

By Senator Saunders

37-1375-03

See HB 849

1 A bill to be entitled
2 An act relating to the Collier County
3 Water-Sewer District, an independent special
4 district in Collier County; codifying,
5 amending, reenacting, and repealing the
6 District's special acts; providing legislative
7 intent, jurisdiction, and restrictions with
8 regard to the City of Naples, Everglades City,
9 the Immokalee Water and Sewer District, the
10 City of Marco Island, the geographic area
11 called Golden Gate, and other specified
12 unincorporated areas of Collier County;
13 providing definitions; providing authority with
14 regard to adoption of rates, fees, and charges
15 and issuance of bonds, trust funds, and
16 trustees; providing for covenants of District
17 Board with bondholders; providing that unpaid
18 fees constitute liens; providing for
19 publication of notice of issuance of bonds and
20 that bonds shall have the qualities of
21 negotiable instruments; providing for rights of
22 holders and annual reports of the District
23 Board; continuing provisions for District bonds
24 as securities for public bodies; providing for
25 contracts for construction of improvements and
26 sealed bids, and special assessments;
27 prohibiting free water and free sewer service;
28 providing for impact fees; providing for
29 conveyances of property without consideration;
30 providing for District approval of construction
31 of water and sewage facilities; providing for

1 construction; providing for penalties and
2 enforcement; repealing chapters 73-437, 74-462,
3 77-531, 78-489, 78-492, 80-484, 82-280, 88-499,
4 89-452, and 96-451, Laws of Florida; providing
5 an effective date.

6
7 Be It Enacted by the Legislature of the State of Florida:

8
9 Section 1. Pursuant to section 189.429, Florida
10 Statutes, this act constitutes the codification of all special
11 acts relating to the Collier County Water-Sewer District, an
12 independent special district and public corporation of the
13 state. It is the intent of the Legislature in enacting this
14 law to provide a single, comprehensive special act charter for
15 the District, including all current legislative authority
16 granted to the District by its several legislative enactments
17 and any additional authority granted by this act. It is
18 further the intent of this act to preserve all District
19 authority, including the authority to annually assess and levy
20 taxes or non-ad valorem assessments against all assessable
21 property in the District.

22 Section 2. Chapters 73-437, 74-462, 77-531, 78-489,
23 78-492, 80-484, 82-280, 88-499, 89-452, and 96-451, Laws of
24 Florida, are amended, reenacted, codified, and repealed as
25 herein provided.

26 Section 3. The charter for the Collier County
27 Water-Sewer District is re-created and reenacted to read:

28 Section 1. Legislative intent.--It is declared as a
29 matter of legislative determination that the extensive growth
30 population and attendant commerce throughout Collier County
31 continue to give rise to public health and water supply

1 concerns, in that many of the unincorporated areas of Collier
2 County are not served by water and sewer facilities normally
3 and generally provided and maintained by governmental agencies
4 and, instead, are served by private wells and privately-owned
5 package sewage treatment plants or septic tanks; that the
6 proliferation of such package sewage treatment plants and use
7 of septic tanks poses a significant risk of contamination of
8 water supply sources for both incorporated and unincorporated
9 areas of Collier County; that it is the intent of the
10 Legislature to continue to authorize the Board of County
11 Commissioners of Collier County to act as the governing board
12 (District Board) of the Collier County Water-Sewer District
13 with overall responsibility for the provision of water and
14 sewer services to specified geographic areas of Collier County
15 as hereinafter provided.

16 Section 2. Collier County Water-Sewer District
17 reestablished.--This District is a political subdivision of
18 the state and a body corporate and politic. The Board of
19 County Commissioners of Collier County shall be the governing
20 board of the District with rights, powers, and
21 responsibilities as provided in this act and by general law,
22 including, but not limited to, the authority to enact
23 ordinances and adopt resolutions, to adopt rules and
24 regulations for its own government and proceeding, and to
25 adopt an official seal for the District. This act may be known
26 and be cited as the "Collier County Water-Sewer District Act."

27 Section 3. Jurisdiction, restrictions, and boundaries
28 as applied to the City of Naples, Everglades City, Immokalee
29 Water and Sewer District, Marco Island, Golden Gate, and other
30 unincorporated areas.--

31

1 (1) The Collier County Water-Sewer District Board
2 shall exercise jurisdiction over the provision of water and
3 sewer services within the boundaries as hereinafter provided
4 for. The Board shall be exempt from the provisions of chapter
5 120, Florida Statutes. No privately-owned water or sewer
6 utility shall be abandoned without adequate provision for
7 continuance of service and the prior approval of the Board.

8 (2) Notwithstanding any other provisions of this act,
9 the District Board shall exercise no jurisdiction or power of
10 any kind over properties located within the boundaries of the
11 City of Naples water and/or sewer service areas, or Everglades
12 City, as all such boundaries exist on the effective date of
13 this act, except as may be consented to in writing by the
14 respective city councils. The District Board may exercise
15 jurisdiction and power over properties located within the
16 prior geographic boundaries of the Pelican Bay Improvement
17 District. In 1991 the District assumed the bonds of that
18 District and, pursuant to Resolution No. 91-216 began serving
19 within that geographic area.

20 (3) Any portion of the unincorporated area of Collier
21 County, except the Immokalee Water and Sewer District, and the
22 areas described in subsection (5), paragraphs A., B., C., and
23 D., may be added to the boundaries of the Collier County
24 Water-Sewer District by adoption of a resolution by the
25 District Board. Such resolution may be adopted only after
26 notice of intent to consider the resolution at a public
27 hearing at a specified date, place, and time shall have been
28 published at least once a week for 2 consecutive weeks in a
29 newspaper of general circulation in Collier County. Areas
30 described in paragraphs A., B., C., or D. in subsection (5)

31

1 can be added to the District's service area as then authorized
2 by law.

3 (4) Nothing in this act shall be construed to negate
4 or otherwise limit the powers, authority, and jurisdiction of
5 the Board of County Commissioners of Collier County to provide
6 for water and sewer services under then-existing general law
7 in any portion of Collier County.

8 (5) The boundaries of the District are described as
9 follows:

10
11 Beginning at the easterly shoreline of the Gulf
12 of Mexico and the North line of Section 6,
13 Township 48 South, Range 25 East, Tallahassee
14 Meridian, Collier County, Florida; thence East
15 along the North line of said Section 6 and
16 Section 5 to the Northeast corner of Section 5,
17 Township 48 South, Range 25 East; thence South
18 along the East line of said Section 5 to the
19 Southeast corner of said Section 5, Township 48
20 South, Range 25 East; thence East along the
21 North line of Sections 9, 10, 11, and 12 of
22 Township 48 South, Range 25 East to the
23 Northeast corner of Section 12, Township 48
24 South, Range 25 East; thence East along the
25 North line of Sections 7, 8, and 9 to the
26 Northeast corner of Section 9, Township 48
27 South, Range 26 East; thence South along the
28 East Section line of Sections 9 and 16 to the
29 Southeast corner of Section 16, Township 48
30 South, Range 26 East; thence East along the
31 North Section line of Sections 22 and 23 to the

1 Northeast corner of Section 23, Township 48
2 South, Range 26 East; thence South along the
3 East section line of Sections 23, 26 and 35 to
4 the Southeast corner of Section 35, Township 48
5 South, Range 26 East; thence South along the
6 East line of Sections 2, 11, 14, 23, and 26 to
7 the Southeast corner of Section 26, Township 49
8 South, Range 26 East; thence East along the
9 North line of Section 36, Township 49 South,
10 Range 26 East to the Northeast corner of said
11 Section 36; thence South along the East line of
12 Section 36, Township 49 South, Range 26 East to
13 the Southeast corner of said Section 36; thence
14 South along the East line of Section 1 to the
15 Southeast corner of Section 1, Township 50
16 South, Range 26 East; thence West along the
17 North line of Section 12, Township 50 South,
18 Range 26 East to the Northwest corner of said
19 Section 12; thence South along the East line of
20 Sections 11, 14, 23, 26 and 35, Township 50
21 South, Range 26 East to the Southeast corner of
22 Section 35, Township 50 South, Range 26 East;
23 thence South along the East line of Section 2,
24 Township 51 South, Range 26 East to a point of
25 the East line of Section 2 lying one (1) mile
26 North, as measured perpendicular to the
27 Northerly right-of-way line of U.S. 41, State
28 Road 90, Tamiami Trail; thence Southeasterly
29 along a line lying one (1) mile North, as
30 measured perpendicular to the Northerly
31 right-of-way line of U.S. 41, State Road 90,

1 Tamiami Trail, to a point on the East Section
2 line of Section 22, Township 51 South, Range 27
3 East; thence continue South along the East
4 Section line of Sections 22, 27 and 34,
5 Township 51 South, Range 27 East, to the
6 Southeast corner of said Section 34; thence
7 continue South along the East Section line of
8 Section 3, Township 52 South, Range 27 East, to
9 the intersection of said East Section line of
10 Section 3 with Black Water River; thence
11 Southerly along the waters of Black Water River
12 and Black Water Bay to their intersection with
13 Gullivan Bay; thence Westerly along the waters
14 of Gullivan Bay and Sunfish Flat and Caxambas
15 Bay to Caxambas Pass; thence West through
16 Caxambas Pass to the Easterly shoreline of the
17 Gulf of Mexico; thence Northerly along the
18 Easterly shoreline of the Gulf of Mexico to the
19 intersection of the Easterly shoreline of the
20 Gulf of Mexico and the North line of Section 6,
21 Township 48 South, Range 25 East, being the
22 Point of Beginning; AND Beginning at the
23 southwest corner of Section 31, Township 48
24 South, Range 27 East; thence along the west
25 line of said Section 31, North 01°09'24" West
26 171.66 feet; thence leaving said west line
27 North 83°50'36" East 127.49 feet; thence North
28 68°11'27" East 312.23 feet; thence South
29 83°37'40" East 1074.79 feet; thence North
30 12°38'39" East 90.57 feet; thence North
31 74°34'44" West 439.84 feet; thence North

1 89°59'36" West 538.03 feet; thence North
2 47°32'40" West 324.00 feet; thence North
3 29°27'34" West 131.44 feet; thence North
4 06°47'28" West 278.30 feet; thence North
5 85°09'12" East 1515.99 feet; thence North
6 04°50'48" West 350.00 feet; thence North
7 89°57'58" East 940.00 feet; thence North
8 22°40'09" East 580.00 feet; thence North
9 32°24'35" West 831.83 feet; thence North
10 07°23'02" West 1884.92 Feet; thence North
11 24°30'12" East 230.40 feet; thence North
12 63°03'47" East 78.78 feet; thence South
13 60°24'49" East 68.67 feet; thence South
14 69°35'20" East 178.33 feet; thence South
15 66°45'54" East 103.57 feet; thence South
16 41°21'25" East 58.77 feet; thence South
17 09°23'59" East 146.74 feet; thence South
18 60°56'19" East 161.95 feet; thence South
19 86°10'30" East 169.68 feet; thence South
20 65°47'35" East 108.59 feet; thence South
21 61°42'19" East 160.73 feet; thence South
22 51°09'20" East 246.90 feet; thence South
23 17°08'46" East 135.69 feet; thence South
24 05°30'20" East 174.19 feet; thence South
25 36°22'19" East 85.39 feet; thence South
26 01°28'39" West 193.59 feet; thence South
27 20°43'55" West 57.31 feet; thence North
28 89°21'53" East 132.49 feet; thence South
29 00°38'07" East 600.72 feet; thence North
30 87°40'00" East 1319.77 feet to a point on the
31 east 1/4 corner of said Section 31; thence

1 along the east line of said Section 31, South
2 00°39'23" East 2682.53 feet to the southeast
3 corner of said Section 31; thence along the
4 south line of said Section 31, South 87°55'34"
5 West 5136.08 feet to the Point of Beginning of
6 the parcel herein described; containing 112,640
7 acres more or less; subject to easements and
8 restrictions of record, bearings are based on
9 the south line of said Section 31, being South
10 87°55'34" West; LESS AND EXCEPT all of the
11 following:

12
13 A. Any lands lying within the City of Naples
14 water and sewer service areas as may be revised
15 from time to time by mutual agreement between
16 the City of Naples and the County Water-Sewer
17 District of Collier County, Florida.

18
19 B. All lands that are subject to Florida
20 Public Service Commission Certificate No. 452-W
21 and Florida Public Service Commission
22 Certificate No. 386-S, heretofore granted to
23 Marco Island Utilities pursuant to Florida
24 Public Service Commission Order No. 17218; and
25 (LESS and EXCEPT) all lands that are subject to
26 Florida Public Service Commission Certificate
27 No. 470-W and Florida Public Service Commission
28 Certificate No. 405-S heretofore granted to
29 Marco Shore Utilities pursuant to Florida
30 Public Service Commission Order No. 17218.

31

1 C. All lands known as the City of Golden Gate
2 (an unincorporated area) described as
3 follows: All of Sections 21, 22, 27, and 28,
4 Township 49 South, Range 26 East, less the East
5 100 feet of said Sections 22 and 27. Also the
6 following described portions of Sections 15 and
7 16, Township 49 South, Range 26 East. Commence
8 at the Southeast corner of said Section 15, S.
9 84°44'22"W. along the South line of the SE 1/4
10 of said Section 15 for 100.42 feet to a point
11 on the Westerly right-of-way line of State Road
12 No. 858 and the POINT OF BEGINNING; thence
13 continue S. 84°44'22"W. 2,555.94 feet to the
14 South 1/4 corner of said Section 15; thence S.
15 84°32'25"W. along the South line of the SW 1/4
16 of said Section 15 for 2,653.76 feet to the
17 Southeast corner of aforesaid Section 16;
18 thence S. 89°51'27"W. along the South line of
19 said Section 16 for 5,290.68 feet to the
20 Southwest corner of said Section 16; thence N.
21 00°36'43"W. along the West line of the SW 1/4
22 of said Section 16 for 641.49 feet; thence S.
23 89°57'11"E., 5,290.05 feet to a point of
24 intersection with the East line of the SE 1/4
25 of the said Section 16, said point bearing N.
26 00°41'07"W. and a distance of 624.00 feet from
27 the Southeast corner of said Section 16; thence
28 East 5,194.36 feet to a point of the Westerly
29 right-of-way line of State Road No. 858; thence
30 South, along said Westerly right-of-way line,
31 137.12 feet to the POINT OF BEGINNING, all of

1 the above lying and being in Collier County,
2 Florida. NOTE: No part of this land is within
3 any boundary of any municipal corporation.

4
5 D. Everglades City; The Immokalee Water and
6 Sewer District. Because no boundary of the
7 Collier County Water-Sewer District is now in
8 close physical proximity to either the
9 Everglades City or to the Immokalee Water and
10 Sewer District, it is not necessary to describe
11 with particularity in this act the geographic
12 boundaries of that City or that District.

13
14 Section 4. Definitions.--As used in this act, the
15 following words and terms shall have the following meanings,
16 unless some other meaning is plainly intended:

17 (1) "District" means the Collier County Water-Sewer
18 District and the geographic boundaries of the District.

19 (2) "Board" or "District Board" means the Board of
20 County Commissioners of Collier County, acting as the
21 governing board of the Collier County Water-Sewer District.

22 (3) "Bonds" means revenue bonds and assessment bonds.

23 (4) "District Clerk" means the Clerk of the Circuit
24 Court and the ex officio Clerk of the Board of County
25 Commissioners of Collier County, who shall be clerk and
26 treasurer of the District.

27 (5) "System" means the water and/or the sewer system
28 of the District.

29 (6) "Sewer system" means and includes any plant,
30 system, facility, or property and additions, extensions, and
31 improvements thereto at any future time constructed or

1 acquired as part thereof, useful or necessary or having the
2 present capacity for future use in connection with the
3 collection, treatment, purification, or disposal of sewage of
4 any nature or originating from any source, including
5 industrial wastes resulting from any processes of industry,
6 manufacture, trade, or business or from the development of any
7 natural resources; and without limiting the generality of the
8 foregoing definition shall embrace treatment plants, pump
9 stations, lift stations, valves, force mains, intercepting
10 sewers, laterals, pressure lines, mains, and all necessary
11 appurtenances and equipment, all sewer mains and laterals for
12 the reception and collection of sewage from premises connected
13 therewith, and shall include all real and personal property
14 and any interest therein, rights, easements, and franchises of
15 any nature whatsoever relating to any such system and
16 necessary or convenient for the operation thereof.

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

1 (8) "Cost" as applied to the acquisition and
2 construction extensions, additions, or improvements to the
3 system includes the cost of: construction or reconstruction,
4 acquisition, or purchase; all labor, materials, machinery, and
5 equipment; all lands and interest therein, property, rights,
6 easements, and franchises of any nature whatsoever; financing
7 charges, and interest prior to and during construction and for
8 not more than 2 years after completion of the construction or
9 acquisition, extensions, additions, or improvements to the
10 system; the creation of initial reserve or debt service funds,
11 and bond discount; plans and specifications, surveys, and
12 estimates of costs and revenues; engineering, financial, and
13 legal services; and all other expenses necessary or incidental
14 in determining the feasibility or practicability of such
15 construction, reconstruction, or acquisition, administrative
16 expenses, and such other expenses as may be necessary or
17 incidental to financing authorized by this act, and including
18 reimbursement to Collier County or to any other person, firm,
19 or corporation for any moneys advanced to the District for any
20 expenses incurred by the District or Collier County in
21 connection with any of the foregoing items of cost, or the
22 reestablishment of the District.

23 (9) "Assessable improvements" means that portion or
24 portions of a sewer system or a water system of a local nature
25 and of benefit to the premises or lands served thereby and
26 particularly, without limiting the generality of the
27 foregoing, with reference to a sewer system, includes, without
28 being limited to, laterals and mains for the collection and
29 reception of sewage from premises connected therewith, local
30 or auxiliary pumping or lift stations, treatment plants or
31 disposal plants, and other appurtenant facilities and

1 equipment for the collection, treatment, and disposal of
2 sewage; and, with reference to a water system, includes such
3 mains and laterals and other distribution facilities, pumping
4 stations, and sources of supply as are of benefit to the
5 property served by such water system together with incidental
6 equipment and appurtenances necessary therefore.

7 (10) "Revenue bonds" means bonds or other obligations
8 secured by and payable from the revenues derived from rates,
9 fees, and charges collected by the District from the users or
10 future users of the facilities of the system, and which may be
11 additionally secured by a pledge of the proceeds of special
12 assessments levied against benefited property.

13 (11) "Assessment bonds" means bonds or other
14 obligations secured by and payable from special assessments
15 levied against benefited lands, and which may be additionally
16 secured by a pledge of other moneys received by the District.

17 Section 5. Powers and duties of the District
18 Board.--The Collier County Water-Sewer District Board shall
19 have the following powers and duties in addition to and
20 supplementing other powers granted in this act and powers
21 granted to counties by general law:

22 (1) To construct, install, erect, acquire, and to
23 operate, maintain, improve, extend, or enlarge and reconstruct
24 a water system or a sewer system, or both, within the
25 geographic boundaries of the District and the environs thereof
26 and to have the exclusive control and jurisdiction thereof;
27 and to issue its revenue bonds or assessment bonds, or any
28 combination of the foregoing, to pay all or part of the cost
29 of such construction, reconstruction, erection, acquisition,
30 or installation of such water system, sewer system, or both.

31

1 (2) To regulate the use of sewers and the supply of
2 water within the District's boundaries and to prohibit the use
3 and maintenance of outhouses, privies, septic tanks, package
4 sewage treatment plants, or other unsanitary structures or
5 appliances.

6 (3) To fix and collect rates, fees, and other charges
7 (including impact fees and system development charges) to
8 persons or property or both for the use of the facilities and
9 services provided by the water system or sewer system or both,
10 and to fix and collect charges for making connections with the
11 water system or sewer system, and to provide for reasonable
12 penalties on any users or property for any such rates, fees,
13 or charges that are delinquent.

14 (4) To acquire in the name of the District by
15 purchase, gift, or the exercise of the right of eminent
16 domain, pursuant to chapters 73 and 74, Florida Statutes, such
17 lands and rights and interests therein, including lands under
18 water and riparian rights, and to acquire such personal
19 property as it may deem necessary in connection with the
20 construction, reconstruction, improvement, extension,
21 installation, erection, or operation and maintenance of the
22 system, and to hold and dispose of all real and personal
23 property under its control. The power of eminent domain may be
24 exercised both within and outside the boundaries of the
25 District but within the boundaries of Collier County. The
26 eminent domain powers of the District as authorized in this
27 section may not be exercised in the areas specifically
28 excluded from the District's jurisdiction and boundaries in
29 section 3, except as provided in this section for the exercise
30 of such jurisdiction or for the addition to the boundaries of
31 the District of such specific areas.

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

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

13 (7) To join with any other districts, cities, towns,
14 counties, or other political subdivisions, public agencies, or
15 authorities in the exercise of common powers.

16 (8) To contract with other private or public entities
17 or persons to provide or receive a water supply or for sewage
18 disposal, collection, or treatment or to operate the water or
19 sewer system of such entity or person.

20 (9) To prescribe methods of pretreatment of industrial
21 wastes not amenable to treatment with domestic sewage before
22 accepting such wastes for treatment and to refuse to accept
23 such industrial wastes when not sufficiently pretreated as may
24 be prescribed, and by proper ordinance or resolution to
25 prescribe penalties for the refusal of any person or
26 corporation to so pretreat such industrial wastes.

27 (10) To require and enforce the use of its facilities
28 whenever and wherever they are accessible, and to require and
29 enforce the installation and dedication to the District of
30 water and/or sewer facilities and easements as a condition
31 precedent to the provision of service by the District or by

1 another entity authorized by the District to provide interim
2 service until District facilities are available.

3 (11) To sell or otherwise dispose of the effluent,
4 sludge, or other byproducts as a result of sewage treatment.

5 (12) To accomplish construction by awarding, letting,
6 or entering into contracts for all or any part or parts of the
7 construction of the system in accordance with the Collier
8 County Purchasing Ordinance, and any successor or superceding
9 ordinance, and the Collier County Purchasing Policy
10 Resolution, and any successor or superceding resolutions.

11 (13) To construct and operate connecting,
12 intercepting, or outlet sewers and sewer mains and pipes and
13 water mains, conduits, or pipe lines in, along, or under any
14 streets, alleys, highways, or other public places or ways
15 regulated by or under the jurisdiction of the state or the
16 county or any municipality or political subdivision when
17 necessary or convenient for the purposes of the District.

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

1 the planning, construction, reconstruction, or financing of
2 improvements, additions, or extensions to the system and to
3 receive and accept aid or contributions or loans from any
4 other source of either money, property, labor, or other things
5 of value, to be held, used, and applied only for the purpose
6 for which such grants, contributions, or loans may be made.

7 (15) To enter into interlocal agreements with any
8 municipality, county, district, authority, or political
9 subdivision for any corporate purpose of the District,
10 including, but not limited to, borrowing money for
11 construction of improvements, additions, and extensions to the
12 system.

13 (16) To assume ownership, operation, and control of
14 any county, municipality, district, or authority owned water
15 or sewer system, or both, including the assumption of the
16 financial liabilities associated with such water or sewer
17 system, or both.

18 (17) To divide the system into separate subsystems or
19 subdistricts for purposes of setting rates, accounting, or
20 financing improvements or additions thereto or deletions
21 therefrom.

22 (18) To appoint advisory, administrative, or
23 operational boards and committees to assist the Board in the
24 exercise and performance of the powers and duties provided in
25 this act or otherwise by law. The Board may delegate any or
26 all of its powers and duties to such boards and committees.

27 (19) To do all acts and things necessary or convenient
28 for the conduct of its business and the general welfare of the
29 District in order to carry out the powers and duties provided
30 in this act or then provided in any other law applicable to
31 counties.

1 Section 6. Adoption of rates, fees, and other
2 charges.--

3 (1) The Board shall adopt the schedule of rates, fees,
4 or other charges for the use of and the services and
5 facilities to be furnished by the water system or sewer system
6 to be paid by the owner, tenant, or occupant of each lot or
7 parcel of land which may be connected with or used by such
8 systems. The current schedule of such rates, fees, and other
9 charges shall be that already in effect in the District and
10 any subdistricts as of the effective date of this act. The
11 Board may thereafter revise the schedule of rates, fees, and
12 charges from time to time. However, such rates, fees, and
13 charges shall be so adopted and revised so as to provide
14 moneys which, with other funds available for such purposes,
15 shall be sufficient at all times to pay the expenses of
16 operating and maintaining the system, including reserves for
17 such purposes, the principal of and interest on revenue bonds
18 or assessment bonds, or any combination thereof, as the same
19 shall become due and reserves therefore, and to provide a
20 margin of safety over and above the total amount of any such
21 payments, and to comply fully with any covenants contained in
22 the resolution authorizing the issuance of any bonds or other
23 obligations of the District. The District shall charge and
24 collect such rates, fees, and charges so adopted or revised,
25 and such rates, fees, and charges shall not be subject to the
26 supervision or regulation by any other commission, board,
27 bureau, agency, or other political subdivision or agency of
28 the county or state.

29 (2) Such rates, fees, and charges shall be just and
30 equitable and uniform for users of the same class and, where
31 appropriate, may be based or computed either upon the quantity

1 of water consumed or upon the number and size of sewer
2 connections or upon the number and kind of plumbing fixtures
3 in use in the premises, or upon the number or average number
4 of persons residing or working in or otherwise using or
5 occupying such premises, or by equivalent residential units,
6 or upon any other factor affecting the use of the facilities
7 furnished, or upon any combination of the foregoing factors as
8 may be determined by the Board on any other equitable basis.

9 (3) No rates, fees, or charges, including impact fees,
10 shall be adopted or revised under this section until after a
11 public hearing at which all users of the system affected
12 thereby, or owners, tenants, or occupants served or to be
13 served thereby and all others interested shall have an
14 opportunity to be heard concerning the proposed rates, fees,
15 and charges. Notice of such public hearing setting forth the
16 proposed schedule or schedules of rates, fees, and charges
17 shall be given by one publication in a newspaper published in
18 Collier County at least 10 days before the date fixed in such
19 notice for the hearing, which may be adjourned from time to
20 time. After such hearing such schedule or schedules, either as
21 initially adopted or as modified or amended, may be finally
22 adopted.

23 (4) A copy of the schedule or schedules of such rates,
24 fees, or charges shall be kept on file in the office of the
25 District Clerk and shall be open at all times to the public
26 for inspection. The rates, fees, or charges so adopted for any
27 class of users or property served shall be extended to cover
28 any additional users or properties thereafter served which
29 shall fall in the same class, without the necessity of any
30 hearing or notice. Any change or revision of such rates, fees,
31 or charges may be made in the same manner as such rates, fees,

1 or charges were originally established as hereinabove
2 provided, except that if such changes or revisions be made
3 substantially pro rata as to all classes of service, no
4 hearing or notice shall be required.

5 Section 7. Bonds.--

6 (1) The District may, from time to time, issue bonds
7 to pay the costs and expenses, other than operating expenses,
8 incurred in carrying out the purposes of this act or to refund
9 and/or refinance revenue bonds of the District issued pursuant
10 to this act. In anticipation of the sale of such bonds, the
11 District may issue bond anticipation notes and/or commercial
12 paper or similar obligations, and may renew the same from time
13 to time. Such notes and/or obligations may be paid from the
14 revenues derived by the District from the proceeds of the sale
15 of the bonds of the District in anticipation of which they
16 were issued. The notes and/or obligations shall be issued in
17 the same manner as the bonds. Bonds and notes shall be, and
18 shall be deemed to be, for all purposes, negotiable
19 instruments.

20 (2) The bonds may be issued as serial bonds or as term
21 bonds or the District, in its discretion, may issue bonds of
22 both types. The District may issue capital appreciation bonds
23 or variable rate bonds. The bonds shall be authorized by
24 resolution of the Board and shall bear such date or dates;
25 mature at such time or times, not exceeding 30 years from
26 their respective dates; bear interest at such rate or rates;
27 be payable at such time or times; be in such denomination; be
28 in such form; carry such registration privileges; be executed
29 in such manner; be payable from such sources and in such
30 medium of payment and at such place or places; and be subject
31 to such terms of redemption, including redemption prior to

1 maturity, as such resolution or resolutions may provide. If
2 any officer whose signature, or a facsimile of whose
3 signature, appears on any bonds or coupons ceases to be such
4 officer before the delivery date of such bonds, such signature
5 or facsimile shall nevertheless be valid and sufficient for
6 all purposes as if he or she had remained in office until the
7 delivery. The bonds or notes may be sold at public or private
8 sale for such price or prices as the Board shall determine.
9 Pending preparation of the definitive bonds, the District may
10 issue interim receipts or certificates which shall be
11 exchanged for such definitive bonds. The bonds may be secured
12 by such form of credit enhancement, if any, as the Board deems
13 appropriate. The bonds may be secured by an indenture of trust
14 or trust agreement.

15 (3) The bonds may be validated, at the discretion of
16 the Board, pursuant to chapter 75, Florida Statutes. Section
17 75.04(2), Florida Statutes, shall not apply to bonds validated
18 pursuant to chapter 75, Florida Statutes.

19 Section 8. Trust funds; trustees.--The proceeds of all
20 bonds or other obligations issued under this act or otherwise
21 pursuant to law, and all revenues derived from the operation
22 of the system for the payment of all or part of the cost of
23 which any bonds or other obligations authorized by this act
24 have been issued shall be and constitute trust funds, and
25 shall be used and applied only in accordance with the
26 proceedings authorizing the issuance of any bonds or other
27 obligations issued pursuant to this act, and the District may
28 appoint trustees, within or without the state, under trust
29 agreements or indentures to hold and administer the proceeds
30 of any such bonds or other obligations or any such revenues.
31 The District may provide that the moneys or funds and accounts

1 established by the proceedings authorizing the issuance of any
2 revenue bonds shall be subject to the lien of the pledge
3 established by the proceedings without any physical delivery
4 thereof and the lien of the pledge shall be valid and binding
5 as against all parties bringing claims of any kind in tort,
6 contract, or otherwise against the District.

7 Section 9. Covenants of the District Board with
8 bondholders.--In addition to the other provisions and
9 requirements of this act, any resolution authorizing the
10 issuance of bonds or any other obligations issued hereunder
11 may contain provisions and the District Board is authorized to
12 provide and may covenant and agree with the several holders of
13 such bonds or other obligations as to:

14 (1) Reasonable deposits with the District in advance
15 to ensure the payment of rates, fees, or charges for the
16 facilities of the system.

17 (2) The discontinuance of the services and facilities
18 of the system, or both, for delinquent payments for either
19 water services or sewer services, and the terms and conditions
20 of the restoration of such service.

21 (3) Limitations on the powers of the District to
22 construct, acquire, or operate, or permit the construction,
23 acquisition, or operation of any plants, structures,
24 facilities, or properties which may compete or tend to compete
25 with the system.

26 (4) The manner and method of paying service charges
27 and fees and the levying of penalties for delinquent payments.

28 (5) Subject to this act, the manner and order of
29 priority of the disposition of revenues or redemption of any
30 bonds or other obligations.

31

1 (6) Terms and conditions for modification or amendment
2 of the resolution authorizing the issuance of bonds or other
3 obligations.

4 (7) Provisions for and limitations on the appointment
5 of a trustee for bondholders for the system.

6 (8) Provisions as to the appointment of a receiver of
7 the system on default of principal or interest on any such
8 bonds or other obligations or the breach of any covenant or
9 condition of the resolution authorizing such bonds or other
10 obligations.

11 (9) Provisions as to the execution and entering into
12 of trust agreements regarding the holding and disposition of
13 revenues derived from the system or bonds.

14 (10) Provisions as to the maintenance of the system
15 and reasonable insurance thereof.

16 (11) Any other matters necessary to secure the bonds
17 and the payment of the principal and interest thereof. All
18 such provisions of the resolution shall constitute valid and
19 legally binding contracts between the District and several
20 holders of any such bonds and shall be enforceable by any such
21 holder or holders by mandamus or other appropriate action,
22 suit, or proceeding in law of equity in any court of competent
23 jurisdiction.

24 Section 10. Unpaid fees to constitute lien.--In the
25 event that the fees, rates, or charges for the services and
26 facilities of the system shall not be paid as and when due,
27 any unpaid balance thereof and all interest accruing thereon
28 shall 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 taxes and

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

10 Section 11. Publication of notice of issuance of
11 bonds.--Prior to the issuance of bonds or other obligations,
12 the Board, in its discretion, may publish a notice at least
13 once in a newspaper published in Collier County stating the
14 date of adoption of the resolution authorizing such
15 obligations and the amount, maximum rate of interest, and
16 maturity of such obligations and the purpose in general terms
17 for which such obligations are to be issued, and further
18 stating that any action contesting the bonds, proceedings
19 authorizing the issuance thereof, or of any covenants relating
20 thereto must be instituted within 20 days after the first
21 publication of such notice, or the validity of such
22 obligations or proceedings or covenants shall not thereafter
23 be questioned in any court whatsoever. If no such action or
24 proceeding is so instituted within such 20-day period, then
25 the validity of such obligations, proceedings, and covenants
26 shall be conclusive, and all persons or parties whatsoever
27 shall be forever barred from questioning the validity of such
28 obligations, proceedings, or covenants in any court
29 whatsoever.

30 Section 12. Bonds; qualities of negotiable
31 instruments; rights of holders.--All bonds issued hereunder

1 shall not be invalid for any irregularity or defect in the
2 proceedings for the issuance and sale thereof and shall be
3 incontestable in the hands of bona fide purchasers for value.
4 No proceedings in respect to the issuance of such bonds shall
5 be necessary except such as are required by this act. The
6 provisions of this act shall constitute an irrevocable
7 contract between the District and the holders of any such
8 bonds or coupons thereof issued pursuant to the provisions
9 hereof. Any holder of such bonds may either at law or in
10 equity, by suit, action, or mandamus, enforce and compel the
11 performance of the duties required by this act or by general
12 law, or of any of the officers or persons herein mentioned in
13 relation to said bonds, or the levy, assessment, collection,
14 and enforcement and application of the revenues, assessments,
15 or other funds pledged for the payment of the principal and
16 interest thereof.

17 Section 13. Annual reports of the District Board.--The
18 District Board shall cause to be made at least once each year
19 a comprehensive report of its system, including all matters
20 relating to rates, revenues, expenses of maintenance, repair,
21 and operation and renewals and capital replacements,
22 principal, and interest requirements and the status of all
23 funds and accounts. Copies of such report shall be filed with
24 the District Clerk and shall be open to public inspection.
25 This report will be known as the annual audit report and shall
26 be issued by a certified public accountant appointed by the
27 Board. The annual audit report may be included as part of
28 Collier County s comprehensive annual report or may be issued
29 separately.

30 Section 14. District bonds as securities for public
31 bodies.--All bonds issued pursuant to this act shall be and

1 constitute legal investments for state, county, municipal, and
2 all other public funds and for banks, savings banks, insurance
3 companies, executors, administrators, trustees, and all other
4 fiduciaries and shall also be and constitute securities
5 eligible as collateral security for all state, county,
6 municipal, or other public funds, subject to the restrictions
7 and limitations of chapters 18, 136, 518, 655, 657, 658, 660,
8 663, 665, and 687, Florida Statutes.

9 Section 15. Contracts.--All contracts of the District
10 awarded, let, or entered into shall be in accordance with the
11 Collier County Purchasing Ordinance, or any successor
12 ordinance, and the Collier County Purchasing Policy
13 Resolution, or any successor or superceding resolution(s).

14 Section 16. Special assessments.--The Board may
15 provide for the levy, collection, and enforcement of special
16 assessments utilizing any of the following methods and
17 procedures or any combination thereof: chapter 170, chapter
18 173, or section 197.3632, Florida Statutes; or the Board may
19 adopt its own method of procedures for the levy, collection,
20 and enforcement of special assessments upon compliance with
21 the notice and hearing requirements set forth for the adoption
22 of rates, fees, and other charges. The Board may contract with
23 the Collier County Tax Collector, Property Appraiser, and/or
24 District Clerk to collect such special assessments as may be
25 levied by the District.

26 Section 17. Free water and sewer services
27 prohibited.--No free water or sewer services shall be rendered
28 by the District and no discrimination shall exist in the fees,
29 rates, and charges for users of the same class.

30 Section 18. Impact Fees.--
31

1 (1) The District by this act is empowered to levy and
2 collect water impact fees and/or sewer impact fees for capital
3 improvements and debt service on such capital improvements in
4 the same manner and to the same extent as non-charter counties
5 and/or as may be provided by law. The District is empowered by
6 this act to levy and collect water and/or sewer impact fees
7 only within the then-existing geographic boundaries of the
8 District. If the building, structure, or land use on the
9 property for which impact fees have been paid is not
10 authorized to connect to the District's systems within 10
11 years of the date of such payment, the property owner holding
12 legal title at the end of the 10-year period shall be eligible
13 for a refund of the impact fees without interest. The District
14 shall notify the property owner of his or her eligibility for
15 a refund by mailing notice to the property owner. Such notice
16 may be sent by certified or registered mail with return
17 receipt requested. Any property owner eligible for a refund
18 shall file written application with the Board for a refund
19 within 90 days of the date of mailing of the notice by the
20 District or such property owner shall be deemed to have waived
21 any right to a refund, and the District shall be entitled to
22 retain and apply the impact fees for water and/or sewer
23 capital improvements, as appropriate. Failure to construct the
24 building or structure or use the land for which impact fees
25 have been paid shall not constitute grounds for a refund, nor
26 shall delay or failure to receive the mailed notice of
27 eligibility for a refund toll the 90-day time limit within
28 which an application for refund must be filed.

29 (2) Water impact fees and sewer impact fees should be
30 reviewed at least every 3 years by the Board to determine that
31 the impact fees are equitable and proportionate to the current

1 estimate of costs for providing the capital improvements for
2 which the impact fees are imposed. The applicable schedule of
3 impact fees shall be those already in effect in the District
4 and any subdistricts as of the effective date of this
5 consolidating act. The Board may thereafter change or revise
6 the schedule of impact fees upon compliance with the notice
7 and hearing requirements set forth for the adoption of rates,
8 fees, and other charges.

9 (3) The Board, in its discretion, by ordinance may
10 permit the owners of buildings, structures, or land uses which
11 connect to the District's system to pay the impact fees on an
12 installment basis with interest. In the event that the impact
13 fees shall not be paid as and when due, any unpaid balance
14 thereof and all interest accruing thereon shall be a lien on
15 any parcel of property affected thereby. Such liens shall be
16 superior and paramount to the interest on such parcel of
17 property of any owner, lessee, tenant, mortgagee, or other
18 person except the lien of county taxes and shall be on parity
19 with the lien of any such county taxes. In the event that any
20 impact fees shall not be paid as and when due and shall be in
21 default for 30 days or more, the unpaid balance thereof and
22 all interest accrued thereon, together with attorney's fees
23 and costs, may be recovered by the District in a civil action,
24 and any such lien and accrued interest may be foreclosed or
25 otherwise enforced by the District by action or suit in equity
26 as for the foreclosure of a mortgage on property.

27 (4) Impact fees may be pledged to the payment of bonds
28 or other obligations of the District, provided that the
29 District has agreed in the resolution authorizing such bonds
30 or other obligations that it maintain net revenues, together
31 with special assessment proceeds and other revenues derived by

1 the District, exclusive of impact fees, equal to at least 100
2 percent of the debt service on such bonds or obligations.

3 (5) Nothing in this act shall be construed to
4 invalidate water and sewer impact fees previously levied and
5 collected and pledged by the Board of County Commissioners of
6 Collier County under its preexisting implied authority to levy
7 and collect and pledge such charges on the effective date of
8 this consolidating act.

9 Section 19. Conveyance of property without
10 consideration.--Any municipality, political subdivision,
11 district, or authority shall be authorized to sell, lease,
12 grant, or convey any real or personal property to the District
13 and any such sale, grant, lease, or conveyance may be made
14 without consideration.

15 Section 20. District approval of construction of water
16 and sewage facilities.--No sewage disposal plant or other
17 facilities for the collection or treatment of sewage or any
18 water treatment plant or other facilities for the supply or
19 distribution of water, shall be constructed within the
20 boundaries of the District unless the District Board shall
21 give its written consent thereto and approve the plans and
22 specifications therefore; subject, however, to the terms and
23 provisions of any resolution authorizing any bonds and
24 agreements with bondholders.

25 Section 21. Construction of law.--

26 (1) The provisions of this act shall be liberally
27 construed to affect its purposes and shall be deemed
28 cumulative, supplemental, and alternative authority for the
29 exercise of the powers provided herein. The exercise of the
30 powers provided in this act and the issuance of bonds or other
31 obligations hereunder shall not be subject to the limitations

1 or provisions of any other law or laws, including part II of
2 chapter 153, Florida Statutes, except to the extent expressly
3 provided herein. In the event of any conflict between this act
4 and any other applicable law or laws providing cumulative,
5 supplemental, and/or alternative authority to counties and/or
6 such districts for the exercise of the powers provided herein,
7 the least restrictive in favor of the District's powers shall
8 apply.

9 (2) Nothing contained in this act shall be construed
10 to affect any actions taken or any contracts previously
11 entered into by the Board of County Commissioners of Collier
12 County for the provisions of water and/or sewer services
13 within the boundaries of Collier County. Nothing herein shall
14 be construed to conflict with the jurisdiction of the Florida
15 Public Service Commission as then provided in chapter 367,
16 Florida Statutes.

17 (3) If any section, sentence, clause, phrase, or word
18 of this act is for any reason held or declared to be
19 unconstitutional, inoperative, or void, such holding or
20 invalidity shall not affect the remaining portions of this
21 act, and it shall be construed to have been the legislative
22 intent to pass this act without such unconstitutional,
23 invalid, or inoperative part therein; and the remainder of
24 this act, after exclusion of such part or parts, shall be
25 deemed and held to be valid as if such parts had not been
26 included herein.

27 Section 22. Penalties and enforcement.--Penalties for
28 a violation of any provision of this act or any of the
29 ordinances, rules, regulations, or resolutions adopted
30 pursuant to the authority of this act or otherwise shall be as
31 provided for the violation of county ordinances. In addition,

1 the District may seek enforcement of this act and/or damages,
2 plus costs and attorney's fees, for a violation of this act,
3 or a violation of any of the ordinances, rules, regulations,
4 or resolutions adopted pursuant to the authority of this act
5 or otherwise, in any court of competent jurisdiction as
6 authorized by general law.

7 Section 4. Chapters 73-437, 74-462, 77-531, 78-489,
8 78-492, 80-484, 82-280, 88-499, 89-452, and 96-451, Laws of
9 Florida, are repealed.

10 Section 5. This act shall take effect upon becoming a
11 law.

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