any factor (including, by way of example and not limitation,
820 distinguishing between residential and nonresidential customers
821 or uses) or combination of factors affecting the use of the
822 services, products, or facilities furnished to the customers of
823 such utility system or portion thereof, as may be determined by
824 the Board of Supervisors from time to time. Except as described
825 in subsections (7) and (8), no rates, fees, or charges shall be
826 fixed, adopted, or revised under the foregoing provisions of
827 this section until after a duly noticed public hearing at which
828 all of the customers of the Authority facilities affected
829 thereby, or owners, tenants, or occupants served or to be served
830 thereby, and all other interested persons shall have an
831 opportunity to be heard concerning the proposed rates, fees, or
832 charges. Notice of such public hearing setting forth the
833 proposed schedule or schedules of rates, fees, or charges shall
834 be given by one publication in a newspaper of general



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835 circulation in the portion of the service area or areas affected
836 by such proposed rates, fees, or charges at least 20 days before
837 the date fixed in such notice for the public hearing, which may
838 be adjourned from time to time. After such hearing, the proposed
839 schedule or schedules, either as initially adopted or as
840 modified or amended, may be finally adopted.

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

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

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



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863 Supervisors its findings relating to such public hearing. Only
864 the Board of Supervisors may set or revise rates, fees, and
865 charges.

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

879 (8) Notwithstanding the provisions of subsection (3), no
880 subsequent public hearings to implement a periodic automatic
881 indexing factor shall be required after the adoption by the
882 Board of Supervisors of a periodic automatic indexing factor
883 applicable to the initial or any revised schedule of rates,
884 fees, and charges of any utility system.

885 (9) Notwithstanding anything in this act to the contrary,
886 the Authority may establish a general fund account into which
887 moneys may be deposited from a surcharge not to exceed 2 percent
888 upon the rates, fees, and charges for the Authority facilities
889 or portion thereof. Any moneys deposited to such general fund
890 account from such a surcharge on the rates, fees, and charges



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891 for Authority facilities shall be considered legally available
892 for any lawful purpose approved by the Board of Supervisors.
893 Moneys in such general fund account may be used to pay for
894 initial costs and expenses associated with acquiring Authority
895 facilities and any other lawful purpose approved by the Board of
896 Supervisors. However, whenever reasonably practicable, the
897 Board of Supervisors shall endeavor in good faith to recover and
898 return to such general fund account expenditures from benefited
899 ratepayers or landowners that are not determined by the Board of
900 Supervisors to provide a general benefit to the District or
901 service area.

902 (10) The Authority may impose charges for the recovery of
903 all costs and expenditures, including, but not limited to,
904 planning, feasibility studies, construction and engineering
905 document preparation, project development costs, or other costs
906 associated with the planning and development of any project. In
907 the event the Authority determines not to proceed with the
908 construction or implementation of any project and reimbursement
909 of all costs and expenditures is not made to the Authority
910 pursuant to interlocal agreement, grant, or otherwise, the
911 Authority may identify all unrecovered costs and expenditures
912 associated with the planning and development of such project and
913 impose a charge on a potential user basis, per parcel basis, or
914 any other basis which reasonably shares and recovers all or a
915 portion of such unrecovered planning and development costs among
916 the parcel owners or potential users for which the projects were
917 planned or developed.

918 Section 13. System Development Charges; Impact Fees.



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

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

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

935 (c) Whenever a property owner or his or her authorized
936 representative applies for a building permit to construct,
937 install, or alter any structure or improvement where such
938 construction, installation, or alteration increases the
939 potential demand on the Authority facilities, even though the
940 subject property may receive interim utility service from a
941 source other than the District.

942 (2) If the structure or improvement on the property for
943 which a system development charge has been paid is not
944 authorized to connect to the Authority facilities within 10
945 years after the date of such payment, the property owner holding
946 legal title at the end of the 10-year period shall be eligible



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

965 (3) All system development charges shall, in accordance
966 with accepted general accounting principles, be segregated from
967 all other funds held by the District and accounted for
968 separately. Except as otherwise provided by any financing
969 documents authorizing the issuance of obligations of the
970 District, such accounts shall not be transferred or used for any
971 purpose other than providing capital improvements in the form of
972 Authority facilities necessitated by growth or new demand upon
973 the Authority facilities and for payment of debt service on
974 obligations issued to finance any such capital improvements.



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

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

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

1001 (7) In addition to and as an alternative to the provisions
 1002 of subsections (1) through (6), the District is empowered to



1003 levy and collect impact fees within the boundaries of the
 1004 District and the service area in the same manner and to the same
 1005 extent as a county or municipality.

1006 Section 14. Unpaid Rates, Fees, and Charges to Constitute
 1007 a Lien. In the event that the rates, fees, or charges for the
 1008 use of the services, facilities, and products of the Authority
 1009 shall not be paid as and when due, any unpaid balance thereof,
 1010 and all interest accruing thereon, shall be a lien on any parcel
 1011 or property affected thereby. Such liens shall be superior and
 1012 paramount to the interest on such parcel or property of any
 1013 owner, lessee, tenant, mortgage, or other person except the lien
 1014 of state, county, municipal, and district taxes and other non-ad
 1015 valorem assessments and shall be on parity with the lien of all
 1016 such ad valorem property taxes and non-ad valorem assessments.
 1017 In the event that any such rates, fees, or charges shall not be
 1018 paid as and when due and shall be in default for 30 days or
 1019 more, the unpaid balance thereof and any interest accrued
 1020 thereon not exceeding the legal rate, together with attorney's
 1021 fees and costs, may be recovered by the Authority in a civil
 1022 action, and any such lien and accrued interest may be foreclosed
 1023 or otherwise enforced by the Authority by action or suit in
 1024 equity as for the foreclosure of a mortgage on real property;
 1025 or, alternatively, in lieu of foreclosure, an equivalent amount
 1026 to such outstanding balance charges may be collected pursuant to
 1027 sections 197.3632 and 197.3635, Florida Statutes, or any
 1028 successor statutes, authorizing the collection of charges in the
 1029 form of special assessments, therein characterized as non-ad
 1030 valorem assessments, on parity with the lien of ad valorem



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1031 taxes. However, any such alternative collection procedure shall
 1032 provide notice to the landowner in the manner required by law,
 1033 and any existing lien of record on the affected parcel for the
 1034 delinquent rate, fee, or charge is supplanted by the lien
 1035 resulting from the certification of any assessment roll to the
 1036 tax collector.

1037 Section 15. [Reserved]

1038 Section 16. Enforcement of Non-ad Valorem Assessments and
 1039 Authorized Taxes. The collection and enforcement of all non-ad
 1040 valorem assessments and taxes levied by the Authority shall be
 1041 at the same time and in like manner as county taxes, and the
 1042 provisions of general law relating to the sale of lands for
 1043 unpaid and delinquent county taxes, the issuance, sale, and
 1044 delivery of tax certificates for such unpaid and delinquent
 1045 county taxes, the redemption thereof, in the issuance to
 1046 individuals of tax deeds based thereon, and all other procedures
 1047 in connection therewith shall be applicable to the Authority and
 1048 the delinquent and unpaid assessments and authorized taxes of
 1049 the Authority to the same extent as if said statutory provisions
 1050 were expressly set forth in this act. Any authorized taxes
 1051 shall be subject to the same discounts as county taxes.

1052 Section 17. Bonds and Obligations.

1053 (1) The Board of Supervisors shall have the power and is
 1054 hereby authorized to provide pursuant to the financing
 1055 documents, at one time or from time to time in one or more
 1056 series, for the issuance of obligations of the Authority, or
 1057 notes in anticipation thereof, for one or more of the following
 1058 purposes:



- 1059 (a) Paying all or part of the cost of one or more
 1060 projects.
- 1061 (b) Refunding any bonds or other indebtedness of the
 1062 Authority.
- 1063 (c) Assuming or repaying the indebtedness relating to
 1064 Authority facilities acquired or leased by the Authority from a
 1065 public or private entity.
- 1066 (d) Setting aside moneys in a renewal or replacement
 1067 account.
- 1068 (e) Funding a debt service reserve account.
- 1069 (f) Capitalizing interest on the obligations.
- 1070 (g) Paying costs of issuance relating to the obligation.
- 1071 (h) Any other purpose relating to this act.
- 1072 (2) The principal of and the interest on each series of
 1073 obligations shall be payable from the pledged funds, all as
 1074 determined pursuant to the financing documents. The Authority
 1075 may grant a lien upon and pledge the pledged funds in favor of
 1076 the holders of each series of obligations in the manner and to
 1077 the extent provided in the financing documents. Such pledged
 1078 funds shall immediately be subject to such lien without any
 1079 physical delivery thereof, and such lien shall be valid and
 1080 binding as against all parties having claims of any kind in
 1081 tort, contract, or otherwise against the Authority.
- 1082 (3) The obligations of each series shall be dated, shall
 1083 bear interest at such rate or rates, shall mature at such time
 1084 or times not exceeding 40 years from their date or dates, and
 1085 may be made redeemable before maturity, at the option of the
 1086 Authority, at such price or prices and under such terms and



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1087 conditions as shall be determined by the Board of Supervisors
1088 pursuant to the financing documents. The Board of Supervisors
1089 shall determine the form of the obligations and the manner of
1090 executing such obligations and shall fix the denomination of
1091 such obligations and the place of payment of the principal and
1092 interest, which may be at any bank or trust company within or
1093 without the state. In case any officer whose signature or
1094 facsimile of whose signature shall appear on any obligations
1095 shall cease to be such officer before the delivery of such
1096 obligations, such signature or such facsimile shall nevertheless
1097 be valid and sufficient for all purposes the same as if he or
1098 she had remained in office until delivery. The Board of
1099 Supervisors may sell obligations in such manner and for such
1100 price as it may determine to be in the best interest of the
1101 Authority in accordance with the terms of the financing
1102 documents. In addition to the pledged funds, the obligations may
1103 be secured by such credit enhancement as the Board of
1104 Supervisors determines to be appropriate pursuant to the
1105 financing documents. The obligations may be issued as capital
1106 appreciation bonds, current interest bonds, term bonds, serial
1107 bonds, variable bonds, or any combination thereof, all as shall
1108 be determined pursuant to the financing documents.

1109 (4) Prior to the preparation of definitive obligations of
1110 any series, the Board of Supervisors may issue interim receipts,
1111 interim certificates, or temporary obligations, exchangeable for
1112 definitive obligations when such obligations have been executed
1113 and are available for delivery. The Board of Supervisors may
1114 also provide for the replacement of any obligation which shall



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1115 become mutilated or be destroyed or lost. Obligations may be
1116 issued without any other proceedings or the happening of any
1117 other conditions or things than those proceedings, conditions,
1118 or things which are specifically required by this act, the
1119 financing documents, or other applicable laws.

1120 (5) The proceeds of any series of obligations shall be
1121 used for such purposes, and shall be disbursed in such manner
1122 and under such restrictions, if any, as the Board of Supervisors
1123 may provide pursuant to the financing documents.

1124 (6) The financing documents may also contain such
1125 limitations upon the issuance of additional obligations as the
1126 Board of Supervisors may deem appropriate, and such additional
1127 obligations shall be issued under such restrictions and
1128 limitations as may be prescribed by such financing documents.
1129 The financing documents may contain such provisions and terms in
1130 relation to the obligations and the pledged funds as the Board
1131 of Supervisors deems appropriate and which shall not be
1132 inconsistent herewith.

1133 (7) Obligations shall not be deemed to constitute a
1134 general obligation debt of the Authority or a pledge of the
1135 faith and credit of the Authority, but such obligations shall be
1136 payable solely from the pledged funds and any moneys received
1137 from the credit enhancers of the obligations in accordance with
1138 the terms of the financing documents. The issuance of
1139 obligations shall not directly, indirectly, or contingently
1140 obligate the Authority to levy or to pledge any form of ad
1141 valorem taxation whatsoever therefor. No holder of any such
1142 obligations shall ever have the right to compel any exercise of



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1143 the ad valorem taxing power on the part of the Authority to pay
1144 any such obligations or the interest thereon or the right to
1145 enforce payment of such obligations or the interest thereon
1146 against any property of the Authority, nor shall such
1147 obligations constitute a charge, lien, or encumbrance, legal or
1148 equitable, upon any property of the Authority, except the
1149 pledged funds in accordance with the terms of the financing
1150 documents.

1151 (8) All pledged funds shall be deemed to be trust funds,
1152 to be held and applied solely as provided in the financing
1153 documents. Such pledged funds may be invested by the Authority
1154 in such manner as provided in the financing documents.

1155 (9) Any holder of obligations, except to the extent the
1156 rights herein given may be restricted by the financing
1157 documents, may, either at law or in equity, by suit, action,
1158 mandamus, or other proceeding, protect and enforce any and all
1159 rights under the laws of the state or granted hereunder or under
1160 the financing documents, and may enforce and compel the
1161 performance of all agreements or covenants required by this act,
1162 or by such financing documents, to be performed by the Authority
1163 or by any officer thereof.

1164 (10) The obligations may be validated, at the sole
1165 discretion of the Board of Supervisors, pursuant to chapter 75,
1166 Florida Statutes. Obligations may be issued pursuant to and
1167 secured by a resolution of the Board of Supervisors.

1168 (11) In addition to the other provisions and requirements
1169 of this act, any financing documents may contain such provisions
1170 as the Board of Supervisors deems appropriate.



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1171 (12) All obligations issued hereunder shall not be invalid
1172 for any irregularity or defect in the proceedings for the
1173 issuance and sale thereof and shall be incontestable in the
1174 hands of bona fide purchasers for value. No proceedings in
1175 respect to the issuance of such obligations shall be necessary
1176 except such as are required by this act, the financing
1177 documents, and general law. The provisions of the financing
1178 documents shall constitute an irrevocable contract between the
1179 Authority and the holders of the obligations issued pursuant to
1180 the provisions thereof.

1181 (13) Holders of obligations shall be considered third-
1182 party beneficiaries hereunder and may enforce the provisions of
1183 this act or general purpose law.

1184 (14) The Board of Supervisors may enter into such swap,
1185 hedge, or other similar arrangements relating to any obligations
1186 as it deems appropriate.

1187 Section 18. Planning Requirements.

1188 (1) Within 3 years after the effective date of this act,
1189 the Board of Supervisors shall adopt a master plan which, among
1190 other things:

1191 (a) Identifies current customers, projects, and future
1192 customers.

1193 (b) Profiles customers (residential and non-residential,
1194 e.g. commercial, industrial).

1195 (c) Reviews and generally inventories all existing
1196 infrastructure and treatment facilities within the boundaries of
1197 or served by the District.



- 1198 (d) Identifies a capital improvement program for the
 1199 Authority.
- 1200 (e) Reviews all current permits and existing regulations
 1201 to projected regulations.
- 1202 (f) Identifies and evaluates potential acquisitions or
 1203 service expansions.
- 1204 (g) Evaluates Authority staffing.
- 1205 (h) Provides for detailed mapping of Authority facilities.
- 1206 (i) Provides for hydraulic analysis of Authority
 1207 facilities, both existing and proposed.
- 1208 (j) Evaluates present and future sources of raw water and
 1209 treatment requirements for those sources in terms of capacity,
 1210 reliability, and economy.
- 1211 (k) Provides for an analysis of all available wastewater
 1212 alternatives, including surface water discharge, wetlands
 1213 discharge, percolation facilities, spray irrigation, and deep
 1214 well injection.
- 1215 (l) Identifies reclaimed water storage alternatives and
 1216 wet weather backup alternatives.
- 1217 (m) Identifies current and potential high volume users of
 1218 reclaimed water.
- 1219
- 1220 Thereafter, the Board of Supervisors shall review and, if
 1221 necessary, amend the master plan periodically, but no less often
 1222 than every 4 years.
- 1223 (2) Treatment facility construction or expansion or line
 1224 extension policies adopted by the Authority shall be furtherance
 1225 of land development regulations adopted by the applicable local



1226 general purpose government or the applicable local government
 1227 comprehensive plan.

1228 (3) The construction or expansion of any portion of the
 1229 Authority's facilities, or major alterations which affect the
 1230 quantity of the level of service of the Authority's facilities,
 1231 that are undertaken or initiated by the Authority shall be
 1232 consistent with the applicable local government comprehensive
 1233 plan adopted pursuant to part II of chapter 163, Florida
 1234 Statutes; However, no local government comprehensive plan shall
 1235 require the Authority to construct, expand, or perform a major
 1236 alteration of any public facility which would result in the
 1237 impairment of covenants and agreements relating to obligations
 1238 issued by the Authority.

1239 (4) Except as provided by law, the Authority shall take no
 1240 action which is inconsistent with applicable comprehensive
 1241 plans, land development ordinances, or regulations adopted by
 1242 any general purpose local government.

1243 (5) The Authority shall comply with the provisions of
 1244 sections 189.415 and 189.4155, Florida Statutes.

1245 Section 19. Merger; Dissolution.

1246 (1) In no event shall a merger involving the Authority be
 1247 permitted unless otherwise approved by resolution of all
 1248 affected general purpose local governments. Upon the effective
 1249 date of this act, any governmental utility authority created by
 1250 interlocal agreement between Osceola County and the City of
 1251 Kissimmee as a separate legal authority pursuant to section
 1252 163.01(7)(g), Florida Statutes, may be merged into the Authority



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1253 and this act shall be the surviving charter for the Authority in
1254 all respects.

1255 (2) The charter of the Authority may be revoked or amended
1256 and the Authority dissolved by a special act of the Legislature
1257 or as otherwise provided by law.

1258 (3) The dissolution of the Authority shall occur by law
1259 and transfer the title to all property owned by the Authority in
1260 a manner consistent with chapter 189, Florida Statutes, unless
1261 otherwise provided in a dissolution plan approved and adopted by
1262 resolution upon a 4/5 vote of both the City Commission of the
1263 City of Kissimmee and the Board of County Commissioners of
1264 Osceola County.

1265 Section 20. Effect of Incorporation or Presence of Another
1266 Special District. To the maximum extent permitted by law, the
1267 subsequent incorporation or annexation of any area included
1268 within the boundaries of the District or service area, or the
1269 presence or creation of any special district within the
1270 boundaries of the District or service area, shall not impair or
1271 alter the authority, power, obligations, or purpose of the
1272 Authority or its successor in providing water and wastewater
1273 services and facilities within any portion of the District's
1274 boundaries or authorized service area now included within
1275 Osceola County, any municipality, or special district or
1276 subsequently included within any county, municipality, or
1277 special district. Nothing herein shall be construed to limit or
1278 affect the powers of any municipal services benefit unit or
1279 dependent special district established by any charter county.



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1280 Section 21. Enforcement and Penalties. The Board of
1281 Supervisors or any aggrieved person may have recourse to such
1282 remedies in law and equity as may be necessary to ensure
1283 compliance with the provisions of this act, including injunctive
1284 relief to mandate compliance with or enjoin or restrain any
1285 person violating the provisions of this act and any bylaws,
1286 resolutions, regulations, rules, codes, and orders adopted under
1287 this act, and the court shall, upon proof of such failure of
1288 compliance or violation, have the duty to issue forthwith such
1289 temporary and permanent injunctions as are necessary to mandate
1290 compliance with or prevent such further violations thereof.

1291 Section 22. Tax Exemption. As the exercise of the powers
1292 conferred by this act to effect the purposes of this act
1293 constitutes the performance of essential public functions, and
1294 as the projects of the Authority will constitute public property
1295 used for public purposes, all assets and properties of the
1296 Authority, all obligations issued hereunder and interest paid
1297 thereon, and all rates, fees, charges, and other revenues
1298 derived by the Authority from the projects provided for by this
1299 act or otherwise shall be exempt from all taxes by the state or
1300 any political subdivision, agency, or instrumentality thereof,
1301 except that this exemption shall not apply to interest earnings
1302 subject to taxation under chapter 220, Florida Statutes.

1303 Section 23. Liberal Construction of Act. This act, being
1304 for the purpose of developing and promoting the public good and
1305 the welfare of Osceola County, the territory included in the
1306 District, and any service area authorized to be served by the
1307 Authority, and the citizens, inhabitants, and taxpayers residing



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1308 therein, shall be liberally construed to effect the purposes of
1309 the act and shall be deemed cumulative, supplemental, and
1310 alternative authority for the exercise of the powers provided
1311 herein.

1312 Section 24. Limitation of State Authority. The state does
1313 hereby pledge to and agree with the holders of any obligations
1314 issued under this act, and with those parties who may enter into
1315 contracts with the Authority pursuant to the provisions of this
1316 act, that the state will not limit or alter the rights hereby
1317 vested in the Authority until such obligations are fully met and
1318 discharged and such contracts are fully performed on the part of
1319 the Authority.

1320 Section 25. Sufficiency of Notice. It is found and
1321 determined that the notice of intention to apply for this
1322 legislation was given in the time, form, and manner required by
1323 the Constitution and laws of the state. Said notice is found to
1324 be sufficient and is hereby validated and approved.

1325 Section 26. Severability. The provisions of this act are
1326 severable, and it is the intention to confer the whole or any
1327 part of the powers herein provided for, and if any of the
1328 provisions of this act or any of the powers granted by this act
1329 shall be held unconstitutional by any court of competent
1330 jurisdiction, the decision of such court shall not affect or
1331 impair any of the remaining provisions of this act or any of the
1332 remaining powers granted by this act. It is hereby declared to
1333 be the legislative intent that this act would have been adopted
1334 had such unconstitutional provision or power not been included
1335 therein.



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1336 | Section 27. This act shall take effect upon becoming a
1337 | law.