

By Senator Carlton

23-1858-03

See HB 881

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

1 security of any of the holders of said bonds;
2 providing penalties; repealing chapter 96-499,
3 Laws of Florida, relating to the creation and
4 establishment of the Englewood Water District;
5 providing an effective date.
6

7 Be It Enacted by the Legislature of the State of Florida:
8

9 Section 1. (1) There is hereby created the Englewood
10 Water District for the areas of Charlotte and Sarasota
11 Counties, described as follows:
12

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

22 Sections 1, 2, 12 and 13, Township 41 South,
23 Range 19 East; Sections 4, 5, 6, 7, 8, 9, 16,
24 17, and 18, that part of Section 20 lying and
25 being east of the east boundary of Lemon Bay,
26 Township 41 South, Range 20 East, all lying and
27 being in Charlotte County, State of Florida.
28

29 That portion of Section 3, Township 40 South,
30 Range 19 East lying west of S.R. 776 (Englewood
31 Road), and those portions of Sections 4 and 5,

1 Township 40 South, Range 19 East, lying and
2 being east of the west boundary of Lemon Bay,
3 all being south of the east west line
4 prescribed by Colonial Road, all being in
5 Sarasota County, Florida.

6
7 (2) The Englewood Water District is hereby declared to
8 be a body corporate and politic under the corporate name and
9 style of "Englewood Water District" with power to contract, to
10 sue and be sued in its corporate name, and with the other
11 powers and duties hereinafter set forth, as well as all other
12 powers and exemptions given by general law.

13 Section 2. As used in this act, unless the context
14 otherwise requires:

15 (1) "District" means the Englewood Water District
16 created by this act.

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

1 (3) "Wastewater system" means and includes any plant,
2 system, facility, or property and additions, extensions, and
3 improvements thereto at any future time constructed or
4 acquired as a part thereof, useful or necessary, or having the
5 present capacity for future use in connection with the
6 collections, treatment, purification, or disposal of
7 wastewater or sewerage of any nature or originating from any
8 source, including industrial wastes resulting from any
9 processes of any industry, manufacture, trade, or business or
10 from the development of any natural resources; and without
11 limiting the generality of the foregoing definition shall
12 embrace treatment plants, pumping stations, lift stations,
13 valves, force mains, intercepting sewers, laterals, pressure
14 lines, mains, and all necessary appurtenances and equipment,
15 all wastewater mains and laterals for the reception and
16 collection of wastewater or sewerage on premises connected
17 therewith, and shall include all real and personal property
18 and any interest therein, rights, easements, and franchises of
19 any nature whatsoever relating to any such system and
20 necessary or convenient for the operation thereof.

21 (4) "Wastewater reuse system" means and includes any
22 plant, system, facility, or property and additions,
23 extensions, and improvements thereto at any future time
24 constructed or acquired as a part thereof, useful or
25 necessary, or having the present capacity for future use in
26 connection with the collection, treatment, purification,
27 disposal, or distribution of wastewater or stormwater
28 originating from any source, for the purpose of reuse and
29 without limiting the generality of the foregoing definition,
30 shall embrace treatment plants, dams, reservoirs, storage
31 tanks, pumping stations, lift stations, valves, force mains,

1 laterals, pressure lines, mains, and all necessary
2 appurtenances and equipment, and shall include all real and
3 personal property and any interest therein, rights, easements,
4 and franchises of any nature whatsoever relating to any such
5 system and necessary or convenient for the operation thereof.
6 Water which has received at least secondary treatment and
7 stormwater may be referred to as reclaimed wastewater and may
8 be reused for such beneficial purposes, including, but not
9 limited to, landscape or agricultural irrigation, aesthetic
10 uses such as ponds or fountains, groundwater recharge,
11 industrial uses, environmental enhancement, or fire
12 protection.

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

16 (6) "Cost" means, as applied to the acquisition and
17 construction of a water system, wastewater reuse system, or a
18 wastewater system or extensions, additions, or improvements
19 thereto, the cost of construction or reconstruction,
20 acquisition, or purchase, the cost of all labor, materials,
21 machinery, and equipment, cost of all lands and interest
22 therein, an office and administration building for the
23 district, property, rights, easements, and franchises of any
24 nature whatsoever, financing charges, interest prior to and
25 during construction and for 1 year after completion of
26 construction or acquisition of such water system, wastewater
27 reuse system, or wastewater system or extensions, additions,
28 or improvements thereto, bond discount, fees and expenses of
29 financial advisors or fiscal agents, cost of plans and
30 specifications, surveys and estimates of costs and revenues,
31 cost of engineering and legal services, and all other expenses

1 necessary or incidental in determining feasibility or
2 practicality of such construction, reconstruction, or
3 acquisition, administrative expenses and such other expenses
4 as may be necessary or incidental to the construction or
5 acquisition or improvement of such water system, wastewater
6 reuse system, or wastewater system authorized by this act and
7 the financing thereof, and the reimbursement of any expenses
8 incurred by the district in connection with any of the
9 foregoing items of cost.

10 (7) "Revenue bonds" means bonds or other obligations
11 secured by and payable as to principal and interest from the
12 revenues derived from rates, fees, and charges collected by
13 the district from the users of the facilities of the water
14 system, wastewater reuse system, or wastewater system, or any
15 combination thereof, and which may or may not be additionally
16 secured by a pledge of the proceeds of non-ad valorem
17 assessments levied against property benefiting from assessable
18 improvements.

19 (8) "Board" means the Board of Supervisors of the
20 District.

21 Section 3. The District shall be governed and its
22 affairs administered by the Board of Supervisors consisting of
23 five members.

24 A.(i) By a majority vote, the Englewood Water District
25 Board of Supervisors shall adopt a preliminary resolution
26 dividing the district into five separate and distinct sections
27 of approximately equal populations, drawn along Charlotte
28 County and/or Sarasota County precinct lines, if feasible.
29 These divisions shall be known as the "Englewood Water
30 District Supervisor Election Districts" which shall be
31 numbered 1 through 5.

1 (ii) After the initial adoption by the board of the
2 proposed Englewood Water District Supervisor Election
3 Districts, the district shall hold a public hearing at which
4 all residents of the district or other interested parties
5 shall have an opportunity to be heard concerning the proposed
6 Englewood Water District Supervisor Election Districts. Notice
7 of such public hearing setting forth the five proposed
8 Englewood Water District Supervisor Election Districts shall
9 be given by one publication in a newspaper published in
10 Charlotte County, in a newspaper published in Sarasota County,
11 and such notice shall also be posted in five public places in
12 the district, at least 30 days prior to the date of such
13 hearing, which may be adjourned from time to time.

14 (iii) After such hearing, such preliminary resolution
15 dividing the district into five separate and distinct
16 sections, known as the Englewood Water District Supervisor
17 Election Districts, either as initially adopted or as modified
18 or amended, shall be finally adopted. A map of the Englewood
19 Water District Supervisor Election Districts shall be kept on
20 file in the office of the administrator of the district and
21 shall be open to public inspection during normal business
22 hours.

23 (iv) The Englewood Water District Supervisor Election
24 Districts shall be revised every 10 years in the same manner
25 as they were originally established. If the boundaries of the
26 district are modified, the election districts shall be
27 modified as necessary in the same manner established above in
28 adequate time for the new election districts to be utilized
29 during the next general election.

30 1. On the first Tuesday after the first Monday of
31 November 1994, a person residing in Englewood Water District

1 Board of Supervisors Election District 5 was elected by the
2 qualified electors of the Englewood Water District for a
3 4-year term to create and fill Englewood Water District
4 Supervisors Election District Seat Five. On the first day of
5 January following the election, the expiring seats, four and
6 six were eliminated.

7 2. On the first Tuesday after the first Monday of
8 November 1995, a person residing in Englewood Water District
9 Board of Supervisors Election District 4 was elected by the
10 qualified electors of the Englewood Water District for a term
11 of 3 years to create and fill Englewood Water District
12 Supervisors Election District Seat Four. On the first day of
13 January following the election, the expiring seats, seven,
14 eight, and nine shall be eliminated.

15 3. On the first Tuesday after the first Monday of
16 November 1996, a person residing in each of the Englewood
17 Water District Board of Supervisors Election Districts 3, 2,
18 and 1 was elected by the qualified electors of the Englewood
19 Water District for a term of 4 years to create and fill
20 Englewood Water District Supervisors Election District Seats
21 three, two, and one respectively.

22 B.(i) On the first Tuesday after the first Monday in
23 November 2002, and every 4th year thereafter, two supervisors,
24 one residing in Englewood Water District Board of Supervisors
25 Election District 5 and one residing in Englewood Water
26 District Board of Supervisors Election District 4, were
27 elected by the qualified electors of the Englewood Water
28 District for a term of 4 years.

29 (ii) On the first Tuesday after the first Monday in
30 November 2004, and every 4th year thereafter, three
31 supervisors, one residing in Englewood Water District Board of

1 Supervisors Election District 3, one residing in Englewood
2 Water District Board of Supervisors Election District 2, and
3 one residing in Englewood Water District Board of Supervisors
4 Election District 1, shall be elected by the qualified
5 electors of the Englewood Water District for a term of 4
6 years.

7 (iii) The results of such election shall be declared
8 by resolution adopted by the Board. Each elected member of
9 the Board shall assume office 10 days following the member's
10 election. Each supervisor shall duly file his or her oath of
11 office and a bond in such amount as the Board shall determine
12 for the faithful performance of his or her duties prior to
13 taking office and the cost thereof shall be paid by the
14 District.

15 C. In the event no person has been elected at the
16 general election to fill an office which was required to be
17 filled at such election, the members of the board shall,
18 within 60 days following the date of the election, by a
19 majority vote of all members then in office, appoint a person
20 from the appropriate Englewood Water District Supervisors
21 Election District, to serve for each office not otherwise
22 filled by said election, to serve until the next general
23 election, at which election the qualified electors of the
24 District shall elect a supervisor to serve the remaining
25 unexpired term, if any, of such supervisors so appointed.

26 (i) In the event any supervisor shall resign, die, or
27 be removed from the district, or the office of such supervisor
28 shall for any reason become vacant, the remaining members of
29 the board may, by a majority vote of all members then in
30 office, appoint a successor to such supervisor from the
31 appropriate Englewood Water District Supervisors Election

1 District to serve until the next general election, at which
2 election the qualified electors of the district shall elect a
3 supervisor to serve for the remaining unexpired term, if any,
4 of such supervisor whose office became vacant as aforesaid.

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

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

11 E.(i) Elections for the purpose of electing
12 Supervisors to the Board shall conform to the Florida Election
13 Code, chapters 97 through 106, Florida Statutes, as pertains
14 to independent special districts as set forth in section
15 189.405, Florida Statutes.

16 (a) The results of the election shall be jointly
17 canvassed by the county canvassing boards of the Counties of
18 Charlotte and Sarasota and the results of such joint canvass
19 shall be reported in accordance with general law.

20 (b) Supervisors shall be qualified electors with legal
21 residence in the appropriate Englewood Water District Board of
22 Supervisors Election District, who are freeholders. The office
23 of any supervisor who ceases to be a qualified elector with
24 legal residence in the appropriate election district and a
25 freeholder in the district during his or her term of office
26 shall become vacant.

27 (ii)(a) The Board shall be vested with all
28 administrative power and authority of the District and shall
29 have and exercise all powers conferred upon such District by
30 the terms of this act. Said Board members may receive
31 compensation for their services to be determined by at least a

1 majority plus one vote of the Board. The board shall publish
2 notice of its intent to consider a modification of board
3 member compensation in the same manner as provided in
4 paragraph 1(e) of this section. Said salary may not exceed
5 \$2,500 each, annually, except that the chair may receive
6 \$3,000 annually. Such payments shall be payable in such
7 installments during each year of a member's term as the Board
8 shall from time to time determine. Said Board members shall
9 also be reimbursed for moneys expended in the performance of
10 their official duties consistent with the provisions of
11 section. 112.061, Florida Statutes.

12 (b) The organization and conduct of the Board's
13 affairs shall be as follows:

14 1. The chair and vice chair shall be elected at an
15 annual meeting to be held in January of each year, and shall
16 serve in said capacities until the next annual meeting and
17 said officers may be removed at any time during their tenure,
18 with or without cause, by a majority vote of all members of
19 said Board. Upon the expiration of the terms of office of any
20 of said officers for any reason whatsoever, the Board shall
21 elect new officers to fill the positions thus vacated.

22 2. The Board shall hold such meetings as the business
23 affairs of the district may require, and all such meetings
24 shall be noticed and open to the public as provided by law.
25 Such meetings shall be held within the territorial limits of
26 the District or may be held outside the District in
27 conjunction with other boards, commissions, agencies, bodies,
28 or persons for the purpose of holding discussions or for the
29 exchange of information. However, no formal action may be
30 taken by the passage of any resolution, rule, or order at
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1 meetings held outside the District other than that action
2 which is required for the ordinary conduct of such meetings.

3 3. A majority of the Board shall constitute a quorum
4 at any meeting thereof and all actions of the Board shall be
5 upon an affirmative vote of the majority of Board members
6 present at any such meeting; provided that no action of the
7 Board may pass with less than three affirmative votes.
8 However, any resolution authorizing the issuance of bonds or
9 other obligations, or the levy on non-ad valorem assessments
10 or the fixing of rates and charges for the services and
11 facilities of the systems of the District shall not be adopted
12 except upon the affirmative vote of a majority of all the
13 members of the Board then in office. Actions of the Board
14 shall be evidenced by resolutions voted upon and adopted by
15 the Board, which may be finally adopted at the same meeting at
16 which they are introduced and need not be published or posted,
17 except resolutions authorizing the issuance of bonds or other
18 obligations shall be advertised in accordance with the
19 provisions of Section 3(1)(c)2 and a public hearing shall be
20 held prior to the adoption of such resolutions. Resolutions
21 providing solely for the refunding of any already existing
22 bonds or other obligations need not be so advertised.

23 4. Written minutes of each Board meeting shall be kept
24 and there shall be recorded therein a report of all that
25 transpired at any such meeting. The minutes shall be signed by
26 the vice chair of the Board and kept permanently in books
27 provided for that purpose.

28 5. The Board shall cause to be kept complete and
29 accurate books of accounting in standard bookkeeping and
30 accounting procedures. Annually the Board shall make a true
31 and complete accounting of all moneys received and expended by

1 said Board and said accounting shall list the assets and
2 liabilities of the District. Said accounting shall be based
3 upon an audit prepared by a certified public accountant, and
4 shall be in writing with sufficient copies thereof made to
5 furnish to any inhabitants of the district requesting same.

6 6. All contracts of the District shall be signed by
7 the chair of the Board of Supervisors, and the seal of the
8 board shall be affixed thereto, attested by the secretary to
9 the Board who shall be official custodian of such seal. The
10 Board, by resolution, may delegate authority to sign contracts
11 to the administrator of the District. Any bonds issued by the
12 District under the provisions of this act shall be signed in
13 the same manner as a contract. However, only one manual
14 signature shall be required on any bonds and the seal of the
15 District may be imprinted or reproduced thereon.

16 7. Every Board member and every officer of the
17 district shall be indemnified by the District against all
18 expenses and liabilities, including counsel fees, reasonably
19 incurred by or imposed upon the member or officer in
20 connection with any proceeding or any settlement of any
21 proceeding to which he or she may be a party or in which he or
22 she may become involved by reason of his or her being or
23 having been a Board member or officer of the District, whether
24 or not he or she is a Board member or officer at the time such
25 expenses are incurred. In the event of a settlement, the
26 indemnification shall apply only when the Board approves such
27 settlement and reimbursement as being for the best interests
28 of the District. The right of indemnification authorized by
29 this paragraph shall be in addition to and not exclusive of
30 all other rights to which a Board member or officer may be
31 entitled. This paragraph shall not apply to a Board member or

1 officer who is adjudged guilty of willful misfeasance or
2 malfeasance in the performance of his or her duties.

3 8. The Board may, by the vote of a majority of all
4 members, elect a member to serve as chair or vice chair on an
5 interim basis during the absence of such officer. The interim
6 officer shall have all of the powers, duties, and authority of
7 such officer during his or her absence.

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

10 (1) To make rules and regulations for its own
11 governance and proceedings and to adopt an official seal for
12 the District.

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

3 (3) To construct, install, erect, acquire and operate,
4 maintain, improve, extend, or enlarge and reconstruct a water
5 system, wastewater system, or a wastewater reuse system or any
6 combination thereof within or without said district for the
7 furnishing of water service, wastewater service, or wastewater
8 reuse service or any combination of such services to the
9 inhabitants of the district, and to have the exclusive control
10 and jurisdiction thereof; to issue its revenue bonds,
11 assessment bonds, or other obligations, or any combination
12 thereof to pay all or part of the cost of such construction,
13 reconstruction, erection, acquisition, or installation of such
14 systems. The purchase or sale of a water, wastewater, or
15 wastewater reuse system shall be accomplished in accordance
16 with section 189.423, Florida Statutes.

17 (4) To regulate the disposal of wastewater, reuse of
18 wastewater, and the supply of water within the District and to
19 prohibit the use and maintenance of outhouses, privies, septic
20 tanks, or other unsanitary structures or appliances, in
21 accordance with the general laws of the state.

22 (5) To fix and collect rates, fees, capital
23 contributions, and other charges for the use of the facilities
24 and services provided by any system, and to fix and collect
25 charges for making connections and reconnections with any such
26 system, and to provide for reasonable charges and penalties to
27 any users of property for any such rates, fees, or charges
28 that are delinquent.

29 (6) To acquire in the name of the district by
30 purchase, gift, or the exercise of eminent domain pursuant to
31 chapter 73 or chapter 74, Florida Statutes, such lands and

1 rights and interest therein, both within and without the
2 district, including land under water and riparian rights and
3 to acquire such personal property as may be deemed necessary
4 in connection with the construction, reconstruction,
5 improvement, extensions, installation, erection, or operation
6 and maintenance of any system, and to hold and dispose of all
7 real and personal property under its control.

8 (7) To receive grants, either separately or in
9 conjunction with any municipality, governmental agency, or
10 governmental entity, either in the nature of public works or
11 public improvement grants or loans from any governmental
12 agency, department, bureau, or individual for the purpose of
13 installing, constructing, erecting, acquiring, operating, or
14 maintaining a system or other things necessary or incidental
15 thereto.

16 (8) To exercise exclusive jurisdiction, control, and
17 supervision over any system owned, operated, and maintained by
18 the District and to make and enforce such rules and
19 regulations for the maintenance and operation of any system as
20 may be, in the judgment of the Board, necessary or desirable
21 for the efficient operation of any such systems or
22 improvements in accomplishing the purposes of this act.

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

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

30 (11) To contract with municipalities or other private
31 or public corporations or persons to provide or receive a

1 water supply or for wastewater disposal, collection, or
2 treatment or for wastewater reuse.

3 (12) To prescribe methods of pretreatment of
4 industrial wastes not amenable to treatment with domestic
5 wastewater before accepting those wastes for treatment and to
6 refuse to accept such industrial wastes when not sufficiently
7 pre-treated as may be prescribed, and by proper resolution to
8 prescribe penalties for the refusal of any person or
9 corporation to so pre-treat such industrial wastes.

10 (13) To require and enforce the use of its facilities
11 whenever and wherever they are accessible in accordance with
12 applicable general law and applicable local government
13 comprehensive plans.

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

17 (15) To accomplish construction by holding hearings,
18 advertising for construction bids, and letting contracts for
19 all or any part or parts of the construction of any system in
20 accordance with the provisions of section 15.

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

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

27 (18) To construct and operate connecting,
28 intercepting, or outlet wastewater or reclaimed wastewater
29 mains and pipes and water mains, conduits or pipe lines in,
30 along, or under any street, alleys, highways, or other public
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1 places or ways within the state or any municipality or
2 political subdivision.

3 (19) Subject to such provisions and restrictions as
4 may be set forth in the resolution authorizing or securing any
5 bonds or other obligations issued under the provisions of this
6 act, to enter into contracts with the government of the United
7 States or any agency or instrumentality thereof, or with any
8 other county, municipality, district, authority, or political
9 subdivision, private corporation, partnership, association, or
10 individual providing for or relating to the treatment,
11 collection, and disposal of wastewater or the treatment,
12 supply, and distribution of water or reclaimed wastewater and
13 any other matters relevant thereto or otherwise necessary to
14 effect the purposes of this act and to receive and accept from
15 any federal agency, grants for or in aid of the planning,
16 construction, reconstruction or financing of any system and to
17 receive and accept aid or contributions from any other source
18 of either money, property, labor or other things of value to
19 be held, used, and applied only for the purpose for which such
20 grants and contributions may be made.

21 (20) To acquire, purchase, or buy real estate within
22 or without the District to be used in the development,
23 installation, construction, improvement, maintenance,
24 operation, or servicing of any system of the District, by
25 installment contract, agreement for deed, or by note and
26 mortgage; provided that said contract, agreement for deed, or
27 mortgage does not constitute a lien or encumbrance upon any
28 real property other than that being purchased thereby.

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

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1 (22) To require the owner, tenant, or occupant of each
2 lot or parcel of land within the District who is obligated to
3 pay the rates, fees, or charges for the services furnished by
4 any facility owned or operated by the District under the
5 provisions of this act make a reasonable deposit with the
6 district in advance to ensure the payment of such rates, fees,
7 or charges. If such rates, fees, or charges become delinquent,
8 the district may apply the deposit to the payment or partial
9 payment thereof, including accrued interest, shutoff charges,
10 and penalties, if any.

11 (23) To invest and reinvest the surplus public funds
12 of the district consistent with the requirements of applicable
13 state or federal laws.

14 Section 5. (1) The Board for and on behalf of the
15 District is authorized to provide from time to time for the
16 issuance of revenue bonds to finance or refinance all or part
17 of the costs of additions, extensions, and improvements to, or
18 the acquisition of, any system. The principal of and interest
19 on any such revenue bonds shall be payable from the rates,
20 fees, charges, or other revenues derived from the operation of
21 any such system or systems in the manner provided in this act
22 and the resolution authorizing such bonds and pledging such
23 revenues. The proceeds of non-ad valorem assessments levied as
24 provided in this act may be pledged as additional security for
25 said revenue bonds. It is the express intent of this act that
26 the District shall be authorized to finance the purposes
27 provided in this act by the issuance of revenue bonds or
28 special assessment bonds separately for all or any part of the
29 cost thereof, or to issue revenue bonds additionally secured
30 by the non-ad valorem assessments for all or any part of such
31 cost, so that the District shall have complete flexibility as

1 to the types of bonds to be issued and the security for the
2 holders of such bonds. The revenue bonds of the District shall
3 be issued in such denominations, mature on such dates and in
4 such amounts, and may be subject to optional and mandatory
5 redemption, all as shall be determined by resolutions adopted
6 by the Board on behalf of the District. Bonds of said District
7 may bear interest at a fixed or floating or adjustable rate
8 and may be issued as interest-bearing, interest-accruing bonds
9 or zero coupon bonds at such rate or rates not exceeding the
10 maximum rate permitted by general law, all as shall be
11 determined by resolutions of the Board on behalf of the
12 District. Principal and interest shall be payable in the
13 manner determined by the Board. The bonds shall be signed by
14 the chair or vice chair of the Board, attested with the seal
15 of said District and by the signature of the chair of the
16 Board of Supervisors. In case any officer whose signature or a
17 facsimile of whose signature shall appear on the bonds shall
18 cease to be such officer before the delivery of such bonds,
19 such signature or facsimile shall nevertheless be valid and
20 sufficient for all intents and purposes the same as if he or
21 she had remained in office until such delivery. The Board may
22 sell such bonds in such manner not inconsistent with general
23 law, either at public or private sale, and for such price, as
24 it may determine to be for the best interests of the District.

25 (2) The proceeds of the sale of any such bonds shall
26 be used to finance or refinance all or part of the costs of
27 the construction or acquisition of additions, extensions, and
28 improvements of any water system, wastewater reuse system, or
29 wastewater system or any combination thereof, to fund reserves
30 and renewal and replacement funds and to pay the costs of
31 issuing such bonds. The funds derived from the sale of the

1 bonds shall be disbursed in such manner and under such
2 restrictions as the board may provide in the authorizing
3 resolution. Revenue bonds may be issued under the provisions
4 of this act without any other proceeding or happening of any
5 other condition or thing than those proceedings, conditions,
6 or things which are specifically required by this act and by
7 general law.

8 (3) A resolution providing for the issuance of revenue
9 bonds may also contain such limitations upon the issuance of
10 additional revenue bonds secured on a parity with the bonds
11 theretofore issued, as the board may deem proper, and such
12 additional bonds shall be issued under such restrictions and
13 limitations as may be prescribed by such authorizing
14 resolution.

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

18 (5) Revenue bonds issued under the provisions of this
19 act shall not constitute a general obligation debt of the
20 District within the meaning of any constitutional or statutory
21 debt limitation, but such bonds shall be payable solely from
22 the revenues and/or non-ad valorem assessments, if any,
23 pledged therefor, and that the full faith and credit of the
24 district is not pledged to the payment of the principal of or
25 interest on such bonds.

26 (6) In connection with the sale and issuance of bonds,
27 the district may enter into any contracts which the Board
28 determines to be necessary or appropriate to achieve a
29 desirable effective interest rate in connection with the bonds
30 by means of, but not limited to, contracts commonly known as
31 investment contracts, funding agreements, interest rate swap

1 agreements, currency swap agreements, forward payment
2 conversion agreements, futures, or contracts providing for
3 payments based on levels of or changes in interest rates, or
4 contracts to exchange cash flows or a series of payments, or
5 contracts, including, without limitation, options, puts, or
6 calls to hedge payment, rate, spread, or similar exposure.
7 Such contracts or arrangements may also be entered into by the
8 District in connection with, or incidental to, entering into
9 any agreement which secures bonds or provides liquidity
10 therefor. Such contracts and arrangements shall be made upon
11 the terms and conditions established by the Board, after
12 giving due consideration for the credit worthiness of the
13 counter parties, where applicable, including any rating by a
14 nationally recognized rating service or any other criteria as
15 may be appropriate.

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

22 (8) Notwithstanding any provisions of state law
23 relating to the investment or reinvestment of surplus funds of
24 any governmental unit, proceeds of the bonds and any money set
25 aside or pledged to secure payment of the principal of,
26 premium, if any, and interest on the bonds, or any of the
27 contracts entered into pursuant to this section, may be
28 invested in securities or obligations described in the
29 resolution providing for the issuance of bonds.

30 Section 6. (1) The Board shall, by resolution prior
31 to the issuance of any revenue bonds, fix the initial schedule

1 of rates, fees, or other charges for the use of and the
2 services and facilities to be furnished by any such water
3 system, wastewater reuse system, or wastewater system, or any
4 combination thereof, to be paid by the owner, tenant, or
5 occupant of each lot or parcel of land which may be connected
6 with or used by any such system or systems, of the district.
7 After the system or systems have been in operation the
8 District board may revise the schedule of rates, fees, and
9 charges from time to time. However, such rates, fees, and
10 charges shall be so fixed and revised so as to provide sums
11 which, with other funds for such purposes, shall be sufficient
12 at all times to pay:

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

15 B. The expenses of maintaining and repairing such
16 systems, including reserves for such purposes and for capital
17 replacements, depreciation, and necessary extensions or
18 improvements and administrative expenses.

19 C. Any other payments required by the resolution
20 authorizing the issuance of such revenue bonds.

21 (2) Such rates, fees, and charges shall be just and
22 equitable and uniform for users of the same class and, where
23 appropriate, may be based or computed either upon the quantity
24 of water or wastewater consumed or produced, the number and
25 size of wastewater connections, or the number and kind of
26 plumbing fixtures in use in the premises or upon the number or
27 average number of persons residing or working in or otherwise
28 using the facilities of such system or upon any other factor
29 affecting the use of the facilities or services furnished or
30 upon any combination of the foregoing factors as may be
31 determined by the Board on any other equitable basis. All

1 rates, fees, and charges established pursuant to this act
2 shall be set in accordance with the total cost of service
3 which is required to provide service to the customers. The
4 water system, wastewater reuse system, and wastewater system
5 shall be accounted for as separate and as distinct systems.
6 However, the District shall set rates consistent with the
7 guidelines adopted by the American Water Works Association,
8 for government-owned utilities. The district may, by
9 resolution, consolidate any one or more systems provided such
10 consolidation shall not impair the rights of any existing
11 bondholders of the district.

12 (3) No rates, fees, or charges shall be fixed under
13 the foregoing provisions of this section until a public
14 hearing at which all the users of the proposed system, or
15 owners, tenants, or occupants served or to be served thereby
16 and all others interested shall have an opportunity to be
17 heard concerning the proposed rates, fees, and charges. After
18 the initial adoption by the Board of the resolution setting
19 forth the preliminary schedule or schedules fixing and
20 classifying such rates, fees, and charges, notice of such
21 public hearing setting forth the proposed schedule or
22 schedules of rates, fees, and charges shall be given by one
23 publication in a newspaper published in Charlotte County and
24 in a newspaper published in Sarasota County and such notice
25 shall also be posted in five public places in the district, at
26 least 10 days prior to the date of such hearing, which may be
27 adjourned from time to time. After such hearing such
28 preliminary schedule or schedules, either as initially
29 adopted, or as modified or amended, may be finally adopted. A
30 copy of the schedule or schedules of such rates, fees, or
31 charges finally fixed in such resolution shall be kept on file

1 in the office of the District and shall be open at all times
2 to public inspection. The rates, fees, or charges so fixed for
3 any class of users or property served shall be extended to
4 cover any additional properties thereafter served which shall
5 fall in the same class, without the necessity of any hearing
6 or notice. Any change or revision of such rates, fees, or
7 charges may be made in the same manner as such rates, fees, or
8 charges were originally established as provided herein;
9 provided that if such changes or revisions be made
10 substantially pro rata as to all classes of service no hearing
11 or notice shall be required.

12 Section 7. In addition to the other provisions and
13 requirements of this act any resolution authorizing the
14 issuance of bonds may contain any other provisions deemed
15 necessary or in the best interest of the District and the
16 Board is authorized to provide and may covenant and agree with
17 the several holders of such bonds to include, but without
18 limitation as to any other provisions, any of the following:

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

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

26 (3) The assumption of payment or discharge of any
27 indebtedness, lien, or other claim relating to any part of any
28 such system or any combination thereof, or any other
29 obligations having or which may have a lien on any part of any
30 such system or systems.

31

1 (4) Limitations on the powers of the District to
2 construct, acquire, or operate, or permit the construction,
3 acquisition or operation of any plants, structures,
4 facilities, or properties which may compete or tend to compete
5 with any other system of the District.

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

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

10 (7) Terms and conditions for modification or amendment
11 of any provisions or covenants in any such bond resolution
12 authorizing the issuance of such bonds.

13 (8) Provisions and limitations on the appointment of a
14 trustee, paying agent, registrar, or escrow agent for
15 bondholders.

16 (9) Provisions as to the appointment of a receiver of
17 any system on default of principal or interest on any such
18 bonds or the breach of any covenant or condition of such
19 authorizing resolution or the provisions and requirements of
20 this act.

21 (10) Provisions as to the execution and entering into
22 of trust agreements, if deemed necessary by the board,
23 regarding the disposition of revenues or bond proceeds for the
24 payment of the cost of the acquisition and construction of the
25 system or any part thereof, or for any other purposes
26 necessary to secure any such revenue bonds.

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

29 (12) Any other matters necessary to secure such bonds
30 and the payment of the principal and interest thereof. All
31 such provisions of the bond resolution and all such covenants

1 and agreements in addition to the other provisions and
2 requirements of this act shall constitute valid and legally
3 binding contracts between the District and several holders of
4 any such bonds regardless of the time of issuance of such
5 bonds, and shall be enforceable by any such holder or holders
6 by mandamus or other appropriate action, suit, or proceeding
7 in law or in equity in any court of competent jurisdiction.

8 Section 8. (1) When the fees, rates, or charges for
9 the services and facilities of any system are not paid when
10 due and are in default for 10 days or more, following written
11 notice to such delinquent customer, the District may
12 discontinue and shut off the supply of the services and
13 facilities of such systems, to the person, firm, corporation,
14 or other body, public or private, so supplied with such
15 services or facilities, until such fees, rates, or charges,
16 including interest, penalties, and charges for the shutting
17 off and discontinuance or the restoration of such services or
18 facilities are fully paid. Such delinquent fees, rates, or
19 charges, together with interest, penalties, and charges for
20 the shutting off and discontinuance or the restoration of such
21 services or facilities, and reasonable attorney's fees, costs
22 and other expenses, may be recovered by the board in a court
23 of competent jurisdiction.

24 (2) In the event that the fees, rates, or charges for
25 the services and the facilities of any system shall not be
26 paid as and when due, the unpaid balance thereof and all
27 interest accruing thereon shall, to the extent permitted by
28 law, be a lien on any parcel or property affected thereby.
29 Such liens shall be superior and paramount to the interest on
30 such parcel or property of any owner, lessee, tenant,
31 mortgagee, or other person except the lien of county or

1 district taxes and shall be on a parity with the lien of any
2 such county or district taxes. In the event that any such
3 service charge shall not be paid as and when due and shall be
4 in default for 30 days or more the unpaid balance thereof and
5 all interest accrued or penalties thereon, together with
6 attorney's fees and costs, may be recovered by the District in
7 a civil action, and any such lien and accrued interest and
8 penalties may be foreclosed or otherwise enforced by the
9 District by action or suit in equity as for the foreclosure of
10 a mortgage on real property in the manner provided by general
11 law.

12 Section 9. (1) The District may provide for the levy
13 of non-ad valorem assessments under this act on the lands and
14 real estate benefited by the construction of any system, or
15 extensions or improvements thereof, or any part thereof.
16 Non-ad valorem assessments may be levied only on benefited
17 real property at a rate of assessment based on the special
18 benefit accruing to such property from such improvements. The
19 District may use any assessment apportionment methodology that
20 meets the "fair apportionment" standards.

21 (2) The Board may determine to make any improvements
22 authorized by this act and defray the whole or any part of the
23 expense thereof by non-ad valorem assessments. The Board shall
24 so declare by resolution stating the nature of the proposed
25 improvement, designating the location of wastewater
26 facilities, the location of water mains, water laterals, and
27 other water distribution facilities, or the location of the
28 wastewater reuse facilities, and the part or portion of the
29 expense thereof to be paid by non-ad valorem assessments, the
30 manner in which said assessments shall be made, when said
31 assessments are to be paid, and what part, if any, shall be

1 apportioned to be paid from the general funds of the District.
2 Said resolution shall also designate the lands upon which the
3 non-ad valorem assessments shall be levied, and in describing
4 said lands it shall be sufficient to describe them as "all
5 lots and lands adjoining and contiguous or bounding and
6 abutting upon such improvements or specially benefited thereby
7 and further designated by the assessment plat hereinafter
8 provided for." Such resolution shall also state the total
9 estimated cost of the improvement. Such estimated cost may
10 include the cost of construction or reconstruction, the cost
11 of all labor and materials, the cost of all lands, property,
12 rights, easements, and franchises acquired, financing charges,
13 interest prior to and during construction and for 1 year after
14 completion of construction, discount on the sale of assessment
15 bonds, cost of plans and specifications, surveys of estimates
16 of costs and of revenues, cost of engineering and legal
17 services, and all other expenses necessary or incident to
18 determining the feasibility or practicability of such
19 construction or reconstruction, administrative expense, and
20 such other expense may be necessary or incident to the
21 financing herein authorized.

22 (3) At the time of the adoption of the resolution
23 provided for in subsection (2), there shall be on file at the
24 District's offices, an assessment plat showing the area to be
25 assessed, with plans and specifications, and an estimate of
26 the cost of the proposed improvement, which assessment plat,
27 plans, and specifications and estimate shall be open to the
28 inspection of the public.

29 (4) Upon adoption of the resolution provided for in
30 subsection (2), or completion of the preliminary assessment
31 roll provided for in subsection (5), whichever is later, the

1 vice chair of the Board shall publish notice of the resolution
2 once in a newspaper published in the Counties of Charlotte and
3 Sarasota. The notice shall state in brief and general terms a
4 description of the proposed improvements with the location
5 thereof, and that the plans, specifications, and estimates are
6 available to the public at the district's offices. The notice
7 shall also state the date and time of the hearing to hear
8 objections provided for in subsection (7), which hearing shall
9 be no earlier than 15 days after publication of said notice.
10 Such publication shall be verified by the affidavit of the
11 publisher and filed with the secretary to the Board.

12 (5) Upon the adoption of the resolution provided for
13 in subsection (2), the Board shall cause to be made a
14 preliminary assessment roll in accordance with the method of
15 assessment provided for in said resolution, said assessment
16 roll shall show the lots and lands assessed and the amount of
17 the benefit to and the assessment against each lot or parcel
18 of land, and, if said assessment is to be paid in
19 installments, the number of annual installments in which the
20 assessment is divided shall also be entered and shown upon
21 said assessment roll.

22 (6) Upon the completion of said preliminary assessment
23 roll, the Board shall by resolution fix a time and place at
24 which the owners of the property to be assessed or any other
25 persons interested therein may appear before said Board and be
26 heard as to the propriety and advisability of making such
27 improvements, as to the cost thereof, as to the manner of
28 payment therefor, and as to the amount thereof to be assessed
29 against each property so improved. Ten days' notice in writing
30 of such time and place shall be given to such property owners.
31 The notice shall include the amount of the assessment and

1 shall be served by mailing a copy by first class mail to each
2 of such property owners at his or her last known address, the
3 names and addresses of such property owners to be obtained
4 from the records of the property appraiser, proof of such
5 mailing to be made by the affidavit of the secretary to the
6 Board, or by the engineer.

7 (7) At the time and place named in the notice provided
8 for in subsection (4), the Board shall meet and hear testimony
9 from affected property owners as to the propriety and
10 advisability of making the improvements and funding them with
11 non-ad valorem assessments on property. Following the
12 testimony, the Board shall make a final decision on whether to
13 levy the non-ad valorem assessments, adjusting assessments as
14 may be warranted by information received at or prior to the
15 hearing. If any property which may be chargeable under this
16 section shall have been omitted from the preliminary roll or
17 if the prima facie assessment shall not have been made against
18 it, the Board may place on such roll an apportionment to such
19 property. The owners of any property so added to the
20 assessment roll shall be mailed a copy of the notice provided
21 for in subsection (6), by first class mail and granted 15 days
22 from such date of mailing to file any objections with the
23 Board. When so approved by resolution of the Board, a final
24 assessment roll shall be filed with the vice chair of the
25 Board, and such assessments shall stand confirmed and remain
26 legal, valid, and binding first liens upon the property
27 against which such assessments are made until paid. The
28 assessment so made shall be final and conclusive as to each
29 lot or parcel assessed unless proper steps be taken within 30
30 days of the filing of the final assessment roll in a court of
31 competent jurisdiction to secure relief. If the assessment

1 against any property shall be sustained or reduced or abated
2 by the court, the vice chair shall note that fact on the
3 assessment roll opposite the description of the property
4 affected thereby and notify the county property appraiser and
5 the tax collector in writing. The amount of the non-ad valorem
6 assessment against any lot or parcel which may be abated by
7 the court, unless the assessment upon the entire District be
8 abated, or the amount by which such assessment is so reduced,
9 may by resolution of the Board be made chargeable against the
10 District at large, or, at the discretion of the Board, a new
11 assessment roll may be prepared and confirmed in the manner
12 hereinabove provided for the preparation and confirmation of
13 the original assessment roll. The Board may by resolution
14 grant a discount equal to all or a part of the payee's
15 proportionate share of the cost of the project consisting of
16 bond financing costs, such as capitalized interest, funded
17 reserves, and bond discount included in the estimated cost of
18 the project, upon payment in full of any assessment during
19 such period prior to the time such financing costs are
20 incurred as may be specified by the board.

21 (8) The non-ad valorem assessments shall be payable at
22 the time and in the manner stipulated in the resolution
23 providing for the improvement; shall remain liens, coequal
24 with the lien of all state, county, district, and municipal
25 taxes, superior in dignity to all other liens, titles, and
26 claims, until paid; shall bear interest, at a rate not to
27 exceed the percentage authorized by section 170.09, Florida
28 Statutes, for municipal special assessments or, if bonds are
29 issued pursuant to this chapter, at a rate not to exceed 1
30 percent above the rate of interest at which the bonds
31 authorized pursuant to this act and used for the improvement

1 are sold, from the date of the acceptance of the improvement;
2 and may, by the resolution aforesaid and only for capital
3 outlay projects, be made payable in equal installments over a
4 period not to exceed 20 years, to which, if not paid when due,
5 there shall be added a penalty at the rate of 1 percent per
6 month, until paid. However, the assessments may be paid
7 without interest at any time within 30 days after the
8 improvement is completed and a resolution accepting the same
9 has been adopted by the Board.

10 (9) The non-ad valorem assessments approved by the
11 Board may be levied, assessed, and collected pursuant to
12 section 197.3632, Florida Statutes. The collection and
13 enforcement of the non-ad valorem assessment levied by the
14 district shall be at the same time and in like manner as
15 county taxes.

16 (10) All assessments shall constitute a lien upon the
17 property so assessed from the date of confirmation of the
18 resolution ordering the improvement of the same nature and to
19 the same extent as the lien for general county, municipal, or
20 district taxes falling due in the same year or years in which
21 such assessments or installments thereof fall due, and any
22 assessment or installment not paid when due shall be collected
23 with such interest and with a reasonable attorney's fee and
24 costs, but without penalties, by the District by proceedings
25 in a court of equity to foreclose the lien of assessment as a
26 lien for mortgages is or may be foreclosed under the laws of
27 the state; provided that any such proceedings to foreclose
28 shall embrace all installments of principal remaining unpaid
29 with accrued interest thereon, which installments shall, by
30 virtue of the institution of such proceedings immediately
31 become due and payable. Nevertheless, if, prior to any sale of

1 the property under decree of foreclosure in such proceedings,
2 payment be made of the installment or installments which are
3 shown to be due under the provisions of the resolution passed
4 pursuant to this section, and all costs including attorney's
5 fees, such payment shall have the effect of restoring the
6 remaining installments to their original maturities and the
7 proceedings shall be dismissed. It shall be the duty of the
8 District to enforce the prompt collection of assessments by
9 the means herein provided, and such duty may be enforced at
10 the suit of any holder of bonds issued under this act in a
11 court of competent jurisdiction by mandamus or other
12 appropriate proceedings or action. Not later than 30 days
13 after the annual installments are due and payable, it shall be
14 the duty of the board to direct the attorney or attorneys whom
15 the board shall then designate, to institute actions within 3
16 months after such direction to enforce the collection of all
17 non-ad valorem assessments for improvements made under this
18 section and remaining due and unpaid at the time of such
19 direction. Such action shall be prosecuted in the manner and
20 under the conditions in and under which mortgages are
21 foreclosed under the laws of the state. It shall be lawful to
22 join in one action the collection of assessments against any
23 or all property assessed by virtue of the same assessment roll
24 unless the court shall deem such joinder prejudicial to the
25 interest of any defendant. The court shall allow reasonable
26 attorney's fees for the attorney or attorneys of the district,
27 and the same shall be collectible as a part of or in addition
28 to the costs of the action. At the sale pursuant to decree in
29 any such action, the District may be a purchaser to the same
30 extent as an individual person or corporation, except that the
31 part of the purchase price represented by the assessments sued

1 upon and the interest thereon need not be paid in cash.
2 Property so acquired by the District may be sold or otherwise
3 disposed of, the proceeds of such disposition to be placed in
4 the fund provided by subsection (11). However, no sale or
5 other disposition thereof shall be made unless the notice
6 calling for bids therefor to be received at a stated time and
7 place shall have been published in a newspaper of general
8 circulation in the District once in each of 4 successive weeks
9 prior to such disposition.

10 (11) All assessments and charges made under the
11 provisions of this section for the payment of all or any part
12 of the cost of any improvements for which assessment bonds
13 shall have been issued under the provisions of this act are
14 hereby pledged to the payment of the principal of and the
15 interest on such assessment bonds and shall, when collected,
16 be placed in a separate fund, properly designated, which fund
17 shall be used for no other purpose than the payment of such
18 principal and interest.

19 (12) The counties in which the District is located and
20 each school district and other political subdivision wholly or
21 partly within the District shall be subject to the same duties
22 and liabilities in respect of assessment under this section
23 affecting the real estate of such counties, school districts,
24 or other political subdivisions which private owners of real
25 estate are subject to hereunder, and such real estate of any
26 such counties, school districts, and political subdivision
27 shall be subject to liens for said assessments in all cases
28 where the same property would be subject had it at the time
29 the lien attached been owned by a private owner, except that
30 no such lien may be foreclosed unless and until said real

31

1 estate is conveyed to a person or entity which is not a
2 political subdivision.

3 Section 10. The Board shall cause to be made at least
4 once each year a comprehensive report of its water system,
5 wastewater reuse system, and wastewater system including all
6 matters relating to rates, revenues, expenses of maintenance,
7 repair, and operation and renewals and capital replacements,
8 principal and interest requirements, and the status of all
9 funds and accounts. Copies of such general report shall be
10 filed with the vice chair and shall be open to public
11 inspection.

12 Section 11. Any holder of bonds issued under the
13 provisions of this act, or of any of the coupons appertaining
14 thereto, except as to the extent that the rights herein
15 granted may be restricted by the resolution authorizing the
16 issuance of such bonds, may, either at law or in equity, by
17 suit, mandamus or other proceeding, protect and enforce any
18 and all rights under the laws of the state or granted
19 hereunder or under such resolutions, and may enforce and
20 compel the performance of all duties required by this act and
21 by such resolutions to be performed by the District or by the
22 board or by any officer or officers or employees thereof,
23 including the fixing and charging and collecting of rates,
24 fees, and charges for the services and facilities furnished by
25 the water system, wastewater reuse system, or wastewater
26 system and the due and proper collection of any non-ad valorem
27 assessments pledged therefor.

28 Section 12. (1) As the exercise of the powers
29 conferred by this act constitutes the performance of essential
30 public functions and as the systems constructed under the
31 provisions of this act constitute public property used for

1 public purposes, such District and the property thereof,
2 including all revenues, moneys, or other assets of any type or
3 character, shall not be subject to taxation by the state or
4 any political subdivision, agency, instrumentality, or
5 municipality thereof, and it is hereby expressly found,
6 determined, and declared that all of the lands and real estate
7 in said District will be benefited by the construction or
8 acquisition of the systems, and additions, extensions, and
9 improvements thereto, provided for in this act.

10 (2) All bonds or other obligations issued under this
11 act shall be exempt from all taxation by the state or any
12 county, municipality, or political subdivision thereof;
13 however, the exemption does not apply to any tax imposed by
14 chapter 220, Florida Statutes, on interest, income, or
15 profits; however, the exemption does not apply to any tax
16 imposed by chapter 220, Florida Statutes, on interest, income,
17 or profits on debt obligations owned by corporations. Such
18 bonds or other obligations shall be and constitute securities
19 eligible for deposit as collateral to secure any state,
20 county, municipal, or other public funds, and shall also be
21 and constitute legal investments for any banks, savings banks,
22 trust funds, executors, administrators, state, county,
23 municipal, or other public funds, or any other fiduciary
24 funds.

25 Section 13. In any case where the character or
26 condition of the sewage from or originating in any
27 manufacturing or industrial plant or building or premises is
28 such that it imposes an unreasonable burden upon the
29 wastewater system, an additional charge may be made therefor
30 or the Board may, if it deems it advisable, compel such
31 manufacturing or industrial plant, building, or premises to

1 treat such wastewater in such manner as shall be specified by
2 the Board before discharging such wastewater into any
3 wastewater lines owned, maintained, or operated by the
4 District.

5 Section 14. The District is authorized to enter into
6 any agreement for the delivery of any revenue bonds,
7 assessment bonds, or any combination thereof, at one time or
8 from time to time as full or partial payment for any work done
9 by any contractor who may have been awarded a contract for the
10 construction of all or any part of any system. However, any
11 such bonds so delivered for payment of services shall have
12 been authorized and issued pursuant to the provisions of this
13 act and shall otherwise conform to the provisions thereof.

14 Section 15. (1) All contracts for the purchase of
15 commodities or contractual services in excess of \$25,000 let,
16 awarded, or entered into by the District for the construction,
17 reconstruction, or addition to any system shall be publicly
18 advertised and bid. The Board shall adopt procedures for
19 public advertisement and call for sealed bids; which
20 procedures may vary the frequency and length of publication
21 based on the amount of the procurement.

22 (2) Such advertisement for bids, in addition to the
23 other necessary and pertinent matter, shall state in general
24 terms the nature and description of the improvement or
25 improvements to be undertaken and shall state that detailed
26 plans and specifications for such work are on file in the
27 office of the vice chair or will be mailed upon request to
28 interested parties. The award shall be made to the responsible
29 and competent bidder or bidders who shall offer to undertake
30 the improvements at the lowest cost to the District and such
31 bidder or bidders shall be required to file bond for the full

1 and faithful performance of such work and the execution of any
2 such contract in such amount as the Board shall determine. No
3 criteria may be used in determining the acceptability of the
4 bid that was not set forth in the invitation to bid. The
5 contract shall be awarded with reasonable promptness by
6 written notice to the qualified and responsive bidder who
7 submits the lowest responsive bid.

8 (3) When the Board determines that the use of
9 competitive sealed bidding is not practicable, commodities or
10 contractual services shall be procured by competitive sealed
11 proposals. A request for proposals which includes a statement
12 of the commodities or contractual services sought and all
13 contractual terms and conditions applicable to the
14 procurement, including the criteria, which shall include, but
15 not be limited to, price, to be used in determining
16 acceptability of the proposal shall be issued. To ensure full
17 understanding of and responsiveness to the solicitation
18 requirement, discussions may be conducted with qualified
19 offerors. The offerors shall be accorded fair and equal
20 treatment prior to the submittal dates specified in the
21 request for proposals with respect to any opportunity for
22 discussion and revision of proposals. The award shall be made
23 to the responsible offeror whose proposal is determined in
24 writing to be the most advantageous to the District, taking
25 into consideration the price and the other criteria set forth
26 in the request for proposals.

27 (4) If the chair of the Board, or his or her designee,
28 determines in writing that an immediate danger to the public
29 health, safety, or welfare or other substantial loss to the
30 District requires emergency action, the provisions of this
31 section requiring competitive bidding or proposals shall be

1 waived. After the chair or his or her designee makes such a
2 written determination, the District may proceed with the
3 procurement of commodities or contractual services
4 necessitated by the immediate danger, without competition.
5 However, such emergency procurement shall be made with such
6 competition as is practicable under the circumstances.
7 Commodities or contractual services available only from a
8 single source may be excepted from the bid requirements if it
9 is determined that such commodities or services are available
10 only from a single source and such determination is documented
11 and approved by the Board. Nothing in this section shall be
12 deemed to prevent the district from hiring or retaining such
13 consulting engineers, or other professionals or other
14 technicians as it shall determine, in its discretion,
15 consistent with the requirements of section 287.055, Florida
16 Statutes, or for undertaking any construction work with its
17 own resources and without any such public advertisement.

18 Section 16. The same rates, fees, charges, and non-ad
19 valorem assessments shall be fixed, levied, and collected on
20 the property, officers, and employees of the counties, or any
21 school district, or other political subdivision included
22 within the District, as are fixed, levied, and collected on
23 all other properties or persons in the District as provided in
24 this act.

25 Section 17. Any county, municipality, or other
26 political subdivision is authorized to sell, lease, grant, or
27 convey any real or personal property to the district and any
28 such sale, grant, lease, or conveyance may be made without
29 formal consideration. The district is authorized to classify
30 as surplus any of its property and dispose of such property
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1 consistent with the provisions of sections 274.05 and 274.06,
2 Florida Statutes.

3 Section 18. No system or portion thereof shall be
4 constructed within the District unless the Board shall give
5 its consent thereto and approve the plans and specifications
6 therefor; subject, however, to the terms and provisions of any
7 resolution authorizing any bonds and agreements with
8 bondholders.

9 Section 19. The Board shall have no power to mortgage,
10 pledge, encumber, sell, or otherwise convey all or any part of
11 its systems except as otherwise provided in this act, and
12 except that the Board may dispose of any part of such system
13 or systems as may be no longer necessary for the purposes of
14 the District. The provisions of this section shall be deemed
15 to constitute a contract with all bondholders. All District
16 property shall be exempt from levy and sale by virtue of an
17 execution and no execution or other judicial process shall
18 issue against such property nor shall any judgment against the
19 District be a charge or lien on its property; provided that
20 nothing herein contained shall apply to or limit the rights of
21 bondholders to pursue any remedy for the enforcement of any
22 lien or pledge given by the district on revenues derived from
23 the operation of any system.

24 Section 20. The state does hereby pledge to and
25 covenant and agree with the holders of any bonds issued
26 pursuant to this act that the state will not limit or alter
27 the rights hereby vested in the District to acquire,
28 construct, maintain, reconstruct, and operate its systems and
29 to fix, establish, charge, and collect its service charges
30 therefor, and to fulfill the terms of any agreement made with
31 the holders of such bonds or other obligations, and will not

1 in any way impair the rights or remedies of such holders,
2 until the bonds, together with interest thereon, with interest
3 on any unpaid installments of interest, and all costs and
4 expenses in connection with any action or proceeding by or on
5 behalf of such holders, are fully met and discharged.

6 Section 21. The provisions of this act shall be deemed
7 to constitute a contract with the holders of any bonds issued
8 hereunder and shall be liberally construed to effect its
9 purposes and shall be deemed cumulative and supplemental to
10 all other laws.

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

15 Section 23. The District may assume the operation of
16 any system which substantially fails to meet its financial
17 responsibilities or operating standards pursuant to this act
18 or other laws and regulations of the state, if the Board
19 determines that such action is in the public interest and the
20 system owner conveys ownership to the District.

21 Section 24. The Board may lease or license the use of
22 any real or personal property of the District upon such terms,
23 conditions, and for such consideration as the Board deems
24 appropriate. However, no such lease or license shall be for a
25 period exceeding 20 years in duration, unless renewed, and
26 provided that the lease or license shall be restricted to
27 permit the grantee to use such property during the term of the
28 lease or license only for civic or public purposes or purposes
29 not in conflict with this act or general law.

30 Section 25. The District may, in addition to other
31 provisions of this act providing for the accrual of interest,

1 assess an interest charge on contractual obligations owed the
2 District. Such interest shall accrue at an annual percentage
3 rate as provided in chapter 687, Florida Statutes, or as
4 otherwise provided by contract. Such accrued interest charges,
5 if payment thereof becomes delinquent, may be recovered in the
6 same manner as provided in this act for other delinquent
7 rates, fees, charges, or penalties.

8 Section 26. The members of the Board of Supervisors
9 shall be subject to recall as provided by general law for
10 elected officers of municipalities.

11 Section 27. Any person who shall steal or damage
12 District property, or tamper with or alter District property
13 or threaten or cause actual harm to public health shall be
14 guilty of a criminal offense and misdemeanor within the
15 meaning of section 775.08, Florida Statutes, unless such
16 offense is of a higher degree in general law, and shall be
17 punishable as provided by law.

18 Section 28. All contracts, obligations, rules,
19 regulations, or policies of any nature existing on the date of
20 enactment of this act shall remain in full force and effect
21 and this act shall in no way affect the validity of such
22 contracts, obligations, rules, regulations, or policies.

23 Section 29. This act shall not affect the terms of
24 office of the present District Board, nor shall it affect the
25 terms and conditions of employment of any employees of the
26 District.

27 Section 30. Chapter 96-499, Laws of Florida, is
28 repealed.

29 Section 31. It is declared to be the intent of the
30 Legislature that if any section, subsection, sentence, clause,
31 phrase, or portion of this act is, for any reason, held

1 invalid or unconstitutional by a court of competent
2 jurisdiction, such portion shall be deemed to be a separate,
3 distinct, and independent provision and such holdings shall
4 not affect the validity of the remaining portions of this act.

5 Section 32. This act shall be construed as a remedial
6 act and the provisions of this act shall be liberally
7 construed in order to effectively carry out the purpose of
8 this act in the interest of the public health, welfare, and
9 safety of the citizens served by the District.

10 Section 33. All laws or part of laws in conflict
11 herewith are, to the extent of such conflict, repealed.

12 Section 34. This act shall take effect upon becoming a
13 law.

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