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A bill to be entitled

An act relating to the Collier County Water-Sewer District, an independent special district in Collier County; codifying, amending, reenacting, and repealing the District's special acts; providing legislative intent, jurisdiction, and restrictions with regard to the City of Naples, Everglades City, the Immokalee Water and Sewer District, the City of Marco Island, the geographic area called Golden Gate, and other specified unincorporated areas of Collier County; providing definitions; providing authority with regard to adoption of rates, fees, and charges and issuance of bonds, trust funds, and trustees; providing for covenants of District Board with bondholders; providing that unpaid fees constitute liens; providing for publication of notice of issuance of bonds and that bonds shall have the qualities of negotiable instruments; providing for rights of holders and annual reports of the District Board; continuing provisions for District bonds as securities for public bodies; providing for contracts for construction of improvements and sealed bids, and special assessments; prohibiting free water and free sewer service; providing for impact fees; providing for conveyances of property without consideration; providing for District approval of construction of water and sewage facilities; providing for construction; providing for penalties and enforcement; repealing chapters 73-437, 74-462, 77-531, 78-489, 78-492, 80-484, 82-280, 88-499, 89-452, and 96-451, Laws of Florida; providing an effective date.



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

32
 33 Section 1. Pursuant to section 189.429, Florida Statutes,
 34 this act constitutes the codification of all special acts
 35 relating to the Collier County Water-Sewer District, an
 36 independent special district and public corporation of the
 37 state. It is the intent of the Legislature in enacting this law
 38 to provide a single, comprehensive special act charter for the
 39 District, including all current legislative authority granted to
 40 the District by its several legislative enactments and any
 41 additional authority granted by this act. It is further the
 42 intent of this act to preserve all District authority, including
 43 the authority to annually assess and levy taxes or non-ad
 44 valorem assessments against all assessable property in the
 45 District.

46 Section 2. Chapters 73-437, 74-462, 77-531, 78-489, 78-
 47 492, 80-484, 82-280, 88-499, 89-452, and 96-451, Laws of
 48 Florida, are amended, reenacted, codified, and repealed as
 49 herein provided.

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

52 Section 1. Legislative intent.--It is declared as a matter
 53 of legislative determination that the extensive growth
 54 population and attendant commerce throughout Collier County
 55 continue to give rise to public health and water supply
 56 concerns, in that many of the unincorporated areas of Collier
 57 County are not served by water and sewer facilities normally and
 58 generally provided and maintained by governmental agencies and,
 59 instead, are served by private wells and privately-owned package
 60 sewage treatment plants or septic tanks; that the proliferation



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61 of such package sewage treatment plants and use of septic tanks
 62 poses a significant risk of contamination of water supply
 63 sources for both incorporated and unincorporated areas of
 64 Collier County; that it is the intent of the Legislature to
 65 continue to authorize the Board of County Commissioners of
 66 Collier County to act as the governing board (District Board) of
 67 the Collier County Water-Sewer District with overall
 68 responsibility for the provision of water and sewer services to
 69 specified geographic areas of Collier County as hereinafter
 70 provided.

71 Section 2. Collier County Water-Sewer District
 72 reestablished.--This District is a political subdivision of the
 73 state and a body corporate and politic. The Board of County
 74 Commissioners of Collier County shall be the governing board of
 75 the District with rights, powers, and responsibilities as
 76 provided in this act and by general law, including, but not
 77 limited to, the authority to enact ordinances and adopt
 78 resolutions, to adopt rules and regulations for its own
 79 government and proceeding, and to adopt an official seal for the
 80 District. This act may be known and be cited as the "Collier
 81 County Water-Sewer District Act."

82 Section 3. Jurisdiction, restrictions, and boundaries as
 83 applied to the City of Naples, Everglades City, Immokalee Water
 84 and Sewer District, Marco Island, Golden Gate, and other
 85 unincorporated areas.--

86 (1) The Collier County Water-Sewer District Board shall
 87 exercise jurisdiction over the provision of water and sewer
 88 services within the boundaries as hereinafter provided for. The
 89 Board shall be exempt from the provisions of chapter 120,
 90 Florida Statutes. No privately-owned water or sewer utility



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91 shall be abandoned without adequate provision for continuance of
 92 service and the prior approval of the Board.

93 (2) Notwithstanding any other provisions of this act, the
 94 District Board shall exercise no jurisdiction or power of any
 95 kind over properties located within the boundaries of the City
 96 of Naples water and/or sewer service areas, or Everglades City,
 97 as all such boundaries exist on the effective date of this act,
 98 except as may be consented to in writing by the respective city
 99 councils. The District Board may exercise jurisdiction and power
 100 over properties located within the prior geographic boundaries
 101 of the Pelican Bay Improvement District. In 1991 the District
 102 assumed the bonds of that District and, pursuant to Resolution
 103 No. 91-216 began serving within that geographic area.

104 (3) Any portion of the unincorporated area of Collier
 105 County, except the Immokalee Water and Sewer District, and the
 106 areas described in subsection (5), paragraphs A., B., C., and
 107 D., may be added to the boundaries of the Collier County Water-
 108 Sewer District by adoption of a resolution by the District
 109 Board. Such resolution may be adopted only after notice of
 110 intent to consider the resolution at a public hearing at a
 111 specified date, place, and time shall have been published at
 112 least once a week for 2 consecutive weeks in a newspaper of
 113 general circulation in Collier County. Areas described in
 114 paragraphs A., B., C., or D. in subsection (5) can be added to
 115 the District's service area as then authorized by law.

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



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121 (5) The boundaries of the District are described as
 122 follows:
 123
 124 Beginning at the easterly shoreline of the Gulf of
 125 Mexico and the North line of Section 6, Township 48
 126 South, Range 25 East, Tallahassee Meridian, Collier
 127 County, Florida; thence East along the North line of
 128 said Section 6 and Section 5 to the Northeast corner
 129 of Section 5, Township 48 South, Range 25 East; thence
 130 South along the East line of said Section 5 to the
 131 Southeast corner of said Section 5, Township 48 South,
 132 Range 25 East; thence East along the North line of
 133 Sections 9, 10, 11, and 12 of Township 48 South, Range
 134 25 East to the Northeast corner of Section 12,
 135 Township 48 South, Range 25 East; thence East along
 136 the North line of Sections 7, 8, and 9 to the
 137 Northeast corner of Section 9, Township 48 South,
 138 Range 26 East; thence South along the East Section
 139 line of Sections 9 and 16 to the Southeast corner of
 140 Section 16, Township 48 South, Range 26 East; thence
 141 East along the North Section line of Sections 22 and
 142 23 to the Northeast corner of Section 23, Township 48
 143 South, Range 26 East; thence South along the East
 144 section line of Sections 23, 26 and 35 to the
 145 Southeast corner of Section 35, Township 48 South,
 146 Range 26 East; thence South along the East line of
 147 Sections 2, 11, 14, 23, and 26 to the Southeast corner
 148 of Section 26, Township 49 South, Range 26 East;
 149 thence East along the North line of Section 36,
 150 Township 49 South, Range 26 East to the Northeast



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151 corner of said Section 36; thence South along the East
 152 line of Section 36, Township 49 South, Range 26 East
 153 to the Southeast corner of said Section 36; thence
 154 South along the East line of Section 1 to the
 155 Southeast corner of Section 1, Township 50 South,
 156 Range 26 East; thence West along the North line of
 157 Section 12, Township 50 South, Range 26 East to the
 158 Northwest corner of said Section 12; thence South
 159 along the East line of Sections 11, 14, 23, 26 and 35,
 160 Township 50 South, Range 26 East to the Southeast
 161 corner of Section 35, Township 50 South, Range 26
 162 East; thence South along the East line of Section 2,
 163 Township 51 South, Range 26 East to a point of the
 164 East line of Section 2 lying one (1) mile North, as
 165 measured perpendicular to the Northerly right-of-way
 166 line of U.S. 41, State Road 90, Tamiami Trail; thence
 167 Southeasterly along a line lying one (1) mile North,
 168 as measured perpendicular to the Northerly right-of-
 169 way line of U.S. 41, State Road 90, Tamiami Trail, to
 170 a point on the East Section line of Section 22,
 171 Township 51 South, Range 27 East; thence continue
 172 South along the East Section line of Sections 22, 27
 173 and 34, Township 51 South, Range 27 East, to the
 174 Southeast corner of said Section 34; thence continue
 175 South along the East Section line of Section 3,
 176 Township 52 South, Range 27 East, to the intersection
 177 of said East Section line of Section 3 with Black
 178 Water River; thence Southerly along the waters of
 179 Black Water River and Black Water Bay to their
 180 intersection with Gullivan Bay; thence Westerly along



181 the waters of Gullivan Bay and Sunfish Flat and
 182 Caxambas Bay to Caxambas Pass; thence West through
 183 Caxambas Pass to the Easterly shoreline of the Gulf of
 184 Mexico; thence Northerly along the Easterly shoreline
 185 of the Gulf of Mexico to the intersection of the
 186 Easterly shoreline of the Gulf of Mexico and the North
 187 line of Section 6, Township 48 South, Range 25 East,
 188 being the Point of Beginning; AND Beginning at the
 189 southwest corner of Section 31, Township 48 South,
 190 Range 27 East; thence along the west line of said
 191 Section 31, North 01°09'24" West 171.66 feet; thence
 192 leaving said west line North 83°50'36" East 127.49
 193 feet; thence north 68°11'27" East 312.23 feet; thence
 194 South 83°37'40" East 1074.79 feet; thence North
 195 12°38'39" East 90.57 feet; thence North 74°34'44" West
 196 439.84 feet; thence North 89°59'36" West 538.03 feet;
 197 thence North 47°32'40" West 324.00 feet; thence North
 198 29°27'34" West 131.44 feet; thence North 06°47'28"
 199 West 278.30 feet; thence North 85°09'12" East 1515.99
 200 feet; thence North 04°50'48" West 350.,00 feet; thence
 201 North 89°57'58" East 940.00 feet; thence North
 202 22°40'09" East 580.00 feet; thence North 32°24'35"
 203 West 831.83 feet; thence North 07°23'02" West 1884.92
 204 Feet; thence North 24°30'12" East 230.40 feet; thence
 205 North 63°03'47" East 78.78 feet; thence South
 206 60°24'49" East 68.67 feet; thence South 69°35'20" East
 207 178.33 feet; thence South 66°45'54" East 103.57 feet;
 208 thence South 41°21'25" East 58.77 feet; thence South
 209 09°23'59" East 146.74 feet; thence South 60°56'19"
 210 East 161.95 feet; thence South 86°10'30" East 169.68



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211 feet; thence South 65°47'35" East 108.59 feet; thence
 212 South 61°42'19" East 160.73 feet; thence South
 213 51°09'20" East 246.90 feet; thence South 17°08'46"
 214 East 135.69 feet; thence South 05°30'20" East 174.19
 215 feet; thence South 36°22'19" East 85.39 feet; thence
 216 South 01°28'39" West 193.59 feet; thence South
 217 20°43'55" West 57.31 feet; thence North 89°21'53" East
 218 132.49 feet; thence South 00°38'07" East 600.72 feet;
 219 thence North 87°40'00" East 1319.77 feet to a point on
 220 the east 1/4 corner of said Section 31; thence along
 221 the east line of said Section 31, South 00°39'23" East
 222 2682.53 feet to the southeast corner of said Section
 223 31; thence along the south line of said Section 31,
 224 South 87°55'34" West 5136.08 feet to the Point of
 225 Beginning of the parcel herein described; containing
 226 112,640 acres more or less; subject to easements and
 227 restrictions of record, bearings are based on the
 228 south line of said Section 31, being South 87°55'34"
 229 West; LESS AND EXCEPT all of the following:

230
 231 A. Any lands lying within the City of Naples water
 232 and sewer service areas as may be revised from time to
 233 time by mutual agreement between the City of Naples
 234 and the County Water-Sewer District of Collier County,
 235 Florida.

236
 237 B. All lands that are subject to Florida Public
 238 Service Commission Certificate No. 452-W and Florida
 239 Public Service Commission Certificate No. 386-S,
 240 heretofore granted to Marco Island Utilities pursuant



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241 to Florida Public Service Commission Order No. 17218;
 242 and (LESS and EXCEPT) all lands that are subject to
 243 Florida Public Service Commission Certificate No. 470-
 244 W and Florida Public Service Commission Certificate
 245 No. 405-S heretofore granted to Marco Shore Utilities
 246 pursuant to Florida Public Service Commission Order
 247 No. 17218.

248
 249 C. All lands known as the City of Golden Gate (an
 250 unincorporated area) described as follows:
 251 All of Sections 21, 22, 27, and 28, Township 49 South,
 252 Range 26 East, less the East 100 feet of said Sections
 253 22 and 27. Also the following described portions of
 254 Sections 15 and 16, Township 49 South, Range 26 East.
 255 Commence at the Southeast corner of said Section 15,
 256 S. 84° 44' 22" W. along the South line of the SE ¼ of
 257 said Section 15 for 100.42 feet to a point on the
 258 Westerly right-of-way line of State Road No. 858 and
 259 the POINT OF BEGINNING; thence continue S. 84° 44' 22"
 260 W. 2,555.94 feet to the South ¼ corner of said Section
 261 15; thence S. 84° 32' 25" W. along the South line of the
 262 SW ¼ of said Section 15 for 2,653.76 feet to the
 263 Southeast corner of aforesaid Section 16; thence S. 89°
 264 51' 27" W. along the South line of said Section 16 for
 265 5,290.68 feet to the Southwest corner of said Section
 266 16; thence N. 00° 36' 43" W, along the West line of the
 267 SW ¼ of said Section 16 for 641.49 feet; thence S. 89°
 268 57' 11" E., 5,290.05 feet to a point of intersection
 269 with the East line of the SE ¼ of the said Section 16,



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270 said point bearing N. 00° 41' 07" W. and a distance of
 271 624.00 feet from the Southeast corner of said Section
 272 16; thence East 5,194.36 feet to a point of the
 273 Westerly right-of-way line of State Road No. 858;
 274 thence South, along said Westerly right-of-way line,
 275 137.12 feet to the POINT OF BEGINNING, all of the
 276 above lying and being in Collier County, Florida.†
 277 NOTE: No part of this land is within any boundary of
 278 any municipal corporation.

279
 280 D. Everglades City; The Immokalee Water and Sewer
 281 District. Because no boundary of the Collier County
 282 Water-Sewer District is now in close physical
 283 proximity to either the Everglades City or to the
 284 Immokalee Water and Sewer District, it is not
 285 necessary to describe with particularity in this act
 286 the geographic boundaries of that City or that
 287 District.

288
 289 Section 4. Definitions.--As used in this act, the
 290 following words and terms shall have the following meanings,
 291 unless some other meaning is plainly intended:

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

294 (2) "Board" or "District Board" means the Board of County
 295 Commissioners of Collier County, acting as the governing board
 296 of the Collier County Water-Sewer District.

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

298 (4) "District Clerk" means the Clerk of the Circuit Court
 299 and the ex officio Clerk of the Board of County Commissioners of



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300 Collier County, who shall be clerk and treasurer of the
 301 District.

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

304 (6) "Sewer system" means and includes any plant, system,
 305 facility, or property and additions, extensions, and
 306 improvements thereto at any future time constructed or acquired
 307 as part thereof, useful or necessary or having the present
 308 capacity for future use in connection with the collection,
 309 treatment, purification, or disposal of sewage of any nature or
 310 originating from any source, including industrial wastes
 311 resulting from any processes of industry, manufacture, trade, or
 312 business or from the development of any natural resources; and
 313 without limiting the generality of the foregoing definition
 314 shall embrace treatment plants, pump stations, lift stations,
 315 valves, force mains, intercepting sewers, laterals, pressure
 316 lines, mains, and all necessary appurtenances and equipment, all
 317 sewer mains and laterals for the reception and collection of
 318 sewage from premises connected therewith, and shall include all
 319 real and personal property and any interest therein, rights,
 320 easements, and franchises of any nature whatsoever relating to
 321 any such system and necessary or convenient for the operation
 322 thereof.

323 (7) "Water system" means and includes any plant, system,
 324 facility, or property and additions, extensions, and
 325 improvements thereto at any future time constructed or acquired
 326 as part thereof, useful or necessary or having the present
 327 capacity for future use in connection with the development of
 328 sources, treatment, or purification and distribution of water
 329 for domestic or industrial use and, without limiting the



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330 generality of the foregoing, includes dams, reservoirs, storage
 331 tanks, mains, lines, valves, pumping stations, laterals, and
 332 pipes for the purpose of carrying water to the premises
 333 connected with such system and includes all real and personal
 334 property and any interests therein, rights, easements, and
 335 franchises of any nature whatsoever relating to any such system
 336 and necessary or convenient for the operation thereof.

337 (8) "Cost" as applied to the acquisition and construction
 338 extensions, additions, or improvements to the system includes
 339 the cost of: construction or reconstruction, acquisition, or
 340 purchase; all labor, materials, machinery, and equipment; all
 341 lands and interest therein, property, rights, easements, and
 342 franchises of any nature whatsoever; financing charges, and
 343 interest prior to and during construction and for not more than
 344 2 years after completion of the construction or acquisition,
 345 extensions, additions, or improvements to the system; the
 346 creation of initial reserve or debt service funds, and bond
 347 discount; plans and specifications, surveys, and estimates of
 348 costs and revenues; engineering, financial, and legal services;
 349 and all other expenses necessary or incidental in determining
 350 the feasibility or practicability of such construction,
 351 reconstruction, or acquisition, administrative expenses, and
 352 such other expenses as may be necessary or incidental to
 353 financing authorized by this act, and including reimbursement to
 354 Collier County or to any other person, firm, or corporation for
 355 any moneys advanced to the District for any expenses incurred by
 356 the District or Collier County in connection with any of the
 357 foregoing items of cost, or the reestablishment of the District.

358 (9) "Assessable improvements" means that portion or
 359 portions of a sewer system or a water system of a local nature



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360 and of benefit to the premises or lands served thereby and
 361 particularly, without limiting the generality of the foregoing,
 362 with reference to a sewer system, includes, without being
 363 limited to, laterals and mains for the collection and reception
 364 of sewage from premises connected therewith, local or auxiliary
 365 pumping or lift stations, treatment plants or disposal plants,
 366 and other appurtenant facilities and equipment for the
 367 collection, treatment, and disposal of sewage; and, with
 368 reference to a water system, includes such mains and laterals
 369 and other distribution facilities, pumping stations, and sources
 370 of supply as are of benefit to the property served by such water
 371 system together with incidental equipment and appurtenances
 372 necessary therefore.

373 (10) "Revenue bonds" means bonds or other obligations
 374 secured by and payable from the revenues derived from rates,
 375 fees, and charges collected by the District from the users or
 376 future users of the facilities of the system, and which may be
 377 additionally secured by a pledge of the proceeds of special
 378 assessments levied against benefited property.

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

383 Section 5. Powers and duties of the District Board.--The
 384 Collier County Water-Sewer District Board shall have the
 385 following powers and duties in addition to and supplementing
 386 other powers granted in this act and powers granted to counties
 387 by general law:

388 (1) To construct, install, erect, acquire, and to operate,
 389 maintain, improve, extend, or enlarge and reconstruct a water



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390 system or a sewer system, or both, within the geographic
 391 boundaries of the District and the environs thereof and to have
 392 the exclusive control and jurisdiction thereof; and to issue its
 393 revenue bonds or assessment bonds, or any combination of the
 394 foregoing, to pay all or part of the cost of such construction,
 395 reconstruction, erection, acquisition, or installation of such
 396 water system, sewer system, or both.

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

401 (3) To fix and collect rates, fees, and other charges
 402 (including impact fees and system development charges) to
 403 persons or property or both for the use of the facilities and
 404 services provided by the water system or sewer system or both,
 405 and to fix and collect charges for making connections with the
 406 water system or sewer system, and to provide for reasonable
 407 penalties on any users or property for any such rates, fees, or
 408 charges that are delinquent.

409 (4) To acquire in the name of the District by purchase,
 410 gift, or the exercise of the right of eminent domain, pursuant
 411 to chapters 73 and 74, Florida Statutes, such lands and rights
 412 and interests therein, including lands under water and riparian
 413 rights, and to acquire such personal property as it may deem
 414 necessary in connection with the construction, reconstruction,
 415 improvement, extension, installation, erection, or operation and
 416 maintenance of the system, and to hold and dispose of all real
 417 and personal property under its control. The power of eminent
 418 domain may be exercised both within and outside the boundaries
 419 of the District but within the boundaries of Collier County. The



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420 eminent domain powers of the District as authorized in this
 421 section may not be exercised in the areas specifically excluded
 422 from the District's jurisdiction and boundaries in section 3,
 423 except as provided in this section for the exercise of such
 424 jurisdiction or for the addition to the boundaries of the
 425 District of such specific areas.

426 (5) To exercise exclusive jurisdiction, control, and
 427 supervision over the system, or any part thereof owned,
 428 operated, or maintained by the District and to make and enforce
 429 such rules and regulations for the maintenance and operation of
 430 the system as may be, in the judgment of the Board, necessary or
 431 desirable for the efficient operation of the system or
 432 improvements in accomplishing the purposes of this act.

433 (6) To restrain, enjoin, or otherwise prevent the
 434 violation of this law or of any resolution, rule, or regulation
 435 adopted pursuant to the powers granted by this act or by general
 436 law.

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

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

444 (9) To prescribe methods of pretreatment of industrial
 445 wastes not amenable to treatment with domestic sewage before
 446 accepting such wastes for treatment and to refuse to accept such
 447 industrial wastes when not sufficiently pretreated as may be
 448 prescribed, and by proper ordinance or resolution to prescribe
 449 penalties for the refusal of any person or corporation to so



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450 pretreat such industrial wastes.

451 (10) To require and enforce the use of its facilities
452 whenever and wherever they are accessible, and to require and
453 enforce the installation and dedication to the District of water
454 and/or sewer facilities and easements as a condition precedent
455 to the provision of service by the District or by another entity
456 authorized by the District to provide interim service until
457 District facilities are available.

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

460 (12) To accomplish construction by awarding, letting, or
461 entering into contracts for all or any part or parts of the
462 construction of the system in accordance with the Collier County
463 Purchasing Ordinance, and any successor or superceding
464 ordinance, and the Collier County Purchasing Policy Resolution,
465 and any successor or superceding resolutions.

466 (13) To construct and operate connecting, intercepting, or
467 outlet sewers and sewer mains and pipes and water mains,
468 conduits, or pipe lines in, along, or under any streets, alleys,
469 highways, or other public places or ways regulated by or under
470 the jurisdiction of the state or the county or any municipality
471 or political subdivision when necessary or convenient for the
472 purposes of the District.

473 (14) Subject to such provisions and restrictions as may be
474 set forth in the resolution authorizing or securing any bonds or
475 other obligations issued under the provisions of this act, to
476 enter into contracts with the government of the United States or
477 any agency or instrumentality thereof, with the state or any
478 agency or instrumentality thereof, or with any county,
479 municipality, district, authority, or political subdivision,



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480 private corporation, partnership, association, or individual, or
481 any combination(s) thereof, providing for or relating to the
482 treatment, collection, and disposal of sewage, or the treatment,
483 supply, and distribution of water and any other matters relevant
484 thereto or otherwise necessary to effect the purpose of this
485 act, and to receive and accept from any federal or state agency
486 grants or loans for or in aid of the planning, construction,
487 reconstruction, or financing of improvements, additions, or
488 extensions to the system and to receive and accept aid or
489 contributions or loans from any other source of either money,
490 property, labor, or other things of value, to be held, used, and
491 applied only for the purpose for which such grants,
492 contributions, or loans may be made.

493 (15) To enter into interlocal agreements with any
494 municipality, county, district, authority, or political
495 subdivision for any corporate purpose of the District,
496 including, but not limited to, borrowing money for construction
497 of improvements, additions, and extensions to the system.

498 (16) To assume ownership, operation, and control of any
499 county, municipality, district, or authority owned water or
500 sewer system, or both, including the assumption of the financial
501 liabilities associated with such water or sewer system, or both.

502 (17) To divide the system into separate subsystems or
503 subdistricts for purposes of setting rates, accounting, or
504 financing improvements or additions thereto or deletions
505 therefrom.

506 (18) To appoint advisory, administrative, or operational
507 boards and committees to assist the Board in the exercise and
508 performance of the powers and duties provided in this act or
509 otherwise by law. The Board may delegate any or all of its



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510 powers and duties to such boards and committees.

511 (19) To do all acts and things necessary or convenient for
512 the conduct of its business and the general welfare of the
513 District in order to carry out the powers and duties provided in
514 this act or then provided in any other law applicable to
515 counties.

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

517 (1) The Board shall adopt the schedule of rates, fees, or
518 other charges for the use of and the services and facilities to
519 be furnished by the water system or sewer system to be paid by
520 the owner, tenant, or occupant of each lot or parcel of land
521 which may be connected with or used by such systems. The current
522 schedule of such rates, fees, and other charges shall be that
523 already in effect in the District and any subdistricts as of the
524 effective date of this act. The Board may thereafter revise the
525 schedule of rates, fees, and charges from time to time. However,
526 such rates, fees, and charges shall be so adopted and revised so
527 as to provide moneys which, with other funds available for such
528 purposes, shall be sufficient at all times to pay the expenses
529 of operating and maintaining the system, including reserves for
530 such purposes, the principal of and interest on revenue bonds or
531 assessment bonds, or any combination thereof, as the same shall
532 become due and reserves therefore, and to provide a margin of
533 safety over and above the total amount of any such payments, and
534 to comply fully with any covenants contained in the resolution
535 authorizing the issuance of any bonds or other obligations of
536 the District. The District shall charge and collect such rates,
537 fees, and charges so adopted or revised, and such rates, fees,
538 and charges shall not be subject to the supervision or
539 regulation by any other commission, board, bureau, agency, or



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540 other political subdivision or agency of the county or state.

541 (2) Such rates, fees, and charges shall be just and
 542 equitable and uniform for users of the same class and, where
 543 appropriate, may be based or computed either upon the quantity
 544 of water consumed or upon the number and size of sewer
 545 connections or upon the number and kind of plumbing fixtures in
 546 use in the premises, or upon the number or average number of
 547 persons residing or working in or otherwise using or occupying
 548 such premises, or by equivalent residential units, or upon any
 549 other factor affecting the use of the facilities furnished, or
 550 upon any combination of the foregoing factors as may be
 551 determined by the Board on any other equitable basis.

552 (3) No rates, fees, or charges, including impact fees,
 553 shall be adopted or revised under this section until after a
 554 public hearing at which all users of the system affected
 555 thereby, or owners, tenants, or occupants served or to be served
 556 thereby and all others interested shall have an opportunity to
 557 be heard concerning the proposed rates, fees, and charges.
 558 Notice of such public hearing setting forth the proposed
 559 schedule or schedules of rates, fees, and charges shall be given
 560 by one publication in a newspaper published in Collier County at
 561 least 10 days before the date fixed in such notice for the
 562 hearing, which may be adjourned from time to time. After such
 563 hearing such schedule or schedules, either as initially adopted
 564 or as modified or amended, may be finally adopted.

565 (4) A copy of the schedule or schedules of such rates,
 566 fees, or charges shall be kept on file in the office of the
 567 District Clerk and shall be open at all times to the public for
 568 inspection. The rates, fees, or charges so adopted for any class
 569 of users or property served shall be extended to cover any



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570 additional users or properties thereafter served which shall
 571 fall in the same class, without the necessity of any hearing or
 572 notice. Any change or revision of such rates, fees, or charges
 573 may be made in the same manner as such rates, fees, or charges
 574 were originally established as hereinabove provided, except that
 575 if such changes or revisions be made substantially pro rata as
 576 to all classes of service, no hearing or notice shall be
 577 required.

578 Section 7. Bonds.--

579 (1) The District may, from time to time, issue bonds to
 580 pay the costs and expenses, other than operating expenses,
 581 incurred in carrying out the purposes of this act or to refund
 582 and/or refinance revenue bonds of the District issued pursuant
 583 to this act. In anticipation of the sale of such bonds, the
 584 District may issue bond anticipation notes and/or commercial
 585 paper or similar obligations, and may renew the same from time
 586 to time. Such notes and/or obligations may be paid from the
 587 revenues derived by the District from the proceeds of the sale
 588 of the bonds of the District in anticipation of which they were
 589 issued. The notes and/or obligations shall be issued in the same
 590 manner as the bonds. Bonds and notes shall be, and shall be
 591 deemed to be, for all purposes, negotiable instruments.

592 (2) The bonds may be issued as serial bonds or as term
 593 bonds or the District, in its discretion, may issue bonds of
 594 both types. The District may issue capital appreciation bonds or
 595 variable rate bonds. The bonds shall be authorized by resolution
 596 of the Board and shall bear such date or dates; mature at such
 597 time or times, not exceeding 30 years from their respective
 598 dates; bear interest at such rate or rates; be payable at such
 599 time or times; be in such denomination; be in such form; carry



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600 such registration privileges; be executed in such manner; be
 601 payable from such sources and in such medium of payment and at
 602 such place or places; and be subject to such terms of
 603 redemption, including redemption prior to maturity, as such
 604 resolution or resolutions may provide. If any officer whose
 605 signature, or a facsimile of whose signature, appears on any
 606 bonds or coupons ceases to be such officer before the delivery
 607 date of such bonds, such signature or facsimile shall
 608 nevertheless be valid and sufficient for all purposes as if he
 609 or she had remained in office until the delivery. The bonds or
 610 notes may be sold at public or private sale for such price or
 611 prices as the Board shall determine. Pending preparation of the
 612 definitive bonds, the District may issue interim receipts or
 613 certificates which shall be exchanged for such definitive bonds.
 614 The bonds may be secured by such form of credit enhancement, if
 615 any, as the Board deems appropriate. The bonds may be secured by
 616 an indenture of trust or trust agreement.

617 (3) The bonds may be validated, at the discretion of the
 618 Board, pursuant to chapter 75, Florida Statutes. Section
 619 75.04(2), Florida Statutes, shall not apply to bonds validated
 620 pursuant to chapter 75, Florida Statutes.

621 Section 8. Trust funds; trustees.--The proceeds of all
 622 bonds or other obligations issued under this act or otherwise
 623 pursuant to law, and all revenues derived from the operation of
 624 the system for the payment of all or part of the cost of which
 625 any bonds or other obligations authorized by this act have been
 626 issued shall be and constitute trust funds, and shall be used
 627 and applied only in accordance with the proceedings authorizing
 628 the issuance of any bonds or other obligations issued pursuant
 629 to this act, and the District may appoint trustees, within or



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630 without the state, under trust agreements or indentures to hold
631 and administer the proceeds of any such bonds or other
632 obligations or any such revenues. The District may provide that
633 the moneys or funds and accounts established by the proceedings
634 authorizing the issuance of any revenue bonds shall be subject
635 to the lien of the pledge established by the proceedings without
636 any physical delivery thereof and the lien of the pledge shall
637 be valid and binding as against all parties bringing claims of
638 any kind in tort, contract, or otherwise against the District.

639 Section 9. Covenants of the District Board with
640 bondholders.--In addition to the other provisions and
641 requirements of this act, any resolution authorizing the
642 issuance of bonds or any other obligations issued hereunder may
643 contain provisions and the District Board is authorized to
644 provide and may covenant and agree with the several holders of
645 such bonds or other obligations as to:

646 (1) Reasonable deposits with the District in advance to
647 ensure the payment of rates, fees, or charges for the facilities
648 of the system.

649 (2) The discontinuance of the services and facilities of
650 the system, or both, for delinquent payments for either water
651 services or sewer services, and the terms and conditions of the
652 restoration of such service.

653 (3) Limitations on the powers of the District to
654 construct, acquire, or operate, or permit the construction,
655 acquisition, or operation of any plants, structures, facilities,
656 or properties which may compete or tend to compete with the
657 system.

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



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660 (5) Subject to this act, the manner and order of priority
 661 of the disposition of revenues or redemption of any bonds or
 662 other obligations.

663 (6) Terms and conditions for modification or amendment of
 664 the resolution authorizing the issuance of bonds or other
 665 obligations.

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

668 (8) Provisions as to the appointment of a receiver of the
 669 system on default of principal or interest on any such bonds or
 670 other obligations or the breach of any covenant or condition of
 671 the resolution authorizing such bonds or other obligations.

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

675 (10) Provisions as to the maintenance of the system and
 676 reasonable insurance thereof.

677 (11) Any other matters necessary to secure the bonds and
 678 the payment of the principal and interest thereof. All such
 679 provisions of the resolution shall constitute valid and legally
 680 binding contracts between the District and several holders of
 681 any such bonds and shall be enforceable by any such holder or
 682 holders by mandamus or other appropriate action, suit, or
 683 proceeding in law of equity in any court of competent
 684 jurisdiction.

685 Section 10. Unpaid fees to constitute lien.--In the event
 686 that the fees, rates, or charges for the services and facilities
 687 of the system shall not be paid as and when due, any unpaid
 688 balance thereof and all interest accruing thereon shall be a
 689 lien on any parcel or property affected thereby. Such liens



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690 shall be superior and paramount to the interest on such parcel
691 or property of any owner, lessee, tenant, mortgagee, or other
692 person except the lien of county taxes and shall be on parity
693 with the lien of any such county taxes. In the event that any
694 such service charge shall not be paid as and when due and shall
695 be in default for 30 days or more, the unpaid balance thereof
696 and all interest accrued thereon, together with attorney's fees
697 and costs, may be recovered by the District in a civil action,
698 and any such lien and accrued interest may be foreclosed or
699 otherwise enforced by the District by action or suit in equity
700 as for the foreclosure of a mortgage on real property.

701 Section 11. Publication of notice of issuance of
702 bonds.--Prior to the issuance of bonds or other obligations, the
703 Board, in its discretion, may publish a notice at least once in
704 a newspaper published in Collier County stating the date of
705 adoption of the resolution authorizing such obligations and the
706 amount, maximum rate of interest, and maturity of such
707 obligations and the purpose in general terms for which such
708 obligations are to be issued, and further stating that any
709 action contesting the bonds, proceedings authorizing the
710 issuance thereof, or of any covenants relating thereto must be
711 instituted within 20 days after the first publication of such
712 notice, or the validity of such obligations or proceedings or
713 covenants shall not thereafter be questioned in any court
714 whatsoever. If no such action or proceeding is so instituted
715 within such 20-day period, then the validity of such
716 obligations, proceedings, and covenants shall be conclusive, and
717 all persons or parties whatsoever shall be forever barred from
718 questioning the validity of such obligations, proceedings, or
719 covenants in any court whatsoever.



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720 Section 12. Bonds; qualities of negotiable instruments;
721 rights of holders.--All bonds issued hereunder shall not be
722 invalid for any irregularity or defect in the proceedings for
723 the issuance and sale thereof and shall be incontestable in the
724 hands of bona fide purchasers for value. No proceedings in
725 respect to the issuance of such bonds shall be necessary except
726 such as are required by this act. The provisions of this act
727 shall constitute an irrevocable contract between the District
728 and the holders of any such bonds or coupons thereof issued
729 pursuant to the provisions hereof. Any holder of such bonds may
730 either at law or in equity, by suit, action, or mandamus,
731 enforce and compel the performance of the duties required by
732 this act or by general law, or of any of the officers or persons
733 herein mentioned in relation to said bonds, or the levy,
734 assessment, collection, and enforcement and application of the
735 revenues, assessments, or other funds pledged for the payment of
736 the principal and interest thereof.

737 Section 13. Annual reports of the District Board.--The
738 District Board shall cause to be made at least once each year a
739 comprehensive report of its system, including all matters
740 relating to rates, revenues, expenses of maintenance, repair,
741 and operation and renewals and capital replacements, principal,
742 and interest requirements and the status of all funds and
743 accounts. Copies of such report shall be filed with the District
744 Clerk and shall be open to public inspection. This report will
745 be known as the annual audit report and shall be issued by a
746 certified public accountant appointed by the Board. The annual
747 audit report may be included as part of Collier County's
748 comprehensive annual report or may be issued separately.

749 Section 14. District bonds as securities for public



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750 bodies.--All bonds issued pursuant to this act shall be and
 751 constitute legal investments for state, county, municipal, and
 752 all other public funds and for banks, savings banks, insurance
 753 companies, executors, administrators, trustees, and all other
 754 fiduciaries and shall also be and constitute securities eligible
 755 as collateral security for all state, county, municipal, or
 756 other public funds, subject to the restrictions and limitations
 757 of chapters 18, 136, 518, 655, 657, 658, 660, 663, 665, and 687,
 758 Florida Statutes.

759 Section 15. Contracts.--All contracts of the District
 760 awarded, let, or entered into shall be in accordance with the
 761 Collier County Purchasing Ordinance, or any successor ordinance,
 762 and the Collier County Purchasing Policy Resolution, or any
 763 successor or superceding resolution(s).

764 Section 16. Special assessments.--The Board may provide
 765 for the levy, collection, and enforcement of special assessments
 766 utilizing any of the following methods and procedures or any
 767 combination thereof: chapter 170, chapter 173, or section
 768 197.3632, Florida Statutes; or the Board may adopt its own
 769 method of procedures for the levy, collection, and enforcement
 770 of special assessments upon compliance with the notice and
 771 hearing requirements set forth for the adoption of rates, fees,
 772 and other charges. The Board may contract with the Collier
 773 County Tax Collector, Property Appraiser, and/or District Clerk
 774 to collect such special assessments as may be levied by the
 775 District.

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



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780 Section 18. Impact Fees.--

781 (1) The District by this act is empowered to levy and
782 collect water impact fees and/or sewer impact fees for capital
783 improvements and debt service on such capital improvements in
784 the same manner and to the same extent as non-charter counties
785 and/or as may be provided by law. The District is empowered by
786 this act to levy and collect water and/or sewer impact fees only
787 within the then-existing geographic boundaries of the District.
788 If the building, structure, or land use on the property for
789 which impact fees have been paid is not authorized to connect to
790 the District's systems within 10 years of the date of such
791 payment, the property owner holding legal title at the end of
792 the 10-year period shall be eligible for a refund of the impact
793 fees without interest. The District shall notify the property
794 owner of his or her eligibility for a refund by mailing notice
795 to the property owner. Such notice may be sent by certified or
796 registered mail with return receipt requested. Any property
797 owner eligible for a refund shall file written application with
798 the Board for a refund within 90 days of the date of mailing of
799 the notice by the District or such property owner shall be
800 deemed to have waived any right to a refund, and the District
801 shall be entitled to retain and apply the impact fees for water
802 and/or sewer capital improvements, as appropriate. Failure to
803 construct the building or structure or use the land for which
804 impact fees have been paid shall not constitute grounds for a
805 refund, nor shall delay or failure to receive the mailed notice
806 of eligibility for a refund toll the 90-day time limit within
807 which an application for refund must be filed.

808 (2) Water impact fees and sewer impact fees should be
809 reviewed at least every 3 years by the Board to determine that



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810 the impact fees are equitable and proportionate to the current
811 estimate of costs for providing the capital improvements for
812 which the impact fees are imposed. The applicable schedule of
813 impact fees shall be those already in effect in the District and
814 any subdistricts as of the effective date of this consolidating
815 act. The Board may thereafter change or revise the schedule of
816 impact fees upon compliance with the notice and hearing
817 requirements set forth for the adoption of rates, fees, and
818 other charges.

819 (3) The Board, in its discretion, by ordinance may permit
820 the owners of buildings, structures, or land uses which connect
821 to the District's system to pay the impact fees on an
822 installment basis with interest. In the event that the impact
823 fees shall not be paid as and when due, any unpaid balance
824 thereof and all interest accruing thereon shall be a lien on any
825 parcel of property affected thereby. Such liens shall be
826 superior and paramount to the interest on such parcel of
827 property of any owner, lessee, tenant, mortgagee, or other
828 person except the lien of county taxes and shall be on parity
829 with the lien of any such county taxes. In the event that any
830 impact fees shall not be paid as and when due and shall be in
831 default for 30 days or more, the unpaid balance thereof and all
832 interest accrued thereon, together with attorney's fees and
833 costs, may be recovered by the District in a civil action, and
834 any such lien and accrued interest may be foreclosed or
835 otherwise enforced by the District by action or suit in equity
836 as for the foreclosure of a mortgage on property.

837 (4) Impact fees may be pledged to the payment of bonds or
838 other obligations of the District, provided that the District
839 has agreed in the resolution authorizing such bonds or other



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840 obligations that it maintain net revenues, together with special
 841 assessment proceeds and other revenues derived by the District,
 842 exclusive of impact fees, equal to at least 100 percent of the
 843 debt service on such bonds or obligations.

844 (5) Nothing in this act shall be construed to invalidate
 845 water and sewer impact fees previously levied and collected and
 846 pledged by the Board of County Commissioners of Collier County
 847 under its preexisting implied authority to levy and collect and
 848 pledge such charges on the effective date of this consolidating
 849 act.

850 Section 19. Conveyance of property without
 851 consideration.--Any municipality, political subdivision,
 852 district, or authority shall be authorized to sell, lease,
 853 grant, or convey any real or personal property to the District
 854 and any such sale, grant, lease, or conveyance may be made
 855 without consideration.

856 Section 20. District approval of construction of water and
 857 sewage facilities.--No sewage disposal plant or other facilities
 858 for the collection or treatment of sewage or any water treatment
 859 plant or other facilities for the supply or distribution of
 860 water, shall be constructed within the boundaries of the
 861 District unless the District Board shall give its written
 862 consent thereto and approve the plans and specifications
 863 therefore; subject, however, to the terms and provisions of any
 864 resolution authorizing any bonds and agreements with
 865 bondholders.

866 Section 21. Construction of law.--

867 (1) The provisions of this act shall be liberally
 868 construed to affect its purposes and shall be deemed cumulative,
 869 supplemental, and alternative authority for the exercise of the



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870 powers provided herein. The exercise of the powers provided in
871 this act and the issuance of bonds or other obligations
872 hereunder shall not be subject to the limitations or provisions
873 of any other law or laws, including part II of chapter 153,
874 Florida Statutes, except to the extent expressly provided
875 herein. In the event of any conflict between this act and any
876 other applicable law or laws providing cumulative, supplemental,
877 and/or alternative authority to counties and/or such districts
878 for the exercise of the powers provided herein, the least
879 restrictive in favor of the District's powers shall apply.

880 (2) Nothing contained in this act shall be construed to
881 affect any actions taken or any contracts previously entered
882 into by the Board of County Commissioners of Collier County for
883 the provisions of water and/or sewer services within the
884 boundaries of Collier County. Nothing herein shall be construed
885 to conflict with the jurisdiction of the Florida Public Service
886 Commission as then provided in chapter 367, Florida Statutes.

887 (3) If any section, sentence, clause, phrase, or word of
888 this act is for any reason held or declared to be
889 unconstitutional, inoperative, or void, such holding or
890 invalidity shall not affect the remaining portions of this act,
891 and it shall be construed to have been the legislative intent to
892 pass this act without such unconstitutional, invalid, or
893 inoperative part therein; and the remainder of this act, after
894 exclusion of such part or parts, shall be deemed and held to be
895 valid as if such parts had not been included herein.

896 Section 22. Penalties and enforcement.--Penalties for a
897 violation of any provision of this act or any of the ordinances,
898 rules, regulations, or resolutions adopted pursuant to the
899 authority of this act or otherwise shall be as provided for the



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900 violation of county ordinances. In addition, the District may
901 seek enforcement of this act and/or damages, plus costs and
902 attorney's fees, for a violation of this act, or a violation of
903 any of the ordinances, rules, regulations, or resolutions
904 adopted pursuant to the authority of this act or otherwise, in
905 any court of competent jurisdiction as authorized by general
906 law.

907 Section 4. Chapters 73-437, 74-462, 77-531, 78-489, 78-
908 492, 80-484, 82-280, 88-499, 89-452, and 96-451, Laws of
909 Florida, are repealed.

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