

Bill No. SB 2904

Amendment No.      Barcode 212924

CHAMBER ACTION

Senate

House

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Senator Carlton moved the following amendment:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause

and insert:

Section 1. In accordance with section 189.429, Florida Statutes, this act constitutes the codification of all special acts relating to the Englewood Water District. It is the intent of the Legislature in enacting this law to provide a single, comprehensive special act charter for the district, including all current legislative authority granted to the district by its several legislative enactments and any additional authority granted by this act.

Section 2. Chapter 96-499, Laws of Florida, relating to Englewood Water District, is codified, reenacted, amended, and repealed as herein provided.

Section 3. The Englewood Water District is re-created and the charter is re-created and reenacted to read:

Section 1. (1) There is hereby created the Englewood Water District for the areas of Charlotte and Sarasota

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1 Counties, described as follows:

2

3 Sections 8, 9, 10, 11, 12, 13, 14, 15, 16, 21,  
4 22, 23, 24, 25, 26, 27, 35, and 36, that part  
5 of sections 4 and 5, lying and being west of  
6 the west boundary of Lemon Bay, township 40  
7 south; range 19 east; and sections 16, 17, 18,  
8 19, 20, 21, 28, 29, 30, 31, 32 and 33, township  
9 40 south, range 20 east, all being in Sarasota  
10 County, State of Florida.

11

12 Sections 1, 2, 12 and 13, Township 41 South,  
13 Range 19 East; Sections 4, 5, 6, 7, 8, 9, 16,  
14 17, and 18, that part of Section 20 lying and  
15 being east of the east boundary of Lemon Bay,  
16 Township 41 South, Range 20 East, all lying and  
17 being in Charlotte County, State of Florida.

18

19 That portion of Section 3, Township 40 South,  
20 Range 19 East lying west of S.R. 776 (Englewood  
21 Road), and those portions of Sections 4 and 5,  
22 Township 40 South, Range 19 East, lying and  
23 being east of the west boundary of Lemon Bay,  
24 all being south of the east-west line  
25 prescribed by Colonial Road, all being in  
26 Sarasota County, Florida.

27

28 (2) The Englewood Water District is hereby declared to  
29 be a body corporate and politic under the corporate name and  
30 style of "Englewood Water District" with power to contract, to  
31 sue and be sued in its corporate name, and with the other

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1 powers and duties hereinafter set forth, as well as all other  
2 powers and exemptions given by general law.

3 Section 2. As used in this act, unless the context  
4 otherwise requires:

5 (1) "District" means the Englewood Water District  
6 created by this act.

7 (2) "Water system" means and includes any plants,  
8 systems, facilities, or property and additions, extensions,  
9 and improvements thereto at any future time constructed or  
10 acquired as a part thereof, useful or necessary, or having the  
11 present capacity for future use in connection with the  
12 development of sources, treatment for purification and  
13 distribution of water for domestic, commercial, or industrial  
14 use and without limiting the generality of the foregoing shall  
15 include dams, reservoirs, storage tanks, mains, lines, valves,  
16 pumping stations, laterals, and pipes for the purpose of  
17 carrying water to the premises connected with such system and  
18 shall include all real and personal property and any interest  
19 therein, rights, easements, and franchises of any nature  
20 whatsoever relating to such system and necessary or convenient  
21 to the operation thereof.

22 (3) "Wastewater system" means and includes any plant,  
23 system, facility, or property and additions, extensions, and  
24 improvements thereto at any future time constructed or  
25 acquired as a part thereof, useful or necessary, or having the  
26 present capacity for future use in connection with the  
27 collections, treatment, purification, or disposal of  
28 wastewater or sewerage of any nature or originating from any  
29 source, including industrial wastes resulting from any  
30 processes of any industry, manufacture, trade, or business or  
31 from the development of any natural resources; and without

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1 limiting the generality of the foregoing definition shall  
2 embrace treatment plants, pumping stations, lift stations,  
3 valves, force mains, intercepting sewers, laterals, pressure  
4 lines, mains, and all necessary appurtenances and equipment,  
5 all wastewater mains and laterals for the reception and  
6 collection of wastewater or sewerage on premises connected  
7 therewith, and shall include all real and personal property  
8 and any interest therein, rights, easements, and franchises of  
9 any nature whatsoever relating to any such system and  
10 necessary or convenient for the operation thereof.

11 (4) "Wastewater reuse system" means and includes any  
12 plant, system, facility, or property and additions,  
13 extensions, and improvements thereto at any future time  
14 constructed or acquired as a part thereof, useful or  
15 necessary, or having the present capacity for future use in  
16 connection with the collection, treatment, purification,  
17 disposal, or distribution of wastewater or stormwater  
18 originating from any source, for the purpose of reuse and  
19 without limiting the generality of the foregoing definition,  
20 shall embrace treatment plants, dams, reservoirs, storage  
21 tanks, pumping stations, lift stations, valves, force mains,  
22 laterals, pressure lines, mains, and all necessary  
23 appurtenances and equipment, and shall include all real and  
24 personal property and any interest therein, rights, easements,  
25 and franchises of any nature whatsoever relating to any such  
26 system and necessary or convenient for the operation thereof.  
27 Water which has received at least secondary treatment and  
28 stormwater may be referred to as reclaimed wastewater and may  
29 be reused for such beneficial purposes, including, but not  
30 limited to, landscape or agricultural irrigation, aesthetic  
31 uses such as ponds or fountains, groundwater recharge,

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1 industrial uses, environmental enhancement, or fire  
2 protection.

3 (5) "System" or "systems" means the water, wastewater,  
4 or wastewater reuse systems authorized by this act either  
5 individually, in any combination, or any part thereof.

6 (6) "Cost" means, as applied to the acquisition and  
7 construction of a water system, wastewater reuse system, or a  
8 wastewater system or extensions, additions, or improvements  
9 thereto, the cost of construction or reconstruction,  
10 acquisition, or purchase, the cost of all labor, materials,  
11 machinery, and equipment, cost of all lands and interest  
12 therein, an office and administration building for the  
13 district, property, rights, easements, and franchises of any  
14 nature whatsoever, financing charges, interest prior to and  
15 during construction and for 1 year after completion of  
16 construction or acquisition of such water system, wastewater  
17 reuse system, or wastewater system or extensions, additions,  
18 or improvements thereto, bond discount, fees and expenses of  
19 financial advisors or fiscal agents, cost of plans and  
20 specifications, surveys and estimates of costs and revenues,  
21 cost of engineering and legal services, and all other expenses  
22 necessary or incidental in determining feasibility or  
23 practicality of such construction, reconstruction, or  
24 acquisition, administrative expenses and such other expenses  
25 as may be necessary or incidental to the construction or  
26 acquisition or improvement of such water system, wastewater  
27 reuse system, or wastewater system authorized by this act and  
28 the financing thereof, and the reimbursement of any expenses  
29 incurred by the district in connection with any of the  
30 foregoing items of cost.

31 (7) "Revenue bonds" means bonds or other obligations

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1 secured by and payable as to principal and interest from the  
 2 revenues derived from rates, fees, and charges collected by  
 3 the district from the users of the facilities of the water  
 4 system, wastewater reuse system, or wastewater system, or any  
 5 combination thereof, and which may or may not be additionally  
 6 secured by a pledge of the proceeds of non-ad valorem  
 7 assessments levied against property benefiting from assessable  
 8 improvements.

9 (8) "Board" means the Board of Supervisors of the  
 10 District.

11 Section 3. The District shall be governed and its  
 12 affairs administered by the Board of Supervisors consisting of  
 13 five members.

14 A.(i) By a majority vote, the Englewood Water District  
 15 Board of Supervisors shall adopt a preliminary resolution  
 16 dividing the district into five separate and distinct sections  
 17 of approximately equal populations, drawn along Charlotte  
 18 County and/or Sarasota County precinct lines, if feasible.  
 19 These divisions shall be known as the "Englewood Water  
 20 District Supervisor Election Districts" which shall be  
 21 numbered 1 through 5.

22 (ii) After the initial adoption by the board of the  
 23 proposed Englewood Water District Supervisor Election  
 24 Districts, the district shall hold a public hearing at which  
 25 all residents of the district or other interested parties  
 26 shall have an opportunity to be heard concerning the proposed  
 27 Englewood Water District Supervisor Election Districts. Notice  
 28 of such public hearing setting forth the five proposed  
 29 Englewood Water District Supervisor Election Districts shall  
 30 be given by one publication in a newspaper published in  
 31 Charlotte County, in a newspaper published in Sarasota County,

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1 and such notice shall also be posted in five public places in  
2 the district, at least 30 days prior to the date of such  
3 hearing, which may be adjourned from time to time.

4 (iii) After such hearing, such preliminary resolution  
5 dividing the district into five separate and distinct  
6 sections, known as the Englewood Water District Supervisor  
7 Election Districts, either as initially adopted or as modified  
8 or amended, shall be finally adopted. A map of the Englewood  
9 Water District Supervisor Election Districts shall be kept on  
10 file in the office of the administrator of the district and  
11 shall be open to public inspection during normal business  
12 hours.

13 (iv) The Englewood Water District Supervisor Election  
14 Districts shall be revised every 10 years in the same manner  
15 as they were originally established. If the boundaries of the  
16 district are modified, the election districts shall be  
17 modified as necessary in the same manner established above in  
18 adequate time for the new election districts to be utilized  
19 during the next general election.

20 1. On the first Tuesday after the first Monday of  
21 November 1994, a person residing in Englewood Water District  
22 Board of Supervisors Election District 5 was elected by the  
23 qualified electors of the Englewood Water District for a  
24 4-year term to create and fill Englewood Water District  
25 Supervisors Election District Seat Five. On the first day of  
26 January following the election, the expiring seats, four and  
27 six were eliminated.

28 2. On the first Tuesday after the first Monday of  
29 November 1995, a person residing in Englewood Water District  
30 Board of Supervisors Election District 4 was elected by the  
31 qualified electors of the Englewood Water District for a term

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1 of 3 years to create and fill Englewood Water District  
2 Supervisors Election District Seat Four. On the first day of  
3 January following the election, the expiring seats, seven,  
4 eight, and nine shall be eliminated.

5 3. On the first Tuesday after the first Monday of  
6 November 1996, a person residing in each of the Englewood  
7 Water District Board of Supervisors Election Districts 3, 2,  
8 and 1 was elected by the qualified electors of the Englewood  
9 Water District for a term of 4 years to create and fill  
10 Englewood Water District Supervisors Election District Seats  
11 three, two, and one respectively.

12 B.(i) On the first Tuesday after the first Monday in  
13 November 2002, and every 4th year thereafter, two supervisors,  
14 one residing in Englewood Water District Board of Supervisors  
15 Election District 5 and one residing in Englewood Water  
16 District Board of Supervisors Election District 4, were  
17 elected by the qualified electors of the Englewood Water  
18 District for a term of 4 years.

19 (ii) On the first Tuesday after the first Monday in  
20 November 2004, and every 4th year thereafter, three  
21 supervisors, one residing in Englewood Water District Board of  
22 Supervisors Election District 3, one residing in Englewood  
23 Water District Board of Supervisors Election District 2, and  
24 one residing in Englewood Water District Board of Supervisors  
25 Election District 1, shall be elected by the qualified  
26 electors of the Englewood Water District for a term of 4  
27 years.

28 (iii) The results of such election shall be declared  
29 by resolution adopted by the Board. Each elected member of  
30 the Board shall assume office 10 days following the member s  
31 election. Each supervisor shall duly file his or her oath of



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1 office and a bond in such amount as the Board shall determine  
2 for the faithful performance of his or her duties prior to  
3 taking office and the cost thereof shall be paid by the  
4 District.

5 C. In the event no person has been elected at the  
6 general election to fill an office which was required to be  
7 filled at such election, the members of the board shall,  
8 within 60 days following the date of the election, by a  
9 majority vote of all members then in office, appoint a person  
10 from the appropriate Englewood Water District Supervisors  
11 Election District, to serve for each office not otherwise  
12 filled by said election, to serve until the next general  
13 election, at which election the qualified electors of the  
14 District shall elect a supervisor to serve the remaining  
15 unexpired term, if any, of such supervisors so appointed.

16 (i) In the event any supervisor shall resign, die, or  
17 be removed from the district, or the office of such supervisor  
18 shall for any reason become vacant, the remaining members of  
19 the board may, by a majority vote of all members then in  
20 office, appoint a successor to such supervisor from the  
21 appropriate Englewood Water District Supervisors Election  
22 District to serve until the next general election, at which  
23 election the qualified electors of the district shall elect a  
24 supervisor to serve for the remaining unexpired term, if any,  
25 of such supervisor whose office became vacant as aforesaid.

26 (ii) A notice of the election shall be given at least  
27 once at least 14 days prior thereto by one publication in a  
28 newspaper published in Charlotte County, in a newspaper  
29 published in Sarasota County, and be posted during the 14-day  
30 period in five public places in the district.

31 D. All elections under this act shall be nonpartisan.

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1           E.(i) Elections for the purpose of electing  
2 Supervisors to the Board shall conform to the Florida Election  
3 Code, chapters 97 through 106, Florida Statutes, as pertains  
4 to independent special districts as set forth in section  
5 189.405, Florida Statutes.

6           (a) The results of the election shall be jointly  
7 canvassed by the county canvassing boards of the Counties of  
8 Charlotte and Sarasota and the results of such joint canvass  
9 shall be reported in accordance with general law.

10           (b) Supervisors shall be qualified electors with legal  
11 residence in the appropriate Englewood Water District Board of  
12 Supervisors Election District, who are freeholders. The office  
13 of any supervisor who ceases to be a qualified elector with  
14 legal residence in the appropriate election district and a  
15 freeholder in the district during his or her term of office  
16 shall become vacant.

17           (ii)(a) The Board shall be vested with all  
18 administrative power and authority of the District and shall  
19 have and exercise all powers conferred upon such District by  
20 the terms of this act. Said Board members may receive  
21 compensation for their services to be determined by at least a  
22 majority plus one vote of the Board. The board shall publish  
23 notice of its intent to consider a modification of board  
24 member compensation in the same manner as provided in  
25 paragraph 1(e) of this section. Said salary may not exceed  
26 \$2,500 each, annually, except that the chair may receive  
27 \$3,000 annually. Such payments shall be payable in such  
28 installments during each year of a member s term as the Board  
29 shall from time to time determine. Said Board members shall  
30 also be reimbursed for moneys expended in the performance of  
31 their official duties consistent with the provisions of

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1 section. 112.061, Florida Statutes.

2 (b) The organization and conduct of the Board s  
3 affairs shall be as follows:

4 1. The chair and vice chair shall be elected at an  
5 annual meeting to be held in January of each year, and shall  
6 serve in said capacities until the next annual meeting and  
7 said officers may be removed at any time during their tenure,  
8 with or without cause, by a majority vote of all members of  
9 said Board. Upon the expiration of the terms of office of any  
10 of said officers for any reason whatsoever, the Board shall  
11 elect new officers to fill the positions thus vacated.

12 2. The Board shall hold such meetings as the business  
13 affairs of the district may require, and all such meetings  
14 shall be noticed and open to the public as provided by law.  
15 Such meetings shall be held within the territorial limits of  
16 the District or may be held outside the District in  
17 conjunction with other boards, commissions, agencies, bodies,  
18 or persons for the purpose of holding discussions or for the  
19 exchange of information. However, no formal action may be  
20 taken by the passage of any resolution, rule, or order at  
21 meetings held outside the District other than that action  
22 which is required for the ordinary conduct of such meetings.

23 3. A majority of the Board shall constitute a quorum  
24 at any meeting thereof and all actions of the Board shall be  
25 upon an affirmative vote of the majority of Board members  
26 present at any such meeting; provided that no action of the  
27 Board may pass with less than three affirmative votes.  
28 However, any resolution authorizing the issuance of bonds or  
29 other obligations, or the levy on non-ad valorem assessments  
30 or the fixing of rates and charges for the services and  
31 facilities of the systems of the District shall not be adopted

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1 except upon the affirmative vote of a majority of all the  
2 members of the Board then in office. Actions of the Board  
3 shall be evidenced by resolutions voted upon and adopted by  
4 the Board, which may be finally adopted at the same meeting at  
5 which they are introduced and need not be published or posted,  
6 except resolutions authorizing the issuance of bonds or other  
7 obligations shall be advertised in accordance with the  
8 provisions of Section 3(1)(c)2 and a public hearing shall be  
9 held prior to the adoption of such resolutions. Resolutions  
10 providing solely for the refunding of any already existing  
11 bonds or other obligations need not be so advertised.

12 4. Written minutes of each Board meeting shall be kept  
13 and there shall be recorded therein a report of all that  
14 transpired at any such meeting. The minutes shall be signed by  
15 the vice chair of the Board and kept permanently in books  
16 provided for that purpose.

17 5. The Board shall cause to be kept complete and  
18 accurate books of accounting in standard bookkeeping and  
19 accounting procedures. Annually the Board shall make a true  
20 and complete accounting of all moneys received and expended by  
21 said Board and said accounting shall list the assets and  
22 liabilities of the District. Said accounting shall be based  
23 upon an audit prepared by a certified public accountant, and  
24 shall be in writing with sufficient copies thereof made to  
25 furnish to any inhabitants of the district requesting same.

26 6. All contracts of the District shall be signed by  
27 the chair of the Board of Supervisors, and the seal of the  
28 board shall be affixed thereto, attested by the secretary to  
29 the Board who shall be official custodian of such seal. The  
30 Board, by resolution, may delegate authority to sign contracts  
31 to the administrator of the District. Any bonds issued by the

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1 District under the provisions of this act shall be signed in  
2 the same manner as a contract. However, only one manual  
3 signature shall be required on any bonds and the seal of the  
4 District may be imprinted or reproduced thereon.

5       7. Every Board member and every officer of the  
6 district shall be indemnified by the District against all  
7 expenses and liabilities, including counsel fees, reasonably  
8 incurred by or imposed upon the member or officer in  
9 connection with any proceeding or any settlement of any  
10 proceeding to which he or she may be a party or in which he or  
11 she may become involved by reason of his or her being or  
12 having been a Board member or officer of the District, whether  
13 or not he or she is a Board member or officer at the time such  
14 expenses are incurred. In the event of a settlement, the  
15 indemnification shall apply only when the Board approves such  
16 settlement and reimbursement as being for the best interests  
17 of the District. The right of indemnification authorized by  
18 this paragraph shall be in addition to and not exclusive of  
19 all other rights to which a Board member or officer may be  
20 entitled. This paragraph shall not apply to a Board member or  
21 officer who is adjudged guilty of willful misfeasance or  
22 malfeasance in the performance of his or her duties.

23       8. The Board may, by the vote of a majority of all  
24 members, elect a member to serve as chair or vice chair on an  
25 interim basis during the absence of such officer. The interim  
26 officer shall have all of the powers, duties, and authority of  
27 such officer during his or her absence.

28       Section 4. The district, by and through the Board, is  
29 hereby authorized and empowered:

30       (1) To make rules and regulations for its own  
31 governance and proceedings and to adopt an official seal for

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1 the District.

2       (2) To employ such consulting and other engineers,  
3 technicians, construction and accounting experts, financial  
4 advisors or fiscal agents, attorneys, and such other agents  
5 and employees as the board may require or deem necessary to  
6 effectuate the purposes of this act and to take such steps as  
7 are necessary to be taken to provide coverage by the old age  
8 and survivors insurance system embodied in the Federal Social  
9 Security Act to employees of the Englewood Water District on  
10 as broad a basis as permitted under the Federal Social  
11 Security Act and the laws of Florida and may provide a pension  
12 or retirement plan for its employees. Board members are not  
13 eligible for pension or retirement benefits. Notwithstanding  
14 the prohibition against extra compensation set forth in  
15 section 215.425, Florida Statutes, the board may provide for  
16 an extra compensation program, including a lump-sum bonus  
17 payment program, to reward outstanding employees whose  
18 performance exceeds standards, if the program provides that a  
19 bonus payment may not be included in an employee s regular  
20 base rate of pay and may not be carried forward in subsequent  
21 years.

22       (3) To construct, install, erect, acquire and operate,  
23 maintain, improve, extend, or enlarge and reconstruct a water  
24 system, wastewater system, or a wastewater reuse system or any  
25 combination thereof within or without said district for the  
26 furnishing of water service, wastewater service, or wastewater  
27 reuse service or any combination of such services to the  
28 inhabitants of the district, and to have the exclusive control  
29 and jurisdiction thereof; to issue its revenue bonds,  
30 assessment bonds, or other obligations, or any combination  
31 thereof to pay all or part of the cost of such construction,

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1 reconstruction, erection, acquisition, or installation of such  
2 systems. The purchase or sale of a water, wastewater, or  
3 wastewater reuse system shall be accomplished in accordance  
4 with section 189.423, Florida Statutes.

5       (4) To regulate the disposal of wastewater, reuse of  
6 wastewater, and the supply of water within the District and to  
7 prohibit the use and maintenance of outhouses, privies, septic  
8 tanks, or other unsanitary structures or appliances, in  
9 accordance with the general laws of the state.

10       (5) To fix and collect rates, fees, capital  
11 contributions, and other charges for the use of the facilities  
12 and services provided by any system, and to fix and collect  
13 charges for making connections and reconnections with any such  
14 system, and to provide for reasonable charges and penalties to  
15 any users of property for any such rates, fees, or charges  
16 that are delinquent.

17       (6) To acquire in the name of the district by  
18 purchase, gift, or the exercise of eminent domain pursuant to  
19 chapter 73 or chapter 74, Florida Statutes, such lands and  
20 rights and interest therein, both within and without the  
21 district, including land under water and riparian rights and  
22 to acquire such personal property as may be deemed necessary  
23 in connection with the construction, reconstruction,  
24 improvement, extensions, installation, erection, or operation  
25 and maintenance of any system, and to hold and dispose of all  
26 real and personal property under its control.

27       (7) To receive grants, either separately or in  
28 conjunction with any municipality, governmental agency, or  
29 governmental entity, either in the nature of public works or  
30 public improvement grants or loans from any governmental  
31 agency, department, bureau, or individual for the purpose of

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1 installing, constructing, erecting, acquiring, operating, or  
2 maintaining a system or other things necessary or incidental  
3 thereto.

4 (8) To exercise exclusive jurisdiction, control, and  
5 supervision over any system owned, operated, and maintained by  
6 the District and to make and enforce such rules and  
7 regulations for the maintenance and operation of any system as  
8 may be, in the judgment of the Board, necessary or desirable  
9 for the efficient operation of any such systems or  
10 improvements in accomplishing the purposes of this act.

11 (9) To restrain, enjoin, or otherwise prevent the  
12 violation of this act or of any resolution, rule, or  
13 regulation adopted pursuant to the powers granted by this act.

14 (10) To join with any other district or districts,  
15 cities, towns, counties, or other political subdivisions,  
16 public agencies or authorities in the exercise of common  
17 powers consistent with section 163.01, Florida Statutes.

18 (11) To contract with municipalities or other private  
19 or public corporations or persons to provide or receive a  
20 water supply or for wastewater disposal, collection, or  
21 treatment or for wastewater reuse.

22 (12) To prescribe methods of pretreatment of  
23 industrial wastes not amenable to treatment with domestic  
24 wastewater before accepting those wastes for treatment and to  
25 refuse to accept such industrial wastes when not sufficiently  
26 pre-treated as may be prescribed, and by proper resolution to  
27 prescribe penalties for the refusal of any person or  
28 corporation to so pre-treat such industrial wastes.

29 (13) To require and enforce the use of its facilities  
30 whenever and wherever they are accessible in accordance with  
31 applicable general law and applicable local government



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1 comprehensive plans.

2       (14) To sell or otherwise dispose of the effluent,  
3 sludge, reclaimed wastewater, or other byproducts as a result  
4 of wastewater treatment and reclamation.

5       (15) To accomplish construction by holding hearings,  
6 advertising for construction bids, and letting contracts for  
7 all or any part or parts of the construction of any system in  
8 accordance with the provisions of section 15.

9       (16) To cause surveys, plans, specifications, and  
10 estimates to be made from time to time for any system.

11       (17) To enter on any lands, water, or premises, public  
12 or private, located within or without the District or the  
13 Counties of Charlotte or Sarasota to make surveys, borings,  
14 soundings, or examinations for the purposes of this act.

15       (18) To construct and operate connecting,  
16 intercepting, or outlet wastewater or reclaimed wastewater  
17 mains and pipes and water mains, conduits or pipe lines in,  
18 along, or under any street, alleys, highways, or other public  
19 places or ways within the state or any municipality or  
20 political subdivision.

21       (19) Subject to such provisions and restrictions as  
22 may be set forth in the resolution authorizing or securing any  
23 bonds or other obligations issued under the provisions of this  
24 act, to enter into contracts with the government of the United  
25 States or any agency or instrumentality thereof, or with any  
26 other county, municipality, district, authority, or political  
27 subdivision, private corporation, partnership, association, or  
28 individual providing for or relating to the treatment,  
29 collection, and disposal of wastewater or the treatment,  
30 supply, and distribution of water or reclaimed wastewater and  
31 any other matters relevant thereto or otherwise necessary to

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1 effect the purposes of this act and to receive and accept from  
2 any federal agency, grants for or in aid of the planning,  
3 construction, reconstruction or financing of any system and to  
4 receive and accept aid or contributions from any other source  
5 of either money, property, labor or other things of value to  
6 be held, used, and applied only for the purpose for which such  
7 grants and contributions may be made.

8       (20) To acquire, purchase, or buy real estate within  
9 or without the District to be used in the development,  
10 installation, construction, improvement, maintenance,  
11 operation, or servicing of any system of the District, by  
12 installment contract, agreement for deed, or by note and  
13 mortgage; provided that said contract, agreement for deed, or  
14 mortgage does not constitute a lien or encumbrance upon any  
15 real property other than that being purchased thereby.

16       (21) To sell or otherwise dispose of effluent, sludge,  
17 or other byproducts produced by any system.

18       (22) To require the owner, tenant, or occupant of each  
19 lot or parcel of land within the District who is obligated to  
20 pay the rates, fees, or charges for the services furnished by  
21 any facility owned or operated by the District under the  
22 provisions of this act make a reasonable deposit with the  
23 district in advance to ensure the payment of such rates, fees,  
24 or charges. If such rates, fees, or charges become delinquent,  
25 the district may apply the deposit to the payment or partial  
26 payment thereof, including accrued interest, shutoff charges,  
27 and penalties, if any.

28       (23) To invest and reinvest the surplus public funds  
29 of the district consistent with the requirements of applicable  
30 state or federal laws.

31       Section 5. (1) The Board for and on behalf of the

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1 District is authorized to provide from time to time for the  
2 issuance of revenue bonds to finance or refinance all or part  
3 of the costs of additions, extensions, and improvements to, or  
4 the acquisition of, any system. The principal of and interest  
5 on any such revenue bonds shall be payable from the rates,  
6 fees, charges, or other revenues derived from the operation of  
7 any such system or systems in the manner provided in this act  
8 and the resolution authorizing such bonds and pledging such  
9 revenues. The proceeds of non-ad valorem assessments levied as  
10 provided in this act may be pledged as additional security for  
11 said revenue bonds. It is the express intent of this act that  
12 the District shall be authorized to finance the purposes  
13 provided in this act by the issuance of revenue bonds or  
14 special assessment bonds separately for all or any part of the  
15 cost thereof, or to issue revenue bonds additionally secured  
16 by the non-ad valorem assessments for all or any part of such  
17 cost, so that the District shall have complete flexibility as  
18 to the types of bonds to be issued and the security for the  
19 holders of such bonds. The revenue bonds of the District shall  
20 be issued in such denominations, mature on such dates and in  
21 such amounts, and may be subject to optional and mandatory  
22 redemption, all as shall be determined by resolutions adopted  
23 by the Board on behalf of the District. Bonds of said District  
24 may bear interest at a fixed or floating or adjustable rate  
25 and may be issued as interest-bearing, interest-accruing bonds  
26 or zero coupon bonds at such rate or rates not exceeding the  
27 maximum rate permitted by general law, all as shall be  
28 determined by resolutions of the Board on behalf of the  
29 District. Principal and interest shall be payable in the  
30 manner determined by the Board. The bonds shall be signed by  
31 the chair or vice chair of the Board, attested with the seal

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1 of said District and by the signature of the chair of the  
2 Board of Supervisors. In case any officer whose signature or a  
3 facsimile of whose signature shall appear on the bonds shall  
4 cease to be such officer before the delivery of such bonds,  
5 such signature or facsimile shall nevertheless be valid and  
6 sufficient for all intents and purposes the same as if he or  
7 she had remained in office until such delivery. The Board may  
8 sell such bonds in such manner not inconsistent with general  
9 law, either at public or private sale, and for such price, as  
10 it may determine to be for the best interests of the District.

11 (2) The proceeds of the sale of any such bonds shall  
12 be used to finance or refinance all or part of the costs of  
13 the construction or acquisition of additions, extensions, and  
14 improvements of any water system, wastewater reuse system, or  
15 wastewater system or any combination thereof, to fund reserves  
16 and renewal and replacement funds and to pay the costs of  
17 issuing such bonds. The funds derived from the sale of the  
18 bonds shall be disbursed in such manner and under such  
19 restrictions as the board may provide in the authorizing  
20 resolution. Revenue bonds may be issued under the provisions  
21 of this act without any other proceeding or happening of any  
22 other condition or thing than those proceedings, conditions,  
23 or things which are specifically required by this act and by  
24 general law.

25 (3) A resolution providing for the issuance of revenue  
26 bonds may also contain such limitations upon the issuance of  
27 additional revenue bonds secured on a parity with the bonds  
28 theretofore issued, as the board may deem proper, and such  
29 additional bonds shall be issued under such restrictions and  
30 limitations as may be prescribed by such authorizing  
31 resolution.

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1           (4) Revenue bonds may be issued under the provisions  
2 of this act without regard to any limitations or indebtedness  
3 prescribed by law.

4           (5) Revenue bonds issued under the provisions of this  
5 act shall not constitute a general obligation debt of the  
6 District within the meaning of any constitutional or statutory  
7 debt limitation, but such bonds shall be payable solely from  
8 the revenues and/or non-ad valorem assessments, if any,  
9 pledged therefor, and that the full faith and credit of the  
10 district is not pledged to the payment of the principal or  
11 interest on such bonds.

12           (6) In connection with the sale and issuance of bonds,  
13 the district may enter into any contracts which the Board  
14 determines to be necessary or appropriate to achieve a  
15 desirable effective interest rate in connection with the bonds  
16 by means of, but not limited to, contracts commonly known as  
17 investment contracts, funding agreements, interest rate swap  
18 agreements, currency swap agreements, forward payment  
19 conversion agreements, futures, or contracts providing for  
20 payments based on levels of or changes in interest rates, or  
21 contracts to exchange cash flows or a series of payments, or  
22 contracts, including, without limitation, options, puts, or  
23 calls to hedge payment, rate, spread, or similar exposure.  
24 Such contracts or arrangements may also be entered into by the  
25 District in connection with, or incidental to, entering into  
26 any agreement which secures bonds or provides liquidity  
27 therefor. Such contracts and arrangements shall be made upon  
28 the terms and conditions established by the Board, after  
29 giving due consideration for the credit worthiness of the  
30 counter parties, where applicable, including any rating by a  
31 nationally recognized rating service or any other criteria as

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1 may be appropriate.

2       (7) In connection with the sale and issuance of the  
3 bonds, or entering into any of the contracts or arrangements  
4 referred to in the paragraph above, the district may enter  
5 into such credit enhancement or liquidity agreements, with  
6 such payment, interest rate, security, default, remedy, and  
7 any other terms and conditions as the board shall determine.

8       (8) Notwithstanding any provisions of state law  
9 relating to the investment or reinvestment of surplus funds of  
10 any governmental unit, proceeds of the bonds and any money set  
11 aside or pledged to secure payment of the principal of,  
12 premium, if any, and interest on the bonds, or any of the  
13 contracts entered into pursuant to this section, may be  
14 invested in securities or obligations described in the  
15 resolution providing for the issuance of bonds.

16       Section 6. (1) The Board shall, by resolution prior  
17 to the issuance of any revenue bonds, fix the initial schedule  
18 of rates, fees, or other charges for the use of and the  
19 services and facilities to be furnished by any such water  
20 system, wastewater reuse system, or wastewater system, or any  
21 combination thereof, to be paid by the owner, tenant, or  
22 occupant of each lot or parcel of land which may be connected  
23 with or used by any such system or systems, of the district.  
24 After the system or systems have been in operation the  
25 District board may revise the schedule of rates, fees, and  
26 charges from time to time. However, such rates, fees, and  
27 charges shall be so fixed and revised so as to provide sums  
28 which, with other funds for such purposes, shall be sufficient  
29 at all times to pay:

30       A. The principal of and interest on revenue bonds as  
31 the same shall become due and reserves therefor.

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1           B. The expenses of maintaining and repairing such  
2 systems, including reserves for such purposes and for capital  
3 replacements, depreciation, and necessary extensions or  
4 improvements and administrative expenses.

5           C. Any other payments required by the resolution  
6 authorizing the issuance of such revenue bonds.

7           (2) Such rates, fees, and charges shall be just and  
8 equitable and uniform for users of the same class and, where  
9 appropriate, may be based or computed either upon the quantity  
10 of water or wastewater consumed or produced, the number and  
11 size of wastewater connections, or the number and kind of  
12 plumbing fixtures in use in the premises or upon the number or  
13 average number of persons residing or working in or otherwise  
14 using the facilities of such system or upon any other factor  
15 affecting the use of the facilities or services furnished or  
16 upon any combination of the foregoing factors as may be  
17 determined by the Board on any other equitable basis. All  
18 rates, fees, and charges established pursuant to this act  
19 shall be set in accordance with the total cost of service  
20 which is required to provide service to the customers. The  
21 water system, wastewater reuse system, and wastewater system  
22 shall be accounted for as separate and as distinct systems.  
23 However, the District shall set rates consistent with the  
24 guidelines adopted by the American Water Works Association,  
25 for government-owned utilities. The district may, by  
26 resolution, consolidate any one or more systems provided such  
27 consolidation shall not impair the rights of any existing  
28 bondholders of the district.

29           (3) No rates, fees, or charges shall be fixed under  
30 the foregoing provisions of this section until a public  
31 hearing at which all the users of the proposed system, or

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1 owners, tenants, or occupants served or to be served thereby  
2 and all others interested shall have an opportunity to be  
3 heard concerning the proposed rates, fees, and charges. After  
4 the initial adoption by the Board of the resolution setting  
5 forth the preliminary schedule or schedules fixing and  
6 classifying such rates, fees, and charges, notice of such  
7 public hearing setting forth the proposed schedule or  
8 schedules of rates, fees, and charges shall be given by one  
9 publication in a newspaper published in Charlotte County and  
10 in a newspaper published in Sarasota County and such notice  
11 shall also be posted in five public places in the district, at  
12 least 10 days prior to the date of such hearing, which may be  
13 adjourned from time to time. After such hearing such  
14 preliminary schedule or schedules, either as initially  
15 adopted, or as modified or amended, may be finally adopted. A  
16 copy of the schedule or schedules of such rates, fees, or  
17 charges finally fixed in such resolution shall be kept on file  
18 in the office of the District and shall be open at all times  
19 to public inspection. The rates, fees, or charges so fixed for  
20 any class of users or property served shall be extended to  
21 cover any additional properties thereafter served which shall  
22 fall in the same class, without the necessity of any hearing  
23 or notice. Any change or revision of such rates, fees, or  
24 charges may be made in the same manner as such rates, fees, or  
25 charges were originally established as provided herein;  
26 provided that if such changes or revisions be made  
27 substantially pro rata as to all classes of service no hearing  
28 or notice shall be required.

29 Section 7. In addition to the other provisions and  
30 requirements of this act any resolution authorizing the  
31 issuance of bonds may contain any other provisions deemed



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1 necessary or in the best interest of the District and the  
2 Board is authorized to provide and may covenant and agree with  
3 the several holders of such bonds to include, but without  
4 limitation as to any other provisions, any of the following:

5       (1) As to a reasonable deposit with the District in  
6 advance, to ensure the payment of rates, fees, or charges for  
7 the facilities of the system or systems.

8       (2) May, in keeping with its rules and regulations,  
9 disconnect any premises from the water system, wastewater  
10 reuse system, or wastewater system if any such rates, fees, or  
11 charges are delinquent for a period of 30 days or more.

12       (3) The assumption of payment or discharge of any  
13 indebtedness, lien, or other claim relating to any part of any  
14 such system or any combination thereof, or any other  
15 obligations having or which may have a lien on any part of any  
16 such system or systems.

17       (4) Limitations on the powers of the District to  
18 construct, acquire, or operate, or permit the construction,  
19 acquisition or operation of any plants, structures,  
20 facilities, or properties which may compete or tend to compete  
21 with any other system of the District.

22       (5) The manner and method of paying service charges  
23 and fees and the levying of penalties for delinquent payments.

24       (6) The manner and order of priority of the  
25 disposition of revenues or redemption of any bonds.

26       (7) Terms and conditions for modification or amendment  
27 of any provisions or covenants in any such bond resolution  
28 authorizing the issuance of such bonds.

29       (8) Provisions and limitations on the appointment of a  
30 trustee, paying agent, registrar, or escrow agent for  
31 bondholders.

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1       (9) Provisions as to the appointment of a receiver of  
2 any system on default of principal or interest on any such  
3 bonds or the breach of any covenant or condition of such  
4 authorizing resolution or the provisions and requirements of  
5 this act.

6       (10) Provisions as to the execution and entering into  
7 of trust agreements, if deemed necessary by the board,  
8 regarding the disposition of revenues or bond proceeds for the  
9 payment of the cost of the acquisition and construction of the  
10 system or any part thereof, or for any other purposes  
11 necessary to secure any such revenue bonds.

12       (11) Provisions as to the maintenance of any such  
13 system or systems and reasonable insurance thereof.

14       (12) Any other matters necessary to secure such bonds  
15 and the payment of the principal and interest thereof. All  
16 such provisions of the bond resolution and all such covenants  
17 and agreements in addition to the other provisions and  
18 requirements of this act shall constitute valid and legally  
19 binding contracts between the District and several holders of  
20 any such bonds regardless of the time of issuance of such  
21 bonds, and shall be enforceable by any such holder or holders  
22 by mandamus or other appropriate action, suit, or proceeding  
23 in law or in equity in any court of competent jurisdiction.

24       Section 8. (1) When the fees, rates, or charges for  
25 the services and facilities of any system are not paid when  
26 due and are in default for 10 days or more, following written  
27 notice to such delinquent customer, the District may  
28 discontinue and shut off the supply of the services and  
29 facilities of such systems, to the person, firm, corporation,  
30 or other body, public or private, so supplied with such  
31 services or facilities, until such fees, rates, or charges,

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1 including interest, penalties, and charges for the shutting  
2 off and discontinuance or the restoration of such services or  
3 facilities are fully paid. Such delinquent fees, rates, or  
4 charges, together with interest, penalties, and charges for  
5 the shutting off and discontinuance or the restoration of such  
6 services or facilities, and reasonable attorney s fees, costs  
7 and other expenses, may be recovered by the board in a court  
8 of competent jurisdiction.

9       (2) In the event that the fees, rates, or charges for  
10 the services and the facilities of any system shall not be  
11 paid as and when due, the unpaid balance thereof and all  
12 interest accruing thereon shall, to the extent permitted by  
13 law, be a lien on any parcel or property affected thereby.  
14 Such liens shall be superior and paramount to the interest on  
15 such parcel or property of any owner, lessee, tenant,  
16 mortgagee, or other person except the lien of county or  
17 district taxes and shall be on a parity with the lien of any  
18 such county or district taxes. In the event that any such  
19 service charge shall not be paid as and when due and shall be  
20 in default for 30 days or more the unpaid balance thereof and  
21 all interest accrued or penalties thereon, together with  
22 attorney s fees and costs, may be recovered by the District in  
23 a civil action, and any such lien and accrued interest and  
24 penalties may be foreclosed or otherwise enforced by the  
25 District by action or suit in equity as for the foreclosure of  
26 a mortgage on real property in the manner provided by general  
27 law.

28       Section 9. (1) The District may provide for the levy  
29 of non-ad valorem assessments under this act on the lands and  
30 real estate benefited by the construction of any system, or  
31 extensions or improvements thereof, or any part thereof.

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1 Non-ad valorem assessments may be levied only on benefited  
2 real property at a rate of assessment based on the special  
3 benefit accruing to such property from such improvements. The  
4 District may use any assessment apportionment methodology that  
5 meets the "fair apportionment" standards.

6       (2) The Board may determine to make any improvements  
7 authorized by this act and defray the whole or any part of the  
8 expense thereof by non-ad valorem assessments. The Board shall  
9 so declare by resolution stating the nature of the proposed  
10 improvement, designating the location of wastewater  
11 facilities, the location of water mains, water laterals, and  
12 other water distribution facilities, or the location of the  
13 wastewater reuse facilities, and the part or portion of the  
14 expense thereof to be paid by non-ad valorem assessments, the  
15 manner in which said assessments shall be made, when said  
16 assessments are to be paid, and what part, if any, shall be  
17 apportioned to be paid from the general funds of the District.  
18 Said resolution shall also designate the lands upon which the  
19 non-ad valorem assessments shall be levied, and in describing  
20 said lands it shall be sufficient to describe them as "all  
21 lots and lands adjoining and contiguous or bounding and  
22 abutting upon such improvements or specially benefited thereby  
23 and further designated by the assessment plat hereinafter  
24 provided for." Such resolution shall also state the total  
25 estimated cost of the improvement. Such estimated cost may  
26 include the cost of construction or reconstruction, the cost  
27 of all labor and materials, the cost of all lands, property,  
28 rights, easements, and franchises acquired, financing charges,  
29 interest prior to and during construction and for 1 year after  
30 completion of construction, discount on the sale of assessment  
31 bonds, cost of plans and specifications, surveys of estimates

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1 of costs and of revenues, cost of engineering and legal  
2 services, and all other expenses necessary or incident to  
3 determining the feasibility or practicability of such  
4 construction or reconstruction, administrative expense, and  
5 such other expense may be necessary or incident to the  
6 financing herein authorized.

7       (3) At the time of the adoption of the resolution  
8 provided for in subsection (2), there shall be on file at the  
9 District s offices, an assessment plat showing the area to be  
10 assessed, with plans and specifications, and an estimate of  
11 the cost of the proposed improvement, which assessment plat,  
12 plans, and specifications and estimate shall be open to the  
13 inspection of the public.

14       (4) Upon adoption of the resolution provided for in  
15 subsection (2), or completion of the preliminary assessment  
16 roll provided for in subsection (5), whichever is later, the  
17 vice chair of the Board shall publish notice of the resolution  
18 once in a newspaper published in the Counties of Charlotte and  
19 Sarasota. The notice shall state in brief and general terms a  
20 description of the proposed improvements with the location  
21 thereof, and that the plans, specifications, and estimates are  
22 available to the public at the district s offices. The notice  
23 shall also state the date and time of the hearing to hear  
24 objections provided for in subsection (7), which hearing shall  
25 be no earlier than 15 days after publication of said notice.  
26 Such publication shall be verified by the affidavit of the  
27 publisher and filed with the secretary to the Board.

28       (5) Upon the adoption of the resolution provided for  
29 in subsection (2), the Board shall cause to be made a  
30 preliminary assessment roll in accordance with the method of  
31 assessment provided for in said resolution, said assessment

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1 roll shall show the lots and lands assessed and the amount of  
2 the benefit to and the assessment against each lot or parcel  
3 of land, and, if said assessment is to be paid in  
4 installments, the number of annual installments in which the  
5 assessment is divided shall also be entered and shown upon  
6 said assessment roll.

7       (6) Upon the completion of said preliminary assessment  
8 roll, the Board shall by resolution fix a time and place at  
9 which the owners of the property to be assessed or any other  
10 persons interested therein may appear before said Board and be  
11 heard as to the propriety and advisability of making such  
12 improvements, as to the cost thereof, as to the manner of  
13 payment therefor, and as to the amount thereof to be assessed  
14 against each property so improved. Ten days notice in writing  
15 of such time and place shall be given to such property owners.  
16 The notice shall include the amount of the assessment and  
17 shall be served by mailing a copy by first class mail to each  
18 of such property owners at his or her last known address, the  
19 names and addresses of such property owners to be obtained  
20 from the records of the property appraiser, proof of such  
21 mailing to be made by the affidavit of the secretary to the  
22 Board, or by the engineer.

23       (7) At the time and place named in the notice provided  
24 for in subsection (4), the Board shall meet and hear testimony  
25 from affected property owners as to the propriety and  
26 advisability of making the improvements and funding them with  
27 non-ad valorem assessments on property. Following the  
28 testimony, the Board shall make a final decision on whether to  
29 levy the non-ad valorem assessments, adjusting assessments as  
30 may be warranted by information received at or prior to the  
31 hearing. If any property which may be chargeable under this

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1 section shall have been omitted from the preliminary roll or  
2 if the prima facie assessment shall not have been made against  
3 it, the Board may place on such roll an apportionment to such  
4 property. The owners of any property so added to the  
5 assessment roll shall be mailed a copy of the notice provided  
6 for in subsection (6), by first class mail and granted 15 days  
7 from such date of mailing to file any objections with the  
8 Board. When so approved by resolution of the Board, a final  
9 assessment roll shall be filed with the vice chair of the  
10 Board, and such assessments shall stand confirmed and remain  
11 legal, valid, and binding first liens upon the property  
12 against which such assessments are made until paid. The  
13 assessment so made shall be final and conclusive as to each  
14 lot or parcel assessed unless proper steps be taken within 30  
15 days of the filing of the final assessment roll in a court of  
16 competent jurisdiction to secure relief. If the assessment  
17 against any property shall be sustained or reduced or abated  
18 by the court, the vice chair shall note that fact on the  
19 assessment roll opposite the description of the property  
20 affected thereby and notify the county property appraiser and  
21 the tax collector in writing. The amount of the non-ad valorem  
22 assessment against any lot or parcel which may be abated by  
23 the court, unless the assessment upon the entire District be  
24 abated, or the amount by which such assessment is so reduced,  
25 may by resolution of the Board be made chargeable against the  
26 District at large, or, at the discretion of the Board, a new  
27 assessment roll may be prepared and confirmed in the manner  
28 hereinabove provided for the preparation and confirmation of  
29 the original assessment roll. The Board may by resolution  
30 grant a discount equal to all or a part of the payee s  
31 proportionate share of the cost of the project consisting of

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1 bond financing costs, such as capitalized interest, funded  
2 reserves, and bond discount included in the estimated cost of  
3 the project, upon payment in full of any assessment during  
4 such period prior to the time such financing costs are  
5 incurred as may be specified by the board.

6       (8) The non-ad valorem assessments shall be payable at  
7 the time and in the manner stipulated in the resolution  
8 providing for the improvement; shall remain liens, coequal  
9 with the lien of all state, county, district, and municipal  
10 taxes, superior in dignity to all other liens, titles, and  
11 claims, until paid; shall bear interest, at a rate not to  
12 exceed the percentage authorized by section 170.09, Florida  
13 Statutes, for municipal special assessments or, if bonds are  
14 issued pursuant to this chapter, at a rate not to exceed 1  
15 percent above the rate of interest at which the bonds  
16 authorized pursuant to this act and used for the improvement  
17 are sold, from the date of the acceptance of the improvement;  
18 and may, by the resolution aforesaid and only for capital  
19 outlay projects, be made payable in equal installments over a  
20 period not to exceed 20 years, to which, if not paid when due,  
21 there shall be added a penalty at the rate of 1 percent per  
22 month, until paid. However, the assessments may be paid  
23 without interest at any time within 30 days after the  
24 improvement is completed and a resolution accepting the same  
25 has been adopted by the Board.

26       (9) The non-ad valorem assessments approved by the  
27 Board may be levied, assessed, and collected pursuant to  
28 section 197.3632, Florida Statutes. The collection and  
29 enforcement of the non-ad valorem assessment levied by the  
30 district shall be at the same time and in like manner as  
31 county taxes.



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1           (10) All assessments shall constitute a lien upon the  
2 property so assessed from the date of confirmation of the  
3 resolution ordering the improvement of the same nature and to  
4 the same extent as the lien for general county, municipal, or  
5 district taxes falling due in the same year or years in which  
6 such assessments or installments thereof fall due, and any  
7 assessment or installment not paid when due shall be collected  
8 with such interest and with a reasonable attorney s fee and  
9 costs, but without penalties, by the District by proceedings  
10 in a court of equity to foreclose the lien of assessment as a  
11 lien for mortgages is or may be foreclosed under the laws of  
12 the state; provided that any such proceedings to foreclose  
13 shall embrace all installments of principal remaining unpaid  
14 with accrued interest thereon, which installments shall, by  
15 virtue of the institution of such proceedings immediately  
16 become due and payable. Nevertheless, if, prior to any sale of  
17 the property under decree of foreclosure in such proceedings,  
18 payment be made of the installment or installments which are  
19 shown to be due under the provisions of the resolution passed  
20 pursuant to this section, and all costs including attorney s  
21 fees, such payment shall have the effect of restoring the  
22 remaining installments to their original maturities and the  
23 proceedings shall be dismissed. It shall be the duty of the  
24 District to enforce the prompt collection of assessments by  
25 the means herein provided, and such duty may be enforced at  
26 the suit of any holder of bonds issued under this act in a  
27 court of competent jurisdiction by mandamus or other  
28 appropriate proceedings or action. Not later than 30 days  
29 after the annual installments are due and payable, it shall be  
30 the duty of the board to direct the attorney or attorneys whom  
31 the board shall then designate, to institute actions within 3

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1 months after such direction to enforce the collection of all  
2 non-ad valorem assessments for improvements made under this  
3 section and remaining due and unpaid at the time of such  
4 direction. Such action shall be prosecuted in the manner and  
5 under the conditions in and under which mortgages are  
6 foreclosed under the laws of the state. It shall be lawful to  
7 join in one action the collection of assessments against any  
8 or all property assessed by virtue of the same assessment roll  
9 unless the court shall deem such joinder prejudicial to the  
10 interest of any defendant. The court shall allow reasonable  
11 attorney s fees for the attorney or attorneys of the district,  
12 and the same shall be collectible as a part of or in addition  
13 to the costs of the action. At the sale pursuant to decree in  
14 any such action, the District may be a purchaser to the same  
15 extent as an individual person or corporation, except that the  
16 part of the purchase price represented by the assessments sued  
17 upon and the interest thereon need not be paid in cash.  
18 Property so acquired by the District may be sold or otherwise  
19 disposed of, the proceeds of such disposition to be placed in  
20 the fund provided by subsection (11). However, no sale or  
21 other disposition thereof shall be made unless the notice  
22 calling for bids therefor to be received at a stated time and  
23 place shall have been published in a newspaper of general  
24 circulation in the District once in each of 4 successive weeks  
25 prior to such disposition.

26 (11) All assessments and charges made under the  
27 provisions of this section for the payment of all or any part  
28 of the cost of any improvements for which assessment bonds  
29 shall have been issued under the provisions of this act are  
30 hereby pledged to the payment of the principal of and the  
31 interest on such assessment bonds and shall, when collected,

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1 be placed in a separate fund, properly designated, which fund  
2 shall be used for no other purpose than the payment of such  
3 principal and interest.

4 (12) The counties in which the District is located and  
5 each school district and other political subdivision wholly or  
6 partly within the District shall be subject to the same duties  
7 and liabilities in respect of assessment under this section  
8 affecting the real estate of such counties, school districts,  
9 or other political subdivisions which private owners of real  
10 estate are subject to hereunder, and such real estate of any  
11 such counties, school districts, and political subdivision  
12 shall be subject to liens for said assessments in all cases  
13 where the same property would be subject had it at the time  
14 the lien attached been owned by a private owner, except that  
15 no such lien may be foreclosed unless and until said real  
16 estate is conveyed to a person or entity which is not a  
17 political subdivision.

18 Section 10. The Board shall cause to be made at least  
19 once each year a comprehensive report of its water system,  
20 wastewater reuse system, and wastewater system, including all  
21 matters relating to rates, revenues, expenses of maintenance,  
22 repair, and operation and renewals and capital replacements,  
23 principal and interest requirements, and the status of all  
24 funds and accounts. Copies of such general report shall be  
25 filed with the vice chair and shall be open to public  
26 inspection.

27 Section 11. Any holder of bonds issued under the  
28 provisions of this act, or of any of the coupons appertaining  
29 thereto, except as to the extent that the rights herein  
30 granted may be restricted by the resolution authorizing the  
31 issuance of such bonds, may, either at law or in equity, by

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1 suit, mandamus or other proceeding, protect and enforce any  
2 and all rights under the laws of the state or granted  
3 hereunder or under such resolutions, and may enforce and  
4 compel the performance of all duties required by this act and  
5 by such resolutions to be performed by the District or by the  
6 board or by any officer or officers or employees thereof,  
7 including the fixing and charging and collecting of rates,  
8 fees, and charges for the services and facilities furnished by  
9 the water system, wastewater reuse system, or wastewater  
10 system and the due and proper collection of any non-ad valorem  
11 assessments pledged therefor.

12       Section 12. (1) As the exercise of the powers  
13 conferred by this act constitutes the performance of essential  
14 public functions and as the systems constructed under the  
15 provisions of this act constitute public property used for  
16 public purposes, such District and the property thereof,  
17 including all revenues, moneys, or other assets of any type or  
18 character, shall not be subject to taxation by the state or  
19 any political subdivision, agency, instrumentality, or  
20 municipality thereof, and it is hereby expressly found,  
21 determined, and declared that all of the lands and real estate  
22 in said District will be benefited by the construction or  
23 acquisition of the systems, and additions, extensions, and  
24 improvements thereto, provided for in this act.

25       (2) All bonds or other obligations issued under this  
26 act shall be exempt from all taxation by the state or any  
27 county, municipality, or political subdivision thereof;  
28 however, the exemption does not apply to any tax imposed by  
29 chapter 220, Florida Statutes, on interest, income, or  
30 profits; however, the exemption does not apply to any tax  
31 imposed by chapter 220, Florida Statutes, on interest, income,

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1 or profits on debt obligations owned by corporations. Such  
2 bonds or other obligations shall be and constitute securities  
3 eligible for deposit as collateral to secure any state,  
4 county, municipal, or other public funds, and shall also be  
5 and constitute legal investments for any banks, savings banks,  
6 trust funds, executors, administrators, state, county,  
7 municipal, or other public funds, or any other fiduciary  
8 funds.

9       Section 13. In any case where the character or  
10 condition of the sewage from or originating in any  
11 manufacturing or industrial plant or building or premises is  
12 such that it imposes an unreasonable burden upon the  
13 wastewater system, an additional charge may be made therefor  
14 or the Board may, if it deems it advisable, compel such  
15 manufacturing or industrial plant, building, or premises to  
16 treat such wastewater in such manner as shall be specified by  
17 the Board before discharging such wastewater into any  
18 wastewater lines owned, maintained, or operated by the  
19 District.

20       Section 14. The District is authorized to enter into  
21 any agreement for the delivery of any revenue bonds,  
22 assessment bonds, or any combination thereof, at one time or  
23 from time to time as full or partial payment for any work done  
24 by any contractor who may have been awarded a contract for the  
25 construction of all or any part of any system. However, any  
26 such bonds so delivered for payment of services shall have  
27 been authorized and issued pursuant to the provisions of this  
28 act and shall otherwise conform to the provisions thereof.

29       Section 15. (1) All contracts for the purchase of  
30 commodities or contractual services in excess of \$25,000 let,  
31 awarded, or entered into by the District for the construction,

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1 reconstruction, or addition to any system shall be publicly  
2 advertised and bid. The Board shall adopt procedures for  
3 public advertisement and call for sealed bids; which  
4 procedures may vary the frequency and length of publication  
5 based on the amount of the procurement.

6       (2) Such advertisement for bids, in addition to the  
7 other necessary and pertinent matter, shall state in general  
8 terms the nature and description of the improvement or  
9 improvements to be undertaken and shall state that detailed  
10 plans and specifications for such work are on file in the  
11 office of the vice chair or will be mailed upon request to  
12 interested parties. The award shall be made to the responsible  
13 and competent bidder or bidders who shall offer to undertake  
14 the improvements at the lowest cost to the District and such  
15 bidder or bidders shall be required to file bond for the full  
16 and faithful performance of such work and the execution of any  
17 such contract in such amount as the Board shall determine. No  
18 criteria may be used in determining the acceptability of the  
19 bid that was not set forth in the invitation to bid. The  
20 contract shall be awarded with reasonable promptness by  
21 written notice to the qualified and responsive bidder who  
22 submits the lowest responsive bid.

23       (3) When the Board determines that the use of  
24 competitive sealed bidding is not practicable, commodities or  
25 contractual services shall be procured by competitive sealed  
26 proposals. A request for proposals which includes a statement  
27 of the commodities or contractual services sought and all  
28 contractual terms and conditions applicable to the  
29 procurement, including the criteria, which shall include, but  
30 not be limited to, price, to be used in determining  
31 acceptability of the proposal shall be issued. To ensure full

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1 understanding of and responsiveness to the solicitation  
2 requirement, discussions may be conducted with qualified  
3 offerors. The offerors shall be accorded fair and equal  
4 treatment prior to the submittal dates specified in the  
5 request for proposals with respect to any opportunity for  
6 discussion and revision of proposals. The award shall be made  
7 to the responsible offeror whose proposal is determined in  
8 writing to be the most advantageous to the District, taking  
9 into consideration the price and the other criteria set forth  
10 in the request for proposals.

11 (4) If the chair of the Board, or his or her designee,  
12 determines in writing that an immediate danger to the public  
13 health, safety, or welfare or other substantial loss to the  
14 District requires emergency action, the provisions of this  
15 section requiring competitive bidding or proposals shall be  
16 waived. After the chair or his or her designee makes such a  
17 written determination, the District may proceed with the  
18 procurement of commodities or contractual services  
19 necessitated by the immediate danger, without competition.  
20 However, such emergency procurement shall be made with such  
21 competition as is practicable under the circumstances.  
22 Commodities or contractual services available only from a  
23 single source may be excepted from the bid requirements if it  
24 is determined that such commodities or services are available  
25 only from a single source and such determination is documented  
26 and approved by the Board. Nothing in this section shall be  
27 deemed to prevent the district from hiring or retaining such  
28 consulting engineers, or other professionals or other  
29 technicians as it shall determine, in its discretion,  
30 consistent with the requirements of section 287.055, Florida  
31 Statutes, or for undertaking any construction work with its

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1 own resources and without any such public advertisement.

2 Section 16. The same rates, fees, charges, and non-ad  
3 valorem assessments shall be fixed, levied, and collected on  
4 the property, officers, and employees of the counties, or any  
5 school district, or other political subdivision included  
6 within the District, as are fixed, levied, and collected on  
7 all other properties or persons in the District as provided in  
8 this act.

9 Section 17. Any county, municipality, or other  
10 political subdivision is authorized to sell, lease, grant, or  
11 convey any real or personal property to the district and any  
12 such sale, grant, lease, or conveyance may be made without  
13 formal consideration. The district is authorized to classify  
14 as surplus any of its property and dispose of such property  
15 consistent with the provisions of sections 274.05 and 274.06,  
16 Florida Statutes.

17 Section 18. No system or portion thereof shall be  
18 constructed within the District unless the Board shall give  
19 its consent thereto and approve the plans and specifications  
20 therefor; subject, however, to the terms and provisions of any  
21 resolution authorizing any bonds and agreements with  
22 bondholders.

23 Section 19. The Board shall have no power to mortgage,  
24 pledge, encumber, sell, or otherwise convey all or any part of  
25 its systems except as otherwise provided in this act, and  
26 except that the Board may dispose of any part of such system  
27 or systems as may be no longer necessary for the purposes of  
28 the District. The provisions of this section shall be deemed  
29 to constitute a contract with all bondholders. All District  
30 property shall be exempt from levy and sale by virtue of an  
31 execution and no execution or other judicial process shall



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1 issue against such property nor shall any judgment against the  
 2 District be a charge or lien on its property; provided that  
 3 nothing herein contained shall apply to or limit the rights of  
 4 bondholders to pursue any remedy for the enforcement of any  
 5 lien or pledge given by the district on revenues derived from  
 6 the operation of any system.

7 Section 20. The state does hereby pledge to and  
 8 covenant and agree with the holders of any bonds issued  
 9 pursuant to this act that the state will not limit or alter  
 10 the rights hereby vested in the District to acquire,  
 11 construct, maintain, reconstruct, and operate its systems and  
 12 to fix, establish, charge, and collect its service charges  
 13 therefor, and to fulfill the terms of any agreement made with  
 14 the holders of such bonds or other obligations, and will not  
 15 in any way impair the rights or remedies of such holders,  
 16 until the bonds, together with interest thereon, with interest  
 17 on any unpaid installments of interest, and all costs and  
 18 expenses in connection with any action or proceeding by or on  
 19 behalf of such holders, are fully met and discharged.

20 Section 21. The provisions of this act shall be deemed  
 21 to constitute a contract with the holders of any bonds issued  
 22 hereunder and shall be liberally construed to effect its  
 23 purposes and shall be deemed cumulative and supplemental to  
 24 all other laws.

25 Section 22. If any section or provision of this act is  
 26 held to be invalid or inoperative, then the same shall be  
 27 deemed severable from and shall not affect the validity of any  
 28 of the other provisions hereof.

29 Section 23. The District may assume the operation of  
 30 any system which substantially fails to meet its financial  
 31 responsibilities or operating standards pursuant to this act

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1 or other laws and regulations of the state, if the Board  
 2 determines that such action is in the public interest and the  
 3 system owner conveys ownership to the District.

4 Section 24. The Board may lease or license the use of  
 5 any real or personal property of the District upon such terms,  
 6 conditions, and for such consideration as the Board deems  
 7 appropriate. However, no such lease or license shall be for a  
 8 period exceeding 20 years in duration, unless renewed, and  
 9 provided that the lease or license shall be restricted to  
 10 permit the grantee to use such property during the term of the  
 11 lease or license only for civic or public purposes or purposes  
 12 not in conflict with this act or general law.

13 Section 25. The District may, in addition to other  
 14 provisions of this act providing for the accrual of interest,  
 15 assess an interest charge on contractual obligations owed the  
 16 District. Such interest shall accrue at an annual percentage  
 17 rate as provided in chapter 687, Florida Statutes, or as  
 18 otherwise provided by contract. Such accrued interest charges,  
 19 if payment thereof becomes delinquent, may be recovered in the  
 20 same manner as provided in this act for other delinquent  
 21 rates, fees, charges, or penalties.

22 Section 26. The members of the Board of Supervisors  
 23 shall be subject to recall as provided by general law for  
 24 elected officers of municipalities.

25 Section 27. Any person who shall steal or damage  
 26 District property, or tamper with or alter District property  
 27 or threaten or cause actual harm to public health shall be  
 28 guilty of a criminal offense and misdemeanor within the  
 29 meaning of section 775.08, Florida Statutes, unless such  
 30 offense is of a higher degree in general law, and shall be  
 31 punishable as provided by law.

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1           Section 28. All contracts, obligations, rules,  
2 regulations, or policies of any nature existing on the date of  
3 enactment of this act shall remain in full force and effect  
4 and this act shall in no way affect the validity of such  
5 contracts, obligations, rules, regulations, or policies.

6           Section 29. This act shall not affect the terms of  
7 office of the present District Board, nor shall it affect the  
8 terms and conditions of employment of any employees of the  
9 District.

10           Section 4. Chapter 96-499, Laws of Florida, is  
11 repealed.

12           Section 5. It is declared to be the intent of the  
13 Legislature that if any section, subsection, sentence, clause,  
14 phrase, or portion of this act is, for any reason, held  
15 invalid or unconstitutional by a court of competent  
16 jurisdiction, such portion shall be deemed to be a separate,  
17 distinct, and independent provision and such holdings shall  
18 not affect the validity of the remaining portions of this act.

19           Section 6. This act shall be construed as a remedial  
20 act and the provisions of this act shall be liberally  
21 construed in order to effectively carry out the purpose of  
22 this act in the interest of the public health, welfare, and  
23 safety of the citizens served by the District.

24           Section 7. This act shall take effect upon becoming a  
25 law.

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27

28 ===== T I T L E   A M E N D M E N T =====

29 And the title is amended as follows:

30           Delete everything before the enacting clause

31

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1 and insert:

2                                   A bill to be entitled  
3           An act relating to Charlotte and Sarasota  
4           Counties; creating the Englewood Water  
5           District; providing for codification of special  
6           laws regarding special districts pursuant to s.  
7           189.429, F.S., relating to the Englewood Water  
8           District; establishing boundaries; providing  
9           definitions; providing for election of a Board  
10          of Supervisors to govern said District;  
11          establishing powers, authority, and duties of  
12          the Board; granting to said governing board the  
13          authority in the territory defined to  
14          construct, acquire, extend, enlarge,  
15          reconstruct, improve, maintain, equip, repair,  
16          and operate a water system, wastewater system,  
17          or wastewater reuse system, or any combination  
18          thereof; authorizing the levy and collection of  
19          non-ad valorem assessments on property  
20          benefited by the construction of such water  
21          system, wastewater system, wastewater reuse  
22          system, or combined systems; providing for  
23          optional methods of financing the cost of the  
24          water system, wastewater system, wastewater  
25          reuse system, or combined systems or extensions  
26          and additions thereto by the issuance of  
27          revenue bonds or assessment bonds or any  
28          combination thereof and the fixing and  
29          collection thereof and the fixing and  
30          collection of rates and charges on users of  
31          such systems; providing for the levy and

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1 collection of non-ad valorem assessments on  
2 benefited property and the pledge of such  
3 assessments for the payment of any revenue  
4 bonds or assessment bonds; providing for the  
5 rights, remedies, and security of any of the  
6 holders of said bonds; providing penalties;  
7 repealing chapter 96-499, Laws of Florida,  
8 relating to the creation and establishment of  
9 the Englewood Water District; providing an  
10 effective date.

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