



1 A bill to be entitled

2 An act relating to Osceola County; creating an independent
3 special district known as Tohopekaliga Water Authority;
4 providing legislative findings and intent; providing
5 definitions; describing the district boundaries; providing
6 for service areas subject to the approval of affected
7 general purpose local governments; providing that the
8 purpose of the district shall be for the planning,
9 acquisition, development, operation, and maintenance of
10 water and wastewater management systems within the
11 district and its service area; limiting the provision of
12 district services and facilities to only those areas
13 authorized by affected general purpose local governments;
14 providing for an appointed governing body of the district
15 composed of five supervisors and setting forth their
16 authority, terms of office, qualifications, compensation,
17 and method of appointment; providing for the filling of
18 vacancies in office; providing district powers, functions,
19 and duties; providing for the acquisition of land;
20 providing for the levy and collection of rates, fees,
21 assessments, and other charges for the provision of
22 capital facilities or use of district services or payment
23 of operating and financing costs; providing for borrowing
24 money and issuing bonds, certificates, obligations, or
25 other evidence of indebtedness; prohibiting
26 the creation of state, county, or municipal debt;
27 providing for the collection of unpaid rates, fees,
28 assessments, and other charges; providing for the adoption



29 of a master plan; providing for enforcement and penalties;
 30 providing for merger and dissolution; providing
 31 severability; providing an effective date.

32
 33 Be It Enacted by the Legislature of the State of Florida:

34
 35 Section 1. Popular Name. This act shall be known by the
 36 popular name the "Tohopekaliga Water Authority Act."

37 Section 2. Legislative Findings.

38 (1) It is declared as a matter of legislative
 39 determination that the extensive growth of population and
 40 attendant commerce throughout Osceola County has given rise to
 41 public health and water supply concerns in that many of the
 42 unincorporated areas of Osceola County are not served by water
 43 and sewer facilities normally and generally provided and
 44 maintained by governmental agencies and instead are served by
 45 private wells and privately owned package sewage treatment
 46 plants or septic tanks. The proliferation of such package and
 47 sewage treatment plants and the use of septic tanks pose a
 48 significant risk of contamination of water supply sources for
 49 both incorporated and unincorporated areas of Osceola County.

50 (2) It is declared as a matter of legislative
 51 determination that the extensive growth of population and
 52 attendant commerce throughout Osceola County has caused affected
 53 general purpose local governments within Osceola County to
 54 recognize the need to consider, advance, and develop a regional
 55 approach to the governmental delivery and provision of potable
 56 water, wastewater, nonpotable water, and reclaimed water



57 facilities and services, the protection of the environment, and
58 the use of valuable water resources.

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

74 (4) It is the intent of the Legislature to create an
75 independent special district in Osceola County that, with the
76 concurrence and approval of affected general purpose local
77 governments, can address and carry out the provision of potable
78 and nonpotable water and wastewater services and facilities in
79 certain areas of Osceola County and certain adjacent areas upon
80 the approval of any affected general purpose local government,
81 as hereinafter provided, to provide economies of scale;
82 eliminate duplicative functions and expenditures; protect the
83 local and regional environment; more efficiently use, preserve,
84 address, protect, and have standing in all respects to use,



85 preserve, address, and protect, valuable local and regional
86 water resources; and advance regional and comprehensive
87 planning.

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

90 (1) "Authority" or "District" means Tohopekaliga Water
91 Authority and, unless the context indicates otherwise, means the
92 independent special district created by this act and identified
93 in section 4, to be known as the Authority or District, and the
94 territory included within the special district.

95 (2) "Authority facilities" means the Authority's potable
96 and nonpotable water production, transmission, treatment, and
97 distribution facilities, systems, and property, and the
98 Authority's wastewater treatment, collection, and disposal
99 facilities, systems, and property, including reuse, nonpotable,
100 and reclaimed water facilities and systems, as they may be
101 modified, improved, or expanded from time to time, which are
102 owned, leased, operated, managed, or used, from time to time, by
103 the Authority to provide water and wastewater services.
104 Authority facilities shall include all property, real or
105 personal, tangible or intangible, now or hereafter owned,
106 leased, operated, or managed by the Authority in connection with
107 the provision of water and wastewater services and shall also
108 include any such property used or to be used jointly as
109 specifically provided for herein.

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

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



112 (b) Costs of transfer or acquisition by or for the
113 Authority of such project, including, without limitation, any
114 annual revenue transfer obligations payable to one or more
115 predecessor general purpose local governments pursuant to
116 interlocal agreement.

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

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

121 (e) All interest due to be paid on the obligations
122 relating to the project during the period of acquisition and
123 construction of such project and for periods subsequent to
124 completion of acquisition and construction as the Board of
125 Supervisors may determine by resolution.

126 (f) Engineering, legal, and other consulting fees and
127 expenses.

128 (g) Costs and expenses of the financing incurred for such
129 project, including audits, fees, and expenses of any paying
130 agent, registrar, trustee, consultant, attorney, engineer,
131 credit enhancer, or depository.

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

135 (i) Costs of machinery, equipment, supplies, and spare
136 parts required by the Authority for the commencement of
137 operation of such project or continuation of operation of such
138 project.



139 (j) Any other costs properly attributable to such project
140 or to the issuance of obligations which finance such project, as
141 determined by generally accepted accounting principles
142 applicable to such project, and shall include reimbursement to
143 the Authority or a predecessor local government for any such
144 items of cost advanced, incurred, or paid by the Authority or a
145 general purpose local government prior to issuance of the
146 obligations issued to finance or acquire such project.
147 Additional items of cost may be provided pursuant to the
148 financing documents.

149 (4) "Financing documents" means the resolution or
150 resolutions duly adopted by the Authority, as well as any
151 indenture of trust, trust agreement, interlocal agreement, or
152 other instrument relating to the issuance or security of any
153 bond or obligations of the Authority.

154 (5) "Obligations" means a series of bonds, obligations, or
155 other evidence of indebtedness, including, but not limited to,
156 notes, commercial paper, capital leases, or any other
157 obligations of the Authority issued hereunder, or under any
158 general law provisions, and pursuant to the financing documents.
159 The term shall also include any lawful obligation committed to
160 by the Authority pursuant to an interlocal agreement with
161 another governmental body or agency.

162 (6) "Pledged funds" means:

163 (a) The revenues, fees, charges, special assessments, and
164 other moneys received by the Authority or its designee relating
165 to its ownership or operation of the Authority facilities, or
166 some portion thereof.



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

170 (c) Such other property, assets, and moneys of the
171 Authority as shall be pledged pursuant to the financing
172 documents, in each case to the extent provided by the Board of
173 Supervisors pursuant to the financing documents. The funds
174 pledged to one series of obligations may be different than the
175 funds pledged to other series of obligations. Pledged funds
176 shall not include any ad valorem tax revenues or general fund
177 account of the Authority.

178 (7) "Project" means any structure, property, or facility
179 which the Authority, from time to time, may determine to
180 construct or acquire as part of its Authority facilities,
181 together with all improvements, equipment, structures, and other
182 facilities necessary or appropriate in connection therewith.
183 This term is to be broadly construed so as to include the lawful
184 undertaking which will accrue, or is reasonably expected to
185 accrue, to the benefit of the Authority facilities, including
186 joint ventures and acquisitions of partial interests or
187 contractual rights. "Project" shall include, but not be limited
188 to, acquisition or transfer of any water or wastewater utility
189 system, water or wastewater utility assets, or securing the
190 right to provide any water or wastewater utility service as
191 provided for in one or more interlocal agreements between the
192 Osceola County Board of County Commissioners and the City
193 Commission of the City of Kissimmee or any other governmental



194 body. "Project" may also include working capital, as well as any
 195 costs or judgments associated with litigation.

196 (8) "Ratepayer" means any natural person who pays rates,
 197 fees, or charges on a recurring basis to the Authority, or who
 198 is an official, officer, member, or employee of any entity,
 199 public or private, that pays rates, fees, or charges on a
 200 recurring basis to the Authority.

201 (9) "Service area" means the geographic boundaries within
 202 which the Authority provides, or is otherwise authorized
 203 pursuant to the provisions of this act to provide, water or
 204 wastewater services or facilities.

205 Section 4. District Establishment and Creation.

206 (1) There is hereby created and established a special
 207 purpose local governmental body, corporate and politic, to be
 208 known as Tohopekaliga Water Authority. The Tohopekaliga Water
 209 Authority is hereby created and incorporated as an independent
 210 special district, pursuant to and in conformance with chapter
 211 189, Florida Statutes.

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

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

217 (b) All unincorporated areas within Osceola County, less
 218 and except any areas included within the Reedy Creek Improvement
 219 District, on the effective date hereof, and less and except the
 220 territory within Osceola County consisting of the incorporated
 221 area of the City of St. Cloud, and including those



222 unincorporated areas authorized by law to be served or provided
223 with water and wastewater service by the City of St. Cloud on
224 the effective date hereof. This act shall not be construed to
225 prohibit or inhibit the City of St. Cloud from lawfully
226 extending, expanding, or providing authorized municipal services
227 and facilities as provided for in section 180.02(3), Florida
228 Statutes. The Authority shall be estopped in any future
229 proceeding conducted pursuant to section 180.03 or section
230 180.04, Florida Statutes, by the City of St. Cloud, or any
231 action arising therefrom, from asserting or claiming the
232 willingness and ability to provide potable water or wastewater
233 service to:

234 1. All lands in Osceola County, Florida, lying in Section
235 8, Township 25 South, Range 31 East.

236 2. All lands in Osceola County, Florida, lying in Section
237 5, Township 25 South, Range 31 East lying easterly of the
238 eastern boundary of Fells Cove Subdivision, according to the
239 plat recorded in the Public Records of Osceola County, Florida,
240 (including specifically the Floridian R.V. Park).

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

245
246 The District boundary may be expanded to include any service
247 area within the boundaries of an affected general purpose local
248 government upon the adoption of a resolution by the governing
249 body of the affected general purpose local government



250 authorizing the Authority to provide its service and facilities
251 therein.

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

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

257 (5) The purpose of the District shall be to perform such
258 acts as shall be necessary for the sound planning, acquisition,
259 development, operation, and maintenance of governmentally owned
260 potable and nonpotable water and wastewater management and
261 delivery systems within the District and its service area,
262 including all business facilities necessary and incidental
263 thereto. As provided herein, the Authority shall have exclusive
264 jurisdiction over the acquisition, development, operation, and
265 management of such water and wastewater management systems
266 capable of being provided by general purpose local governments
267 in and for the District boundaries and the service area.

268 Section 5. Authority to Operate in Osceola County or Areas
269 Adjacent to Osceola County; Subject to General Purpose Local
270 Government Consent. By resolution of the governing bodies of
271 each of the general purpose local governments affected, all
272 power and authority available to the Authority under general
273 law, including without limitation, chapters 163, 189, and 197,
274 Florida Statutes, and this act shall be deemed to be irrevocably
275 authorized and may be implemented by the Authority within the
276 boundaries of each of the general purpose local governments
277 affected. Exclusive of the provision of services, facilities, or



278 programs provided on a wholesale or bulk service basis, the
279 Authority shall not provide its potable or nonpotable water or
280 wastewater management or delivery services or programs to retail
281 customers in the District or a service area without entering
282 into an interlocal agreement with any affected general purpose
283 local government which addresses the representation of such
284 retail customers of each affected service area. This act
285 expressly authorizes by law the transfer to the Authority or the
286 contracting by the Authority for the provision of any water or
287 wastewater systems, facilities, or services within the District
288 or its service area.

289 Section 6. Governing Body.

290 (1) The governing body of the Authority shall consist of
291 five members acting as the Board of Supervisors, each of whom
292 shall serve a term of 3 years commencing on October 1, provided
293 the procedure for appointment of members of the Board of
294 Supervisors and their initial terms of office shall be as
295 follows:

296 (a) Board Supervisor No. 1 and Board Supervisor No. 2
297 shall serve for initial terms of approximately 2 years, ending
298 on September 30, 2005. Board Supervisor No. 1 shall be
299 appointed by the Osceola County Board of County Commissioners.
300 Board Supervisor No. 2 shall be appointed by the City Commission
301 of the City of Kissimmee.

302 (b) Board Supervisor No. 3 and Board Supervisor No. 4
303 shall serve initial terms of approximately 3 years, ending on
304 September 30, 2006. Board Supervisor No. 3 shall be appointed
305 by the Osceola Board of County Commissioners. Board Supervisor



306 No. 4 shall be appointed by the City Commission of the City of
 307 Kissimmee.

308 (c) Board Supervisor No. 5 shall serve an initial term of
 309 approximately 4 years, ending September 30, 2007. Board
 310 Supervisor No. 5 shall be collectively appointed by joint
 311 resolution of the Osceola County Board of County Commissioners
 312 and the City Commission of the City of Kissimmee and shall serve
 313 as the Chairperson of the Board of Supervisors.

314 (2) All members of the Board of Supervisors shall be
 315 ratepayers and qualified electors of Osceola County or of the
 316 service area adjacent to Osceola County in which the District
 317 has been authorized to operate. Each of the general purpose
 318 local governments responsible for appointing members shall
 319 consider but is not required to appoint members with business,
 320 real estate development, engineering, accounting, financial,
 321 scientific, utility, governmental, or public service
 322 backgrounds.

323 (3) Board members shall serve no more than 3 consecutive
 324 3-year terms, not including any initial term of less than 3
 325 years.

326 (4) Upon the occasion of a vacancy for any reason in the
 327 term of office of a member of the Board of Supervisors, which
 328 vacancy occurs prior to the replacement of the member by
 329 appointment and which remains unfilled for 60 days after such
 330 vacancy due to the failure of the respective general purpose
 331 local government governing body to duly appoint a successor as
 332 provided in subsection (1), a successor shall be appointed by
 333 the Governor. Any person appointed to fill a vacancy shall be



334 appointed to serve only for the unexpired term and until a
335 successor is duly appointed.

336 (5) The Board of Supervisors shall elect a Vice
337 Chairperson, Secretary, and such other officers of the Authority
338 as may be hereafter designated and authorized by the Board of
339 Supervisors, each of whom shall serve for 1 year commencing as
340 soon as practicable after October 1 and until his or her
341 successor is chosen. The Chairperson, Vice Chairperson, and
342 Secretary shall conduct the meetings of the Authority and
343 perform such other functions as herein provided. The
344 Chairperson and Vice Chairperson shall take such actions and
345 have all such powers and sign all documents on behalf of the
346 Authority in furtherance of this act or as may be approved by
347 resolution of the Board of Supervisors adopted at a duly called
348 meeting. The Vice Chairperson, in the Chairperson's absence,
349 shall preside at all meetings. The Secretary, or his or her
350 designee, shall keep minutes of all meetings, proceedings, and
351 acts of the Board of Supervisors, but such minutes need not be
352 verbatim. Copies of all minutes of the meetings of the
353 Authority shall promptly be sent by the Secretary, or his or her
354 designee, to all members of the Board of Supervisors and to each
355 general purpose local government located within the District or
356 the service area. The Secretary may also attest to the
357 execution of documents. The Secretary shall have such other
358 powers as may be approved by resolution of the Board of
359 Supervisors adopted at a duly called meeting.

360 (6) The Board of Supervisors shall have those
361 administrative duties set forth in this act and chapter 189,



362 Florida Statutes, as may be amended from time to time. Any
363 certificate, resolution, or instrument signed by the
364 Chairperson, Vice Chairperson, or such other person of the
365 Authority as may hereafter be designated and authorized by the
366 Board of Supervisors shall be evidence of the action of the
367 Authority, and any such certificate, resolution, or other
368 instrument so signed shall be conclusively presumed to be
369 authentic.

370 (7) The members of the Board of Supervisors shall receive
371 as compensation for their services a fee of \$100 per meeting,
372 not to exceed 3 meetings per month. The amount of compensation
373 shall be adjusted annually based upon the index provided in
374 section 287.017(2), Florida Statutes, or its successor in
375 function. In addition, each member of the Board of Supervisors
376 shall be reimbursed for expenses as provided in section 112.061,
377 Florida Statutes, or otherwise approved by the Board of
378 Supervisors for travel on Authority business outside of the
379 boundaries of the District or service area of the District.

380 (8) A majority of the Board of Supervisors shall
381 constitute a quorum for the transaction of business of the
382 Authority. The affirmative vote of the majority of the members
383 of the Board of Supervisors present and voting (exclusive of any
384 member having a conflict) shall be necessary to transact
385 business. However, any increase in rates, fees, or charges
386 shall require the affirmative vote of a majority of the entire
387 Board of Supervisors.

388 Section 7. Conflicts of Interest Prohibited. No member,
389 officer, agent, or employee of the Authority, either for himself



390 or herself or as agent for anyone else or as a stockholder or
391 owner in any other legal entity, shall participate in or benefit
392 directly or indirectly from any sale, purchase, lease, contract,
393 or other transaction entered into by the Authority. For the
394 purposes of this act, a direct or indirect benefit or
395 participation shall mean a "special private gain or loss" as
396 defined in the Code of Ethics for Public Officers and Employees,
397 part III of chapter 112, Florida Statutes, and shall be
398 determined in the same manner as the question of "special
399 private gain or loss" would be determined for purposes of a
400 violation of section 112.3143, Florida Statutes, or its
401 successor in function. A member, officer, agent, or employee of
402 the Authority may rely upon an advisory opinion or determination
403 of the State Commission on Ethics or the Authority's general
404 counsel as to the question of whether or not there would be a
405 special private gain or loss, and such determination shall also
406 be determinative of the ability of the member, officer, agent,
407 or employee to vote under the provisions of this act or of the
408 conduct of the member, officer, agent, or employee under this
409 act. The violation of any provisions of this act is declared to
410 be a criminal offense and misdemeanor within the meaning of
411 section 775.08, Florida Statutes, and shall be punishable as
412 provided by general law. The provisions of this section shall
413 be cumulative to any general laws of the state which are from
414 time to time applicable to members, officers, agents, or
415 employees of the Authority and which require the disclosure of,
416 or prohibit, conflicts of interest.



417 Section 8. Meetings; Notice. The Board of Supervisors
418 shall hold meetings pursuant to sections 189.416 and 189.417,
419 Florida Statutes.

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

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

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

429 (a) To acquire, construct, own, lease, operate, manage,
430 maintain, dispose of, improve, and expand the Authority
431 facilities and to have the exclusive control and jurisdiction
432 thereof.

433 (b) To execute all contracts and other documents, adopt
434 all proceedings, and perform all acts determined by the Board of
435 Supervisors as necessary or advisable to carry out the purposes
436 of this act. The Chairperson or Vice Chairperson shall execute
437 contracts and other documents on behalf of the Board of
438 Supervisors.

439 (c) To provide for mandatory water and/or wastewater
440 connections of potential customers, including customers served
441 by onsite sewage treatment and disposal systems, upon
442 availability of service by the Authority within 90 days after
443 notice of availability of such services.



444 (d) To collect rates, fees, and charges from public or
445 quasi-public corporations, municipalities, counties, the state
446 or its agencies, the federal government, or any other public or
447 governmental agencies or bodies for the use or provision of
448 Authority facilities or services.

449 (e) To fix, levy, and collect rates, fees, and other
450 charges (including system development charges or impact fees)
451 from persons or property, or both, for the use of the services,
452 facilities, and product of the Authority facilities or to pay
453 the operating or financing costs of the Authority facilities
454 available to potential users; to fix and collect charges for
455 making connections with the Authority facilities; and, to the
456 extent provided by law, to provide for reasonable penalties to
457 be imposed on any users or property for any such rates, fees, or
458 charges that are delinquent.

459 (f) To discontinue or terminate water or wastewater
460 service to any person or customer who violates the provisions of
461 this act or any duly adopted resolutions or regulations of the
462 Authority, including, but not limited to, delinquency of any
463 amounts owed the Authority or failure to connect to the
464 Authority's facilities or water or wastewater systems and
465 failure to provide to the Authority without cost such easements
466 or property interests as are reasonably required to provide
467 service. Any means of enforcement available to the Authority to
468 require and enforce the use of its service or facilities shall
469 be alternative and supplemental to any other means available to
470 the Authority.



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

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

486 (i) To lease or rent any of its easements, real property
487 interests, or facilities to other utility providers which are
488 owned by a municipality, county, or special district, or which
489 hold a franchise from a municipality or county, with such lease
490 or rental to be for joint use by the Authority and such other
491 utility provider.

492 (j) To adopt all necessary regulations by resolution that
493 provide design and construction specifications and procedures
494 for the dedication of facilities to the Authority. The
495 Authority may require as condition precedent to the approval of
496 any connection to Authority facilities:

497 1. That all subdivision type infrastructure, or other
498 contributed transmission or distribution infrastructure



499 necessary to serve a particular project or customer, and
500 necessary easements be approved by and dedicated to the
501 Authority.

502 2. Surety bonds or other guarantees from any developer to
503 ensure completion of construction in compliance with such
504 uniform water and wastewater standards, rules, and regulations
505 adopted by the Authority.

506 3. That the developer make available interim treatment
507 facilities or services or contract for same on an interim basis
508 from an authorized service provider.

509 4. That the developer, or the person or entity the
510 developer has contracted with, provide interim treatment service
511 or lease back for nominal consideration and maintain such
512 dedicated or contributed facilities until such time as the
513 Authority provides services, provided in each case the foregoing
514 actions shall be consistent with the comprehensive plans of any
515 affected general purpose local government.

516 (k) To exercise exclusive jurisdiction, control, and
517 supervision over the Authority facilities and to make and
518 enforce such rules and regulations for the maintenance,
519 management, and operation of the Authority facilities as may be,
520 in the judgment of the Board of Supervisors, necessary or
521 desirable for the efficient operation of the Authority
522 facilities in accomplishing the purposes of this act.

523 (l) To enter into interlocal agreements or join with any
524 other special purpose or general purpose local governments,
525 public agencies, or authorities in the exercise of common
526 powers.



527 (m) To contract with private or public entities or persons
528 to obtain, provide, treat, distribute, or receive potable and
529 nonpotable water or to provide or receive wastewater disposal,
530 collection, or treatment.

531 (n) To prescribe methods of pretreatment of commercial or
532 industrial wastes before accepting such wastes for treatment and
533 to refuse to accept such commercial or industrial wastes when
534 not sufficiently pretreated as may be prescribed, and, to the
535 extent permitted by law, to prescribe penalties including fines
536 or penalties not exceeding \$2,000 per day, if the Authority is
537 required by a state or federally mandated program to have the
538 authority and power to fine or charge any person or entity for
539 the refusal to so pretreat such commercial or industrial wastes.

540 (o) To require and enforce the use of services, products,
541 and facilities of the Authority whenever and wherever they are
542 accessible, and to require and enforce the installation and
543 dedication to the Authority of water and wastewater facilities
544 or easements as a condition precedent to the provision of
545 service by the Authority or by another entity authorized by the
546 Authority to provide interim service until Authority services,
547 products, and facilities are available.

548 1. Whenever water or wastewater service is required, the
549 owner shall retain a qualified contractor to install the
550 required facilities, extensions, and connections. All
551 facilities shall conform to the Authority's specified minimum
552 design and construction standards and specifications and
553 applicable growth management, plumbing, and building regulations
554 and codes. The installation and connection process shall



555 provide the owner with the right to control the placement,
556 manner, use, and disposition of the installation on private
557 property, subject to the minimum design and construction
558 standards of the Authority and as is reasonably necessary to
559 protect the efficiency and integrity of the Authority's
560 facilities. Such control is afforded to the owner to minimize
561 the physical, aesthetic, and other effects of the installation
562 or connection on the affected property. Upon connection, the
563 owner shall be deemed to have granted a license to the Authority
564 to enter upon the affected property to inspect, repair,
565 reconstruct, or otherwise maintain the installation or
566 connection. Unless authorized otherwise, the owner shall be
567 deemed to own such installation located on the owner's property
568 and may repair, demolish, or construct in the area of the
569 improvement served by the installation or connection, subject to
570 the Authority's minimum design and construction standards and
571 specifications for the Authority's facilities, and applicable
572 growth management, plumbing, and building regulations and codes.

573 2. In circumstances in which an owner fails or refuses to
574 connect to the Authority facilities, the Authority shall be
575 entitled to seek and employ any legally available remedy to
576 cause the installation of on-site water or wastewater facilities
577 necessary to effectuate the connection of the owner's premises
578 to Authority facilities. Under such circumstances, any
579 installation by the Authority shall be performed after
580 reasonable efforts by the Authority to solicit, and in deference
581 to, the owner's requests, if any, concerning the placement,
582 manner, use, and disposition of the installation on the owner's



583 premises subject to the Authority's applicable minimum design
584 and construction standards and specifications which are
585 reasonably necessary to protect the efficiency and integrity of
586 the Authority's facilities. Upon connection, the owner shall be
587 deemed to have granted a license to the Authority to enter upon
588 the affected property to inspect, repair, reconstruct, or
589 otherwise maintain the installation or connection. Unless
590 authorized otherwise, the owner shall be deemed to own such
591 installation located on the property and may repair, demolish,
592 or construct in the area of the improvement served by the
593 installation or connection, subject to the Authority's minimum
594 design and construction standards and specifications for
595 Authority facilities, and applicable growth management,
596 plumbing, and building regulations and codes.

597 (p) To sell or otherwise dispose of the effluent, sludge,
598 or other byproducts as a result of water or wastewater
599 treatment.

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

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

606 (s) To accomplish construction directly or by letting
607 construction contracts to other entities, whether public or
608 private, for all or any part of the construction of improvements
609 to the Authority facilities as determined by the Board of
610 Supervisors in accordance with applicable law.



611 (t) To construct, maintain, and operate connecting,
612 intercepting, or outlet wastewater and wastewater mains and
613 pipes and water mains, conduits, or pipelines in, along, or
614 under any streets, alleys, highways, or other public places or
615 ways regulated by or under the jurisdiction of the state or any
616 political subdivision or municipal corporation when necessary or
617 convenient for the purposes of the Authority.

618 (u) Subject to such provisions and restrictions as may be
619 set forth in any financing document, to enter into contracts
620 with the government of the United States or any agency or
621 instrumentality thereof, the state, or any municipality, county,
622 district, authority, political subdivision, private corporation,
623 partnership, association, or individual providing for or
624 relating to the treatment, collection, and disposal of
625 wastewater or the treatment, supply, and distribution of water
626 and any other matters relevant thereto or otherwise necessary to
627 effect the purposes of this act.

628 (v) To receive and accept from any federal or state agency
629 grants or loans for or in aid of the planning, construction,
630 reconstruction, or financing of improvements, additions, or
631 extensions to the Authority facilities and to receive and accept
632 aid or contributions or loans from any other source of money,
633 labor, or other things of value, to be held, used, and applied
634 only for the purpose for which such grants, contributions, or
635 loans may be made.

636 (w) To purchase or assume the ownership, lease, operation,
637 management, or control of any publicly or privately owned water
638 or wastewater facilities, including the assumption, defeasance,



639 or payment of the financial liabilities associated with such
640 water and wastewater facilities.

641 (x) To divide the Authority facilities into separate
642 units, benefit areas, subsystems, or subdistricts, or otherwise
643 separate a utility system, for imposing special assessments,
644 setting rates, fees, or charges, accounting or financing
645 improvements or additions, or any other purpose.

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

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

652 (aa) To adopt and use a seal and authorize the use of a
653 facsimile thereof.

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

658 (cc) Subject to such provisions and restrictions as may be
659 set forth in any financing document, to sell or otherwise
660 dispose of the Authority facilities, or any portion thereof,
661 upon such terms as the Board of Supervisors deems appropriate,
662 and to enter into acquisition or other agreements to effect such
663 dispositions.

664 (dd) To acquire by purchase, gift, devise, or otherwise,
665 and to dispose of, real or personal property or any estate
666 therein.



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

669 (ff) To provide such deferred compensation, retirement
670 benefits, or other benefits and programs as the Board of
671 Supervisors deems appropriate.

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

675 (hh) To hold, control, and acquire by donation, purchase,
676 or eminent domain or dispose of any public easements,
677 dedications to public use, platted reservations for public
678 purposes, or any reservations for those purposes authorized by
679 this act and to make use of such easements, dedications, and
680 reservations for any of the purposes authorized by this act.

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

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

687 (kk) To assess, levy, impose, collect, and enforce special
688 assessments upon all or any portion of the lands located within
689 the District or service area. Such special assessments may be
690 apportioned among benefited property in a manner proportionate
691 with the benefits received or commensurate with the burdens
692 alleviated by the maintenance and use of property based upon
693 such factors or combination of factors as determined by
694 resolution of the Board of Supervisors. Such special assessments



695 may, in the discretion of the Board of Supervisors, be imposed,
696 collected, and enforced using any methods and procedures
697 authorized by law, including section 197.3632, Florida Statutes,
698 or its successor in function; or the Board of Supervisors may
699 adopt by resolution its own method or procedures or use any
700 other method or means for levy, imposition, collection, and
701 enforcement not inconsistent with law.

702 (ll) To apply for and accept grants, loans, and subsidies
703 from any governmental entity for the acquisition, construction,
704 operation, and maintenance of the Authority facilities and to
705 comply with all requirements and conditions imposed in
706 connection therewith.

707 (mm) To the extent allowed by law and to the extent
708 required to effectuate the purposes of this act, to exercise all
709 privileges, immunities, and exemptions accorded municipalities
710 and counties of the state under the provisions of the
711 constitution and laws of the state.

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

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

717 (pp) To do all acts and to exercise all of the powers
718 necessary, convenient, incidental, implied, or proper, both
719 within and outside of the District and service area, in
720 connection with any of the powers, duties, obligations, or
721 purposes authorized by this act, general law, or any interlocal
722 agreement entered into by the Authority.



723 (2) The Board of Supervisors shall appoint a person or
 724 entity to act as Executive Director of the Authority having such
 725 official title, functions, duties, and powers as the chief
 726 administrative officer of the Authority as the Board of
 727 Supervisors may prescribe. The Board of Supervisors shall
 728 appoint a person or entity to act as the general counsel for the
 729 Authority. The executive director and general counsel shall
 730 each answer directly to the Board of Supervisors. Neither the
 731 executive director nor general counsel shall be a member of the
 732 Board of Supervisors.

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

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

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

742 (6) Nothing herein shall affect the ability of either the
 743 City Commission of the City of Kissimmee or Board of County
 744 Commissioners of Osceola County to engage in or pursue any civil
 745 or administrative action or remedies, including, but not limited
 746 to, any proceeding or remedy available under chapter 120,
 747 Florida Statutes, or its successor in function.

748 (7) Nothing herein is intended to, or shall be construed
 749 to, limit the power of local self-government of a charter county
 750 or conflict with the Constitution of the State of Florida or the



751 Osceola County Home Rule Charter approved by vote of the
752 electors on March 3, 1992, and which became effective on October
753 1, 1992.

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

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

773 (1) The Board of Supervisors shall adopt by resolution a
774 schedule of rates, fees, or other charges for the use of the
775 services, facilities, and products of the Authority to be paid
776 by each customer which may be connected with or provided service
777 by such Authority facilities. The Authority may establish
778 separate rates, fees, and charges for different portions of the



779 Authority facilities, including separate rates, fees, and
780 charges for each utility system. The Board of Supervisors may
781 establish different rates, fees, and charges for services,
782 facilities, and products provided by a portion of a utility
783 system provided such rates, fees, and charges are consistent
784 with applicable law.

785 (2) Such rates, fees, and charges shall be adopted and
786 revised so as to provide moneys which, with other funds
787 available for such purposes, shall be at least sufficient at all
788 times to pay the expenses of operating, managing, expanding,
789 improving, and maintaining the Authority facilities, including
790 renewal and replacement reserves for such Authority facilities;
791 to pay costs and expenses provided for in this act, general law,
792 and the financing documents; to pay the principal and interest
793 on the obligations as the same shall become due and reserves
794 therefore; to timely pay and deliver any obligations in the form
795 of annual transfer amounts due and owing to Osceola County and
796 the City of Kissimmee, or any other general purpose local
797 government under any interlocal agreement; and to provide a
798 reasonable margin of safety over and above the total amount of
799 such payments. Notwithstanding any other provision in this act,
800 such rates, fees, and charges shall always be sufficient to
801 comply fully with any covenants contained in the financing
802 documents. The Authority shall charge and collect such rates,
803 fees, and charges so adopted and revised, and such rates, fees,
804 and charges shall not be subject to the supervision or
805 regulation by any other commission, board, bureau, agency, or
806 other political subdivision of the state.



807 (3) Such rates, fees, and charges for each utility system
808 or portion thereof shall be just, equitable, and uniform for the
809 users in the same class and may be based upon or computed upon
810 any factor (including, by way of example and not limitation,
811 distinguishing between residential and nonresidential customers
812 or uses) or combination of factors affecting the use of the
813 services, products, or facilities furnished to the customers of
814 such utility system or portion thereof, as may be determined by
815 the Board of Supervisors from time to time. Except as described
816 in subsections (7) and (8), no rates, fees, or charges shall be
817 fixed, adopted, or revised under the foregoing provisions of
818 this section until after a duly noticed public hearing at which
819 all of the customers of the Authority facilities affected
820 thereby, or owners, tenants, or occupants served or to be served
821 thereby, and all other interested persons shall have an
822 opportunity to be heard concerning the proposed rates, fees, or
823 charges. Notice of such public hearing setting forth the
824 proposed schedule or schedules of rates, fees, or charges shall
825 be given by one publication in a newspaper of general
826 circulation in the portion of the service area or areas affected
827 by such proposed rates, fees, or charges at least 20 days before
828 the date fixed in such notice for the public hearing, which may
829 be adjourned from time to time. After such hearing, the proposed
830 schedule or schedules, either as initially adopted or as
831 modified or amended, may be finally adopted.

832 (4) Except as required by any covenant to timely meet,
833 perform, or repay any obligations under any financing documents
834 or as described in subsections (7) and (8), no rates, fees, or



835 charges shall be increased or adopted for 2 years after the
836 effective date of this act, unless the Authority causes a rate
837 consultant to review its rates, fees, charges, gross revenue,
838 operating expenses, and methods of operation and determines that
839 such increase is either predicated upon implementing an
840 identified capital improvement plan or meeting state or federal
841 conservation or water demand management requirements.

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

846 (6) The Board of Supervisors may appoint the Executive
847 Director, a member of the Board of Supervisors, a committee of
848 members of the Board of Supervisors, or a special master to
849 conduct the public hearing or hearings on its behalf relating to
850 rates, fees, and charges. The Executive Director, member of the
851 Board of Supervisors, committee of members of the Board of
852 Supervisors, or designated special master shall act as a hearing
853 officer or hearing officers and report to the Board of
854 Supervisors its findings relating to such public hearing. Only
855 the Board of Supervisors may set or revise rates, fees, and
856 charges.

857 (7) Notwithstanding the provisions of subsection (3) or
858 any other provision of applicable law, upon acquisition of a
859 utility system, no public hearing shall be required for adoption
860 by the Authority by resolution of the rates, fees, and charges
861 contained in the rate tariff relating thereto previously
862 approved by the Florida Public Service Commission or any



863 governmental seller thereof. In the event any rate tariff
864 previously approved by a governmental seller includes such a
865 surcharge authorized by section 180.191, Florida Statutes, the
866 Authority may continue the imposition of any such surcharge
867 provided that the Authority incrementally reduces each year
868 thereafter and ultimately discontinues such surcharge within 15
869 years after any such acquisition by the Authority.

870 (8) Notwithstanding the provisions of subsection (3), no
871 subsequent public hearings to implement a periodic automatic
872 indexing factor shall be required after the adoption by the
873 Board of Supervisors of a periodic automatic indexing factor
874 applicable to the initial or any revised schedule of rates,
875 fees, and charges of any utility system.

876 (9) Notwithstanding anything in this act to the contrary,
877 the Authority may establish a general fund account into which
878 moneys may be deposited from a surcharge not to exceed 2 percent
879 upon the rates, fees, and charges for the Authority facilities
880 or portion thereof. Any moneys deposited to such general fund
881 account from such a surcharge on the rates, fees, and charges
882 for Authority facilities shall be considered legally available
883 for any lawful purpose approved by the Board of Supervisors.
884 Moneys in such general fund account may be used to pay for
885 initial costs and expenses associated with acquiring Authority
886 facilities and any other lawful purpose approved by the Board of
887 Supervisors. However, whenever reasonably practicable, the
888 Board of Supervisors shall endeavor in good faith to recover and
889 return to such general fund account expenditures from benefited
890 ratepayers or landowners that are not determined by the Board of



891 Supervisors to provide a general benefit to the District or
892 service area.

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

909 Section 13. System Development Charges; Impact Fees.

910 (1) The District is hereby empowered to levy and collect
911 system development charges for capital improvements and debt
912 service on capital improvements within the boundaries of the
913 District and the service areas under any of the following
914 conditions:

915 (a) Whenever a property owner or his or her authorized
916 representative connects an existing structure or improvement to
917 any Authority facilities;



918 (b) Whenever a property owner or his or her authorized
919 representative receives a permit from the Florida Department of
920 Environmental Protection, or its successor in function, to
921 extend or connect to Authority facilities or applies for a
922 building permit to construct, install, or alter any structure or
923 improvement where such extension, connection, construction,
924 installation, or alteration increases the potential demand on
925 the Authority facilities; or

926 (c) Whenever a property owner or his or her authorized
927 representative applies for a building permit to construct,
928 install, or alter any structure or improvement where such
929 construction, installation, or alteration increases the
930 potential demand on the Authority facilities, even though the
931 subject property may receive interim utility service from a
932 source other than the District.

933 (2) If the structure or improvement on the property for
934 which a system development charge has been paid is not
935 authorized to connect to the Authority facilities within 10
936 years after the date of such payment, the property owner holding
937 legal title at the end of the 10-year period shall be eligible
938 for a refund of the system development charge without interest.
939 In such an event, the District shall notify the property owner
940 at the address reflected on the most recent tax roll of his or
941 her eligibility for a refund by mailing notice to the property
942 owner. Such notice shall fairly explain the procedure for
943 applying for a refund and shall be sent by registered mail with
944 return receipt requested. Any property owner eligible for a
945 refund shall file written application with the Board of



946 Supervisors for a refund within 90 days after the date of
947 mailing of the notice by the District, or such property owner
948 shall be deemed to have waived any right to a refund and the
949 District shall be entitled to retain and apply the system
950 development charge for capital improvements. Failure to
951 construct the improvement for which a system development charge
952 has been paid shall not constitute grounds for a refund, nor
953 shall delay or failure to receive the mailed notice of
954 eligibility for a refund toll the 90-day time limit within which
955 an application for refund must be filed.

956 (3) All system development charges shall, in accordance
957 with accepted general accounting principles, be segregated from
958 all other funds held by the District and accounted for
959 separately. Except as otherwise provided by any financing
960 documents authorizing the issuance of obligations of the
961 District, such accounts shall not be transferred or used for any
962 purpose other than providing capital improvements in the form of
963 Authority facilities necessitated by growth or new demand upon
964 the Authority facilities and for payment of debt service on
965 obligations issued to finance any such capital improvements.

966 (4) System development charges shall be reviewed at least
967 every 4 years by the District to determine that the charges are
968 equitable and proportionate to the current estimate of costs for
969 providing the capital improvements for which the charges are
970 imposed. The initial schedule of system development charges
971 shall be those already in effect in the District and any
972 subdistricts or applicable service area at the time the District
973 acquires any utility system. The District may thereafter change



974 or revise the schedule of system development charges upon
975 compliance with the notice and hearing requirements set forth
976 for the adoption of rates, fees, and other charges.

977 (5) The District, in its discretion, may permit the owners
978 of existing structures which connect to the District's system to
979 pay the system development charges on an installment basis with
980 interest in the form of a special assessment. In the event that
981 system development charges shall not be paid as and when due,
982 any unpaid balance thereof together with all reasonable costs of
983 establishing the assessment lien, collection, and statutory
984 discounts may be collected as a non-ad valorem assessment on the
985 same bill as property taxes.

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

992 (7) In addition to and as an alternative to the provisions
993 of subsections (1) through (6), the District is empowered to
994 levy and collect impact fees within the boundaries of the
995 District and the service area in the same manner and to the same
996 extent as a county or municipality.

997 Section 14. Unpaid Rates, Fees, and Charges to Constitute
998 a Lien. In the event that the rates, fees, or charges for the
999 use of the services, facilities, and products of the Authority
1000 shall not be paid as and when due, any unpaid balance thereof,
1001 and all interest accruing thereon, shall be a lien on any parcel



1002 or property affected thereby. Such liens shall be superior and
1003 paramount to the interest on such parcel or property of any
1004 owner, lessee, tenant, mortgage, or other person except the lien
1005 of state, county, municipal, and district taxes and other non-ad
1006 valorem assessments and shall be on parity with the lien of all
1007 such ad valorem property taxes and non-ad valorem assessments.
1008 In the event that any such rates, fees, or charges shall not be
1009 paid as and when due and shall be in default for 30 days or
1010 more, the unpaid balance thereof and any interest accrued
1011 thereon not exceeding the legal rate, together with attorney's
1012 fees and costs, may be recovered by the Authority in a civil
1013 action, and any such lien and accrued interest may be foreclosed
1014 or otherwise enforced by the Authority by action or suit in
1015 equity as for the foreclosure of a mortgage on real property;
1016 or, alternatively, in lieu of foreclosure, an equivalent amount
1017 to such outstanding balance charges may be collected pursuant to
1018 sections 197.3632 and 197.3635, Florida Statutes, or any
1019 successor statutes, authorizing the collection of charges in the
1020 form of special assessments, therein characterized as non-ad
1021 valorem assessments, on parity with the lien of ad valorem
1022 taxes. However, any such alternative collection procedure shall
1023 provide notice to the landowner in the manner required by law,
1024 and any existing lien of record on the affected parcel for the
1025 delinquent rate, fee, or charge is supplanted by the lien
1026 resulting from the certification of any assessment roll to the
1027 tax collector.

1028 Section 15. [Reserved]



1029 Section 16. Enforcement of Non-ad Valorem Assessments and
1030 Authorized Taxes. The collection and enforcement of all non-ad
1031 valorem assessments and taxes levied by the Authority shall be
1032 at the same time and in like manner as county taxes, and the
1033 provisions of general law relating to the sale of lands for
1034 unpaid and delinquent county taxes, the issuance, sale, and
1035 delivery of tax certificates for such unpaid and delinquent
1036 county taxes, the redemption thereof, in the issuance to
1037 individuals of tax deeds based thereon, and all other procedures
1038 in connection therewith shall be applicable to the Authority and
1039 the delinquent and unpaid assessments and authorized taxes of
1040 the Authority to the same extent as if said statutory provisions
1041 were expressly set forth in this act. Any authorized taxes
1042 shall be subject to the same discounts as county taxes.

1043 Section 17. Bonds and Obligations.

1044 (1) The Board of Supervisors shall have the power and is
1045 hereby authorized to provide pursuant to the financing
1046 documents, at one time or from time to time in one or more
1047 series, for the issuance of obligations of the Authority, or
1048 notes in anticipation thereof, for one or more of the following
1049 purposes:

1050 (a) Paying all or part of the cost of one or more
1051 projects.

1052 (b) Refunding any bonds or other indebtedness of the
1053 Authority.

1054 (c) Assuming or repaying the indebtedness relating to
1055 Authority facilities acquired or leased by the Authority from a
1056 public or private entity.



1057 (d) Setting aside moneys in a renewal or replacement
1058 account.

1059 (e) Funding a debt service reserve account.

1060 (f) Capitalizing interest on the obligations.

1061 (g) Paying costs of issuance relating to the obligation.

1062 (h) Any other purpose relating to this act.

1063 (2) The principal of and the interest on each series of
1064 obligations shall be payable from the pledged funds, all as
1065 determined pursuant to the financing documents. The Authority
1066 may grant a lien upon and pledge the pledged funds in favor of
1067 the holders of each series of obligations in the manner and to
1068 the extent provided in the financing documents. Such pledged
1069 funds shall immediately be subject to such lien without any
1070 physical delivery thereof, and such lien shall be valid and
1071 binding as against all parties having claims of any kind in
1072 tort, contract, or otherwise against the Authority.

1073 (3) The obligations of each series shall be dated, shall
1074 bear interest at such rate or rates, shall mature at such time
1075 or times not exceeding 40 years from their date or dates, and
1076 may be made redeemable before maturity, at the option of the
1077 Authority, at such price or prices and under such terms and
1078 conditions as shall be determined by the Board of Supervisors
1079 pursuant to the financing documents. The Board of Supervisors
1080 shall determine the form of the obligations and the manner of
1081 executing such obligations and shall fix the denomination of
1082 such obligations and the place of payment of the principal and
1083 interest, which may be at any bank or trust company within or
1084 without the state. In case any officer whose signature or



1085 facsimile of whose signature shall appear on any obligations
1086 shall cease to be such officer before the delivery of such
1087 obligations, such signature or such facsimile shall nevertheless
1088 be valid and sufficient for all purposes the same as if he or
1089 she had remained in office until delivery. The Board of
1090 Supervisors may sell obligations in such manner and for such
1091 price as it may determine to be in the best interest of the
1092 Authority in accordance with the terms of the financing
1093 documents. In addition to the pledged funds, the obligations may
1094 be secured by such credit enhancement as the Board of
1095 Supervisors determines to be appropriate pursuant to the
1096 financing documents. The obligations may be issued as capital
1097 appreciation bonds, current interest bonds, term bonds, serial
1098 bonds, variable bonds, or any combination thereof, all as shall
1099 be determined pursuant to the financing documents.

1100 (4) Prior to the preparation of definitive obligations of
1101 any series, the Board of Supervisors may issue interim receipts,
1102 interim certificates, or temporary obligations, exchangeable for
1103 definitive obligations when such obligations have been executed
1104 and are available for delivery. The Board of Supervisors may
1105 also provide for the replacement of any obligation which shall
1106 become mutilated or be destroyed or lost. Obligations may be
1107 issued without any other proceedings or the happening of any
1108 other conditions or things than those proceedings, conditions,
1109 or things which are specifically required by this act, the
1110 financing documents, or other applicable laws.

1111 (5) The proceeds of any series of obligations shall be
1112 used for such purposes, and shall be disbursed in such manner



1113 and under such restrictions, if any, as the Board of Supervisors
1114 may provide pursuant to the financing documents.

1115 (6) The financing documents may also contain such
1116 limitations upon the issuance of additional obligations as the
1117 Board of Supervisors may deem appropriate, and such additional
1118 obligations shall be issued under such restrictions and
1119 limitations as may be prescribed by such financing documents.
1120 The financing documents may contain such provisions and terms in
1121 relation to the obligations and the pledged funds as the Board
1122 of Supervisors deems appropriate and which shall not be
1123 inconsistent herewith.

1124 (7) Obligations shall not be deemed to constitute a
1125 general obligation debt of the Authority or a pledge of the
1126 faith and credit of the Authority, but such obligations shall be
1127 payable solely from the pledged funds and any moneys received
1128 from the credit enhancers of the obligations in accordance with
1129 the terms of the financing documents. The issuance of
1130 obligations shall not directly, indirectly, or contingently
1131 obligate the Authority to levy or to pledge any form of ad
1132 valorem taxation whatsoever therefor. No holder of any such
1133 obligations shall ever have the right to compel any exercise of
1134 the ad valorem taxing power on the part of the Authority to pay
1135 any such obligations or the interest thereon or the right to
1136 enforce payment of such obligations or the interest thereon
1137 against any property of the Authority, nor shall such
1138 obligations constitute a charge, lien, or encumbrance, legal or
1139 equitable, upon any property of the Authority, except the



1140 pledged funds in accordance with the terms of the financing
 1141 documents.

1142 (8) All pledged funds shall be deemed to be trust funds,
 1143 to be held and applied solely as provided in the financing
 1144 documents. Such pledged funds may be invested by the Authority
 1145 in such manner as provided in the financing documents.

1146 (9) Any holder of obligations, except to the extent the
 1147 rights herein given may be restricted by the financing
 1148 documents, may, either at law or in equity, by suit, action,
 1149 mandamus, or other proceeding, protect and enforce any and all
 1150 rights under the laws of the state or granted hereunder or under
 1151 the financing documents, and may enforce and compel the
 1152 performance of all agreements or covenants required by this act,
 1153 or by such financing documents, to be performed by the Authority
 1154 or by any officer thereof.

1155 (10) The obligations may be validated, at the sole
 1156 discretion of the Board of Supervisors, pursuant to chapter 75,
 1157 Florida Statutes. Obligations may be issued pursuant to and
 1158 secured by a resolution of the Board of Supervisors.

1159 (11) In addition to the other provisions and requirements
 1160 of this act, any financing documents may contain such provisions
 1161 as the Board of Supervisors deems appropriate.

1162 (12) All obligations issued hereunder shall not be invalid
 1163 for any irregularity or defect in the proceedings for the
 1164 issuance and sale thereof and shall be incontestable in the
 1165 hands of bona fide purchasers for value. No proceedings in
 1166 respect to the issuance of such obligations shall be necessary
 1167 except such as are required by this act, the financing



1168 documents, and general law. The provisions of the financing
 1169 documents shall constitute an irrevocable contract between the
 1170 Authority and the holders of the obligations issued pursuant to
 1171 the provisions thereof.

1172 (13) Holders of obligations shall be considered third-
 1173 party beneficiaries hereunder and may enforce the provisions of
 1174 this act or general purpose law.

1175 (14) The Board of Supervisors may enter into such swap,
 1176 hedge, or other similar arrangements relating to any obligations
 1177 as it deems appropriate.

1178 Section 18. Planning Requirements.

1179 (1) Within 3 years after the effective date of this act,
 1180 the Board of Supervisors shall adopt a master plan which, among
 1181 other things:

1182 (a) Identifies current customers, projects, and future
 1183 customers.

1184 (b) Profiles customers (residential and non-residential,
 1185 e.g. commercial, industrial).

1186 (c) Reviews and generally inventories all existing
 1187 infrastructure and treatment facilities within the boundaries of
 1188 or served by the District.

1189 (d) Identifies a capital improvement program for the
 1190 Authority.

1191 (e) Reviews all current permits and existing regulations
 1192 to projected regulations.

1193 (f) Identifies and evaluates potential acquisitions or
 1194 service expansions.

1195 (g) Evaluates Authority staffing.



1196 (h) Provides for detailed mapping of Authority facilities.

1197 (i) Provides for hydraulic analysis of Authority
1198 facilities, both existing and proposed.

1199 (j) Evaluates present and future sources of raw water and
1200 treatment requirements for those sources in terms of capacity,
1201 reliability, and economy.

1202 (k) Provides for an analysis of all available wastewater
1203 alternatives, including surface water discharge, wetlands
1204 discharge, percolation facilities, spray irrigation, and deep
1205 well injection.

1206 (l) Identifies reclaimed water storage alternatives and
1207 wet weather backup alternatives.

1208 (m) Identifies current and potential high volume users of
1209 reclaimed water.

1210

1211 Thereafter, the Board of Supervisors shall review and, if
1212 necessary, amend the master plan periodically, but no less often
1213 than every 4 years.

1214 (2) Treatment facility construction or expansion or line
1215 extension policies adopted by the Authority shall be furtherance
1216 of land development regulations adopted by the applicable local
1217 general purpose government or the applicable local government
1218 comprehensive plan.

1219 (3) The construction or expansion of any portion of the
1220 Authority's facilities, or major alterations which affect the
1221 quantity of the level of service of the Authority's facilities,
1222 that are undertaken or initiated by the Authority shall be
1223 consistent with the applicable local government comprehensive



1224 plan adopted pursuant to part II of chapter 163, Florida
 1225 Statutes; However, no local government comprehensive plan shall
 1226 require the Authority to construct, expand, or perform a major
 1227 alteration of any public facility which would result in the
 1228 impairment of covenants and agreements relating to obligations
 1229 issued by the Authority.

1230 (4) Except as provided by law, the Authority shall take no
 1231 action which is inconsistent with applicable comprehensive
 1232 plans, land development ordinances, or regulations adopted by
 1233 any general purpose local government.

1234 (5) The Authority shall comply with the provisions of
 1235 sections 189.415 and 189.4155, Florida Statutes.

1236 Section 19. Merger; Dissolution.

1237 (1) In no event shall a merger involving the Authority be
 1238 permitted unless otherwise approved by resolution of all
 1239 affected general purpose local governments. Upon the effective
 1240 date of this act, any governmental utility authority created by
 1241 interlocal agreement between Osceola County and the City of
 1242 Kissimmee as a separate legal authority pursuant to section
 1243 163.01(7)(g), Florida Statutes, may be merged into the Authority
 1244 and this act shall be the surviving charter for the Authority in
 1245 all respects.

1246 (2) The charter of the Authority may be revoked or amended
 1247 and the Authority dissolved by a special act of the Legislature
 1248 or as otherwise provided by law.

1249 (3) The dissolution of the Authority shall occur by law
 1250 and transfer the title to all property owned by the Authority in
 1251 a manner consistent with chapter 189, Florida Statutes, unless



1252 otherwise provided in a dissolution plan approved and adopted by
 1253 resolution upon a 4/5 vote of both the City Commission of the
 1254 City of Kissimmee and the Board of County Commissioners of
 1255 Osceola County.

1256 Section 20. Effect of Incorporation or Presence of Another
 1257 Special District. To the maximum extent permitted by law, the
 1258 subsequent incorporation or annexation of any area included
 1259 within the boundaries of the District or service area, or the
 1260 presence or creation of any special district within the
 1261 boundaries of the District or service area, shall not impair or
 1262 alter the authority, power, obligations, or purpose of the
 1263 Authority or its successor in providing water and wastewater
 1264 services and facilities within any portion of the District's
 1265 boundaries or authorized service area now included within
 1266 Osceola County, any municipality, or special district or
 1267 subsequently included within any county, municipality, or
 1268 special district. Nothing herein shall be construed to limit or
 1269 affect the powers of any municipal services benefit unit or
 1270 dependent special district established by any charter county.

1271 Section 21. Enforcement and Penalties. The Board of
 1272 Supervisors or any aggrieved person may have recourse to such
 1273 remedies in law and equity as may be necessary to ensure
 1274 compliance with the provisions of this act, including injunctive
 1275 relief to mandate compliance with or enjoin or restrain any
 1276 person violating the provisions of this act and any bylaws,
 1277 resolutions, regulations, rules, codes, and orders adopted under
 1278 this act, and the court shall, upon proof of such failure of
 1279 compliance or violation, have the duty to issue forthwith such



1280 temporary and permanent injunctions as are necessary to mandate
1281 compliance with or prevent such further violations thereof.

1282 Section 22. Tax Exemption. As the exercise of the powers
1283 conferred by this act to effect the purposes of this act
1284 constitutes the performance of essential public functions, and
1285 as the projects of the Authority will constitute public property
1286 used for public purposes, all assets and properties of the
1287 Authority, all obligations issued hereunder and interest paid
1288 thereon, and all rates, fees, charges, and other revenues
1289 derived by the Authority from the projects provided for by this
1290 act or otherwise shall be exempt from all taxes by the state or
1291 any political subdivision, agency, or instrumentality thereof,
1292 except that this exemption shall not apply to interest earnings
1293 subject to taxation under chapter 220, Florida Statutes.

1294 Section 23. Liberal Construction of Act. This act, being
1295 for the purpose of developing and promoting the public good and
1296 the welfare of Osceola County, the territory included in the
1297 District, and any service area authorized to be served by the
1298 Authority, and the citizens, inhabitants, and taxpayers residing
1299 therein, shall be liberally construed to effect the purposes of
1300 the act and shall be deemed cumulative, supplemental, and
1301 alternative authority for the exercise of the powers provided
1302 herein.

1303 Section 24. Limitation of State Authority. The state does
1304 hereby pledge to and agree with the holders of any obligations
1305 issued under this act, and with those parties who may enter into
1306 contracts with the Authority pursuant to the provisions of this
1307 act, that the state will not limit or alter the rights hereby



1308 vested in the Authority until such obligations are fully met and
1309 discharged and such contracts are fully performed on the part of
1310 the Authority.

1311 Section 25. Sufficiency of Notice. It is found and
1312 determined that the notice of intention to apply for this
1313 legislation was given in the time, form, and manner required by
1314 the Constitution and laws of the state. Said notice is found to
1315 be sufficient and is hereby validated and approved.

1316 Section 26. Severability. The provisions of this act are
1317 severable, and it is the intention to confer the whole or any
1318 part of the powers herein provided for, and if any of the
1319 provisions of this act or any of the powers granted by this act
1320 shall be held unconstitutional by any court of competent
1321 jurisdiction, the decision of such court shall not affect or
1322 impair any of the remaining provisions of this act or any of the
1323 remaining powers granted by this act. It is hereby declared to
1324 be the legislative intent that this act would have been adopted
1325 had such unconstitutional provision or power not been included
1326 therein.

1327 Section 27. This act shall take effect upon becoming a
1328 law.