



HB 0881

2003

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

A bill to be entitled

An act relating to Charlotte and Sarasota Counties; creating the Englewood Water District; establishing boundaries; providing definitions; providing for election of a Board of Supervisors to govern said District; establishing powers, authority, and duties of the Board; granting to said governing board the authority in the territory defined to construct, acquire, extend, enlarge, reconstruct, improve, maintain, equip, repair, and operate a water system, wastewater system, or wastewater reuse system, or any combination thereof; authorizing the levy and collection of non-ad valorem assessments on property benefited by the construction of such water system, wastewater system, or wastewater reuse system, or combined systems; providing for optional methods of financing the cost of the water system, wastewater system, or wastewater reuse system or combined systems or extensions and additions thereto by the issuance of revenue bonds or assessment bonds or any combination thereof and the fixing and collection hereof and the fixing and collection of rates and charges on users of such systems; providing for the levy and collection of non-ad valorem assessments on benefited property and the pledge of such assessments for the payment of any revenue bonds, or assessment bonds; providing for the rights, remedies, and security of any of the holders of said bonds; providing penalties; repealing chapter 96-499, Laws of Florida, relating to the creation and establishment of the Englewood Water District; providing an effective date.



HB 0881

2003

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

32
 33 Section 1. (1) There is hereby created the Englewood
 34 Water District for the areas of Charlotte and Sarasota Counties,
 35 described as follows:

36
 37 Sections 8, 9, 10, 11, 12, 13, 14, 15, 16, 21, 22, 23,
 38 24, 25, 26, 27, 35, and 36, that part of sections 4
 39 and 5, lying and being west of the west boundary of
 40 Lemon Bay, township 40 south; range 19 east; and
 41 sections 16, 17, 18, 19, 20, 21, 28, 29, 30, 31, 32
 42 and 33, township 40 south, range 20 east, all being in
 43 Sarasota County, State of Florida.

44
 45 Sections 1, 2, 12 and 13, Township 41 South, Range 19
 46 East; Sections 4, 5, 6, 7, 8, 9, 16, 17, and 18, that
 47 part of Section 20 lying and being east of the east
 48 boundary of Lemon Bay, Township 41 South, Range 20
 49 East, all lying and being in Charlotte County, State
 50 of Florida.

51
 52 That portion of Section 3, Township 40 South, Range 19
 53 East lying west of S.R. 776 (Englewood Road), and
 54 those portions of Sections 4 and 5, Township 40 South,
 55 Range 19 East, lying and being east of the west
 56 boundary of Lemon Bay, all being south of the
 57 east-west line prescribed by Colonial Road, all being
 58 in Sarasota County, Florida.

59



HB 0881

2003

60 (2) The Englewood Water District is hereby declared to be
61 a body corporate and politic under the corporate name and style
62 of "Englewood Water District" with power to contract, to sue and
63 be sued in its corporate name, and with the other powers and
64 duties hereinafter set forth, as well as all other powers and
65 exemptions given by general law.

66 Section 2. As used in this act, unless the context
67 otherwise requires:

68 (1) "District" means the Englewood Water District created
69 by this act.

70 (2) "Water system" means and includes any plants, systems,
71 facilities, or property and additions, extensions, and
72 improvements thereto at any future time constructed or acquired
73 as a part thereof, useful or necessary, or having the present
74 capacity for future use in connection with the development of
75 sources, treatment for purification and distribution of water
76 for domestic, commercial, or industrial use and without limiting
77 the generality of the foregoing shall include dams, reservoirs,
78 storage tanks, mains, lines, valves, pumping stations, laterals,
79 and pipes for the purpose of carrying water to the premises
80 connected with such system and shall include all real and
81 personal property and any interest therein, rights, easements,
82 and franchises of any nature whatsoever relating to such system
83 and necessary or convenient to the operation thereof.

84 (3) "Wastewater system" means and includes any plant,
85 system, facility, or property and additions, extensions, and
86 improvements thereto at any future time constructed or acquired
87 as a part thereof, useful or necessary, or having the present
88 capacity for future use in connection with the collections,
89 treatment, purification, or disposal of wastewater or sewerage



HB 0881

2003

90 of any nature or originating from any source, including
91 industrial wastes resulting from any processes of any industry,
92 manufacture, trade, or business or from the development of any
93 natural resources; and without limiting the generality of the
94 foregoing definition shall embrace treatment plants, pumping
95 stations, lift stations, valves, force mains, intercepting
96 sewers, laterals, pressure lines, mains, and all necessary
97 appurtenances and equipment, all wastewater mains and laterals
98 for the reception and collection of wastewater or sewerage on
99 premises connected therewith, and shall include all real and
100 personal property and any interest therein, rights, easements,
101 and franchises of any nature whatsoever relating to any such
102 system and necessary or convenient for the operation thereof.

103 (4) "Wastewater reuse system" means and includes any
104 plant, system, facility, or property and additions, extensions,
105 and improvements thereto at any future time constructed or
106 acquired as a part thereof, useful or necessary, or having the
107 present capacity for future use in connection with the
108 collection, treatment, purification, disposal, or distribution
109 of wastewater or stormwater originating from any source, for the
110 purpose of reuse and without limiting the generality of the
111 foregoing definition, shall embrace treatment plants, dams,
112 reservoirs, storage tanks, pumping stations, lift stations,
113 valves, force mains, laterals, pressure lines, mains, and all
114 necessary appurtenances and equipment, and shall include all
115 real and personal property and any interest therein, rights,
116 easements, and franchises of any nature whatsoever relating to
117 any such system and necessary or convenient for the operation
118 thereof. Water which has received at least secondary treatment
119 and stormwater may be referred to as reclaimed wastewater and



HB 0881

2003

120 may be reused for such beneficial purposes, including, but not
 121 limited to, landscape or agricultural irrigation, aesthetic uses
 122 such as ponds or fountains, groundwater recharge, industrial
 123 uses, environmental enhancement, or fire protection.

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

127 (6) "Cost" means, as applied to the acquisition and
 128 construction of a water system, wastewater reuse system, or a
 129 wastewater system or extensions, additions, or improvements
 130 thereto, the cost of construction or reconstruction,
 131 acquisition, or purchase, the cost of all labor, materials,
 132 machinery, and equipment, cost of all lands and interest
 133 therein, an office and administration building for the district,
 134 property, rights, easements, and franchises of any nature
 135 whatsoever, financing charges, interest prior to and during
 136 construction and for 1 year after completion of construction or
 137 acquisition of such water system, wastewater reuse system, or
 138 wastewater system or extensions, additions, or improvements
 139 thereto, bond discount, fees and expenses of financial advisors
 140 or fiscal agents, cost of plans and specifications, surveys and
 141 estimates of costs and revenues, cost of engineering and legal
 142 services, and all other expenses necessary or incidental in
 143 determining feasibility or practicality of such construction,
 144 reconstruction, or acquisition, administrative expenses and such
 145 other expenses as may be necessary or incidental to the
 146 construction or acquisition or improvement of such water system,
 147 wastewater reuse system, or wastewater system authorized by this
 148 act and the financing thereof, and the reimbursement of any



HB 0881

2003

149 expenses incurred by the district in connection with any of the
150 foregoing items of cost.

151 (7) "Revenue bonds" means bonds or other obligations
152 secured by and payable as to principal and interest from the
153 revenues derived from rates, fees, and charges collected by the
154 district from the users of the facilities of the water system,
155 wastewater reuse system, or wastewater system, or any
156 combination thereof, and which may or may not be additionally
157 secured by a pledge of the proceeds of non-ad valorem
158 assessments levied against property benefiting from assessable
159 improvements.

160 (8) "Board" means the Board of Supervisors of the
161 District.

162 Section 3. The District shall be governed and its affairs
163 administered by the Board of Supervisors consisting of five
164 members.

165 A.(i) By a majority vote, the Englewood Water District
166 Board of Supervisors shall adopt a preliminary resolution
167 dividing the district into five separate and distinct sections
168 of approximately equal populations, drawn along Charlotte County
169 and/or Sarasota County precinct lines, if feasible. These
170 divisions shall be known as the "Englewood Water District
171 Supervisor Election Districts" which shall be numbered 1 through
172 5.

173 (ii) After the initial adoption by the board of the
174 proposed Englewood Water District Supervisor Election Districts,
175 the district shall hold a public hearing at which all residents
176 of the district or other interested parties shall have an
177 opportunity to be heard concerning the proposed Englewood Water
178 District Supervisor Election Districts. Notice of such public



HB 0881

2003

179 hearing setting forth the five proposed Englewood Water District
180 Supervisor Election Districts shall be given by one publication
181 in a newspaper published in Charlotte County, in a newspaper
182 published in Sarasota County, and such notice shall also be
183 posted in five public places in the district, at least 30 days
184 prior to the date of such hearing, which may be adjourned from
185 time to time.

186 (iii) After such hearing, such preliminary resolution
187 dividing the district into five separate and distinct sections,
188 known as the Englewood Water District Supervisor Election
189 Districts, either as initially adopted or as modified or
190 amended, shall be finally adopted. A map of the Englewood Water
191 District Supervisor Election Districts shall be kept on file in
192 the office of the administrator of the district and shall be
193 open to public inspection during normal business hours.

194 (iv) The Englewood Water District Supervisor Election
195 Districts shall be revised every 10 years in the same manner as
196 they were originally established. If the boundaries of the
197 district are modified, the election districts shall be modified
198 as necessary in the same manner established above in adequate
199 time for the new election districts to be utilized during the
200 next general election.

201 1. On the first Tuesday after the first Monday of November
202 1994, a person residing in Englewood Water District Board of
203 Supervisors Election District 5 was elected by the qualified
204 electors of the Englewood Water District for a 4-year term to
205 create and fill Englewood Water District Supervisors Election
206 District Seat Five. On the first day of January following the
207 election, the expiring seats, four and six were eliminated.



HB 0881

2003

208 2. On the first Tuesday after the first Monday of November
209 1995, a person residing in Englewood Water District Board of
210 Supervisors Election District 4 was elected by the qualified
211 electors of the Englewood Water District for a term of 3 years
212 to create and fill Englewood Water District Supervisors Election
213 District Seat Four. On the first day of January following the
214 election, the expiring seats, seven, eight, and nine shall be
215 eliminated.

216 3. On the first Tuesday after the first Monday of November
217 1996, a person residing in each of the Englewood Water District
218 Board of Supervisors Election Districts 3, 2, and 1 was elected
219 by the qualified electors of the Englewood Water District for a
220 term of 4 years to create and fill Englewood Water District
221 Supervisors Election District Seats three, two, and one
222 respectively.

223 B.(i) On the first Tuesday after the first Monday in
224 November 2002, and every 4th year thereafter, two supervisors,
225 one residing in Englewood Water District Board of Supervisors
226 Election District 5 and one residing in Englewood Water District
227 Board of Supervisors Election District 4, were elected by the
228 qualified electors of the Englewood Water District for a term of
229 4 years.

230 (ii) On the first Tuesday after the first Monday in
231 November 2004, and every 4th year thereafter, three supervisors,
232 one residing in Englewood Water District Board of Supervisors
233 Election District 3, one residing in Englewood Water District
234 Board of Supervisors Election District 2, and one residing in
235 Englewood Water District Board of Supervisors Election District
236 1, shall be elected by the qualified electors of the Englewood
237 Water District for a term of 4 years.



HB 0881

2003

238 (iii) The results of such election shall be declared by
239 resolution adopted by the Board. Each elected member of the
240 Board shall assume office 10 days following the member's
241 election. Each supervisor shall duly file his or her oath of
242 office and a bond in such amount as the Board shall determine
243 for the faithful performance of his or her duties prior to
244 taking office and the cost thereof shall be paid by the
245 District.

246 C. In the event no person has been elected at the general
247 election to fill an office which was required to be filled at
248 such election, the members of the board shall, within 60 days
249 following the date of the election, by a majority vote of all
250 members then in office, appoint a person from the appropriate
251 Englewood Water District Supervisors Election District, to serve
252 for each office not otherwise filled by said election, to serve
253 until the next general election, at which election the qualified
254 electors of the District shall elect a supervisor to serve the
255 remaining unexpired term, if any, of such supervisors so
256 appointed.

257 (i) In the event any supervisor shall resign, die, or be
258 removed from the district, or the office of such supervisor
259 shall for any reason become vacant, the remaining members of the
260 board may, by a majority vote of all members then in office,
261 appoint a successor to such supervisor from the appropriate
262 Englewood Water District Supervisors Election District to serve
263 until the next general election, at which election the qualified
264 electors of the district shall elect a supervisor to serve for
265 the remaining unexpired term, if any, of such supervisor whose
266 office became vacant as aforesaid.



HB 0881

2003

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

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

273 E.(i) Elections for the purpose of electing Supervisors to
 274 the Board shall conform to the Florida Election Code, chapters
 275 97 through 106, Florida Statutes, as pertains to independent
 276 special districts as set forth in section 189.405, Florida
 277 Statutes.

278 (a) The results of the election shall be jointly canvassed
 279 by the county canvassing boards of the Counties of Charlotte and
 280 Sarasota and the results of such joint canvass shall be reported
 281 in accordance with general law.

282 (b) Supervisors shall be qualified electors with legal
 283 residence in the appropriate Englewood Water District Board of
 284 Supervisors Election District, who are freeholders. The office
 285 of any supervisor who ceases to be a qualified elector with
 286 legal residence in the appropriate election district and a
 287 freeholder in the district during his or her term of office
 288 shall become vacant.

289 (ii)(a) The Board shall be vested with all administrative
 290 power and authority of the District and shall have and exercise
 291 all powers conferred upon such District by the terms of this
 292 act. Said Board members may receive compensation for their
 293 services to be determined by at least a majority plus one vote
 294 of the Board. The board shall publish notice of its intent to
 295 consider a modification of board member compensation in the same
 296 manner as provided in paragraph 1(e) of this section. Said



HB 0881

2003

297 salary may not exceed \$2,500 each, annually, except that the
298 chair may receive \$3,000 annually. Such payments shall be
299 payable in such installments during each year of a member's term
300 as the Board shall from time to time determine. Said Board
301 members shall also be reimbursed for moneys expended in the
302 performance of their official duties consistent with the
303 provisions of section. 112.061, Florida Statutes.

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

306 1. The chair and vice chair shall be elected at an annual
307 meeting to be held in January of each year, and shall serve in
308 said capacities until the next annual meeting and said officers
309 may be removed at any time during their tenure, with or without
310 cause, by a majority vote of all members of said Board. Upon the
311 expiration of the terms of office of any of said officers for
312 any reason whatsoever, the Board shall elect new officers to
313 fill the positions thus vacated.

314 2. The Board shall hold such meetings as the business
315 affairs of the district may require, and all such meetings shall
316 be noticed and open to the public as provided by law. Such
317 meetings shall be held within the territorial limits of the
318 District or may be held outside the District in conjunction with
319 other boards, commissions, agencies, bodies, or persons for the
320 purpose of holding discussions or for the exchange of
321 information. However, no formal action may be taken by the
322 passage of any resolution, rule, or order at meetings held
323 outside the District other than that action which is required
324 for the ordinary conduct of such meetings.

325 3. A majority of the Board shall constitute a quorum at
326 any meeting thereof and all actions of the Board shall be upon



HB 0881

2003

327 an affirmative vote of the majority of Board members present at
328 any such meeting; provided that no action of the Board may pass
329 with less than three affirmative votes. However, any resolution
330 authorizing the issuance of bonds or other obligations, or the
331 levy on non-ad valorem assessments or the fixing of rates and
332 charges for the services and facilities of the systems of the
333 District shall not be adopted except upon the affirmative vote
334 of a majority of all the members of the Board then in office.
335 Actions of the Board shall be evidenced by resolutions voted
336 upon and adopted by the Board, which may be finally adopted at
337 the same meeting at which they are introduced and need not be
338 published or posted, except resolutions authorizing the issuance
339 of bonds or other obligations shall be advertised in accordance
340 with the provisions of Section 3(1)(c)2 and a public hearing
341 shall be held prior to the adoption of such resolutions.
342 Resolutions providing solely for the refunding of any already
343 existing bonds or other obligations need not be so advertised.

344 4. Written minutes of each Board meeting shall be kept and
345 there shall be recorded therein a report of all that transpired
346 at any such meeting. The minutes shall be signed by the vice
347 chair of the Board and kept permanently in books provided for
348 that purpose.

349 5. The Board shall cause to be kept complete and accurate
350 books of accounting in standard bookkeeping and accounting
351 procedures. Annually the Board shall make a true and complete
352 accounting of all moneys received and expended by said Board and
353 said accounting shall list the assets and liabilities of the
354 District. Said accounting shall be based upon an audit prepared
355 by a certified public accountant, and shall be in writing with



HB 0881

2003

356 sufficient copies thereof made to furnish to any inhabitants of
357 the district requesting same.

358 6. All contracts of the District shall be signed by the
359 chair of the Board of Supervisors, and the seal of the board
360 shall be affixed thereto, attested by the secretary to the Board
361 who shall be official custodian of such seal. The Board, by
362 resolution, may delegate authority to sign contracts to the
363 administrator of the District. Any bonds issued by the District
364 under the provisions of this act shall be signed in the same
365 manner as a contract. However, only one manual signature shall
366 be required on any bonds and the seal of the District may be
367 imprinted or reproduced thereon.

368 7. Every Board member and every officer of the district
369 shall be indemnified by the District against all expenses and
370 liabilities, including counsel fees, reasonably incurred by or
371 imposed upon the member or officer in connection with any
372 proceeding or any settlement of any proceeding to which he or
373 she may be a party or in which he or she may become involved by
374 reason of his or her being or having been a Board member or
375 officer of the District, whether or not he or she is a Board
376 member or officer at the time such expenses are incurred. In the
377 event of a settlement, the indemnification shall apply only when
378 the Board approves such settlement and reimbursement as being
379 for the best interests of the District. The right of
380 indemnification authorized by this paragraph shall be in
381 addition to and not exclusive of all other rights to which a
382 Board member or officer may be entitled. This paragraph shall
383 not apply to a Board member or officer who is adjudged guilty of
384 willful misfeasance or malfeasance in the performance of his or
385 her duties.



HB 0881

2003

386 8. The Board may, by the vote of a majority of all
387 members, elect a member to serve as chair or vice chair on an
388 interim basis during the absence of such officer. The interim
389 officer shall have all of the powers, duties, and authority of
390 such officer during his or her absence.

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

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

395 (2) To employ such consulting and other engineers,
396 technicians, construction and accounting experts, financial
397 advisors or fiscal agents, attorneys, and such other agents and
398 employees as the board may require or deem necessary to
399 effectuate the purposes of this act and to take such steps as
400 are necessary to be taken to provide coverage by the old age and
401 survivors insurance system embodied in the Federal Social
402 Security Act to employees of the Englewood Water District on as
403 broad a basis as permitted under the Federal Social Security Act
404 and the laws of Florida and may provide a pension or retirement
405 plan for its employees. Board members are not eligible for
406 pension or retirement benefits. Notwithstanding the prohibition
407 against extra compensation set forth in section 215.425, Florida
408 Statutes, the board may provide for an extra compensation
409 program, including a lump-sum bonus payment program, to reward
410 outstanding employees whose performance exceeds standards, if
411 the program provides that a bonus payment may not be included in
412 an employee's regular base rate of pay and may not be carried
413 forward in subsequent years.

414 (3) To construct, install, erect, acquire and operate,
415 maintain, improve, extend, or enlarge and reconstruct a water



HB 0881

2003

416 system, wastewater system, or a wastewater reuse system or any
 417 combination thereof within or without said district for the
 418 furnishing of water service, wastewater service, or wastewater
 419 reuse service or any combination of such services to the
 420 inhabitants of the district, and to have the exclusive control
 421 and jurisdiction thereof; to issue its revenue bonds, assessment
 422 bonds, or other obligations, or any combination thereof to pay
 423 all or part of the cost of such construction, reconstruction,
 424 erection, acquisition, or installation of such systems. The
 425 purchase or sale of a water, wastewater, or wastewater reuse
 426 system shall be accomplished in accordance with section 189.423,
 427 Florida Statutes.

428 (4) To regulate the disposal of wastewater, reuse of
 429 wastewater, and the supply of water within the District and to
 430 prohibit the use and maintenance of outhouses, privies, septic
 431 tanks, or other unsanitary structures or appliances, in
 432 accordance with the general laws of the state.

433 (5) To fix and collect rates, fees, capital contributions,
 434 and other charges for the use of the facilities and services
 435 provided by any system, and to fix and collect charges for
 436 making connections and reconnections with any such system, and
 437 to provide for reasonable charges and penalties to any users of
 438 property for any such rates, fees, or charges that are
 439 delinquent.

440 (6) To acquire in the name of the district by purchase,
 441 gift, or the exercise of eminent domain pursuant to chapter 73
 442 or chapter 74, Florida Statutes, such lands and rights and
 443 interest therein, both within and without the district,
 444 including land under water and riparian rights and to acquire
 445 such personal property as may be deemed necessary in connection



HB 0881

2003

446 with the construction, reconstruction, improvement, extensions,
 447 installation, erection, or operation and maintenance of any
 448 system, and to hold and dispose of all real and personal
 449 property under its control.

450 (7) To receive grants, either separately or in conjunction
 451 with any municipality, governmental agency, or governmental
 452 entity, either in the nature of public works or public
 453 improvement grants or loans from any governmental agency,
 454 department, bureau, or individual for the purpose of installing,
 455 constructing, erecting, acquiring, operating, or maintaining a
 456 system or other things necessary or incidental thereto.

457 (8) To exercise exclusive jurisdiction, control, and
 458 supervision over any system owned, operated, and maintained by
 459 the District and to make and enforce such rules and regulations
 460 for the maintenance and operation of any system as may be, in
 461 the judgment of the Board, necessary or desirable for the
 462 efficient operation of any such systems or improvements in
 463 accomplishing the purposes of this act.

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

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

471 (11) To contract with municipalities or other private or
 472 public corporations or persons to provide or receive a water
 473 supply or for wastewater disposal, collection, or treatment or
 474 for wastewater reuse.



HB 0881

2003

475 (12) To prescribe methods of pretreatment of industrial
476 wastes not amenable to treatment with domestic wastewater before
477 accepting those wastes for treatment and to refuse to accept
478 such industrial wastes when not sufficiently pre-treated as may
479 be prescribed, and by proper resolution to prescribe penalties
480 for the refusal of any person or corporation to so pre-treat
481 such industrial wastes.

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

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

489 (15) To accomplish construction by holding hearings,
490 advertising for construction bids, and letting contracts for all
491 or any part or parts of the construction of any system in
492 accordance with the provisions of section 15.

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

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

499 (18) To construct and operate connecting, intercepting, or
500 outlet wastewater or reclaimed wastewater mains and pipes and
501 water mains, conduits or pipe lines in, along, or under any
502 street, alleys, highways, or other public places or ways within
503 the state or any municipality or political subdivision.



HB 0881

2003

504 (19) Subject to such provisions and restrictions as may be
505 set forth in the resolution authorizing or securing any bonds or
506 other obligations issued under the provisions of this act, to
507 enter into contracts with the government of the United States or
508 any agency or instrumentality thereof, or with any other county,
509 municipality, district, authority, or political subdivision,
510 private corporation, partnership, association, or individual
511 providing for or relating to the treatment, collection, and
512 disposal of wastewater or the treatment, supply, and
513 distribution of water or reclaimed wastewater and any other
514 matters relevant thereto or otherwise necessary to effect the
515 purposes of this act and to receive and accept from any federal
516 agency, grants for or in aid of the planning, construction,
517 reconstruction or financing of any system and to receive and
518 accept aid or contributions from any other source of either
519 money, property, labor or other things of value to be held,
520 used, and applied only for the purpose for which such grants and
521 contributions may be made.

522 (20) To acquire, purchase, or buy real estate within or
523 without the District to be used in the development,
524 installation, construction, improvement, maintenance, operation,
525 or servicing of any system of the District, by installment
526 contract, agreement for deed, or by note and mortgage; provided
527 that said contract, agreement for deed, or mortgage does not
528 constitute a lien or encumbrance upon any real property other
529 than that being purchased thereby.

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

532 (22) To require the owner, tenant, or occupant of each lot
533 or parcel of land within the District who is obligated to pay



HB 0881

2003

534 the rates, fees, or charges for the services furnished by any
535 facility owned or operated by the District under the provisions
536 of this act make a reasonable deposit with the district in
537 advance to ensure the payment of such rates, fees, or charges.
538 If such rates, fees, or charges become delinquent, the district
539 may apply the deposit to the payment or partial payment thereof,
540 including accrued interest, shutoff charges, and penalties, if
541 any.

542 (23) To invest and reinvest the surplus public funds of
543 the district consistent with the requirements of applicable
544 state or federal laws.

545 Section 5. (1) The Board for and on behalf of the
546 District is authorized to provide from time to time for the
547 issuance of revenue bonds to finance or refinance all or part of
548 the costs of additions, extensions, and improvements to, or the
549 acquisition of, any system. The principal of and interest on any
550 such revenue bonds shall be payable from the rates, fees,
551 charges, or other revenues derived from the operation of any
552 such system or systems in the manner provided in this act and
553 the resolution authorizing such bonds and pledging such
554 revenues. The proceeds of non-ad valorem assessments levied as
555 provided in this act may be pledged as additional security for
556 said revenue bonds. It is the express intent of this act that
557 the District shall be authorized to finance the purposes
558 provided in this act by the issuance of revenue bonds or special
559 assessment bonds separately for all or any part of the cost
560 thereof, or to issue revenue bonds additionally secured by the
561 non-ad valorem assessments for all or any part of such cost, so
562 that the District shall have complete flexibility as to the
563 types of bonds to be issued and the security for the holders of



HB 0881

2003

564 such bonds. The revenue bonds of the District shall be issued in
565 such denominations, mature on such dates and in such amounts,
566 and may be subject to optional and mandatory redemption, all as
567 shall be determined by resolutions adopted by the Board on
568 behalf of the District. Bonds of said District may bear interest
569 at a fixed or floating or adjustable rate and may be issued as
570 interest-bearing, interest-accruing bonds or zero coupon bonds
571 at such rate or rates not exceeding the maximum rate permitted
572 by general law, all as shall be determined by resolutions of the
573 Board on behalf of the District. Principal and interest shall be
574 payable in the manner determined by the Board. The bonds shall
575 be signed by the chair or vice chair of the Board, attested with
576 the seal of said District and by the signature of the chair of
577 the Board of Supervisors. In case any officer whose signature or
578 a facsimile of whose signature shall appear on the bonds shall
579 cease to be such officer before the delivery of such bonds, such
580 signature or facsimile shall nevertheless be valid and
581 sufficient for all intents and purposes the same as if he or she
582 had remained in office until such delivery. The Board may sell
583 such bonds in such manner not inconsistent with general law,
584 either at public or private sale, and for such price, as it may
585 determine to be for the best interests of the District.

586 (2) The proceeds of the sale of any such bonds shall be
587 used to finance or refinance all or part of the costs of the
588 construction or acquisition of additions, extensions, and
589 improvements of any water system, wastewater reuse system, or
590 wastewater system or any combination thereof, to fund reserves
591 and renewal and replacement funds and to pay the costs of
592 issuing such bonds. The funds derived from the sale of the bonds
593 shall be disbursed in such manner and under such restrictions as



HB 0881

2003

594 the board may provide in the authorizing resolution. Revenue
595 bonds may be issued under the provisions of this act without any
596 other proceeding or happening of any other condition or thing
597 than those proceedings, conditions, or things which are
598 specifically required by this act and by general law.

599 (3) A resolution providing for the issuance of revenue
600 bonds may also contain such limitations upon the issuance of
601 additional revenue bonds secured on a parity with the bonds
602 theretofore issued, as the board may deem proper, and such
603 additional bonds shall be issued under such restrictions and
604 limitations as may be prescribed by such authorizing resolution.

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

608 (5) Revenue bonds issued under the provisions of this act
609 shall not constitute a general obligation debt of the District
610 within the meaning of any constitutional or statutory debt
611 limitation, but such bonds shall be payable solely from the
612 revenues and/or non-ad valorem assessments, if any, pledged
613 therefor, and that the full faith and credit of the district is
614 not pledged to the payment of the principal of or interest on
615 such bonds.

616 (6) In connection with the sale and issuance of bonds, the
617 district may enter into any contracts which the Board determines
618 to be necessary or appropriate to achieve a desirable effective
619 interest rate in connection with the bonds by means of, but not
620 limited to, contracts commonly known as investment contracts,
621 funding agreements, interest rate swap agreements, currency swap
622 agreements, forward payment conversion agreements, futures, or
623 contracts providing for payments based on levels of or changes



HB 0881

2003

624 in interest rates, or contracts to exchange cash flows or a
625 series of payments, or contracts, including, without limitation,
626 options, puts, or calls to hedge payment, rate, spread, or
627 similar exposure. Such contracts or arrangements may also be
628 entered into by the District in connection with, or incidental
629 to, entering into any agreement which secures bonds or provides
630 liquidity therefor. Such contracts and arrangements shall be
631 made upon the terms and conditions established by the Board,
632 after giving due consideration for the credit worthiness of the
633 counter parties, where applicable, including any rating by a
634 nationally recognized rating service or any other criteria as
635 may be appropriate.

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

642 (8) Notwithstanding any provisions of state law relating
643 to the investment or reinvestment of surplus funds of any
644 governmental unit, proceeds of the bonds and any money set aside
645 or pledged to secure payment of the principal of, premium, if
646 any, and interest on the bonds, or any of the contracts entered
647 into pursuant to this section, may be invested in securities or
648 obligations described in the resolution providing for the
649 issuance of bonds.

650 Section 6. (1) The Board shall, by resolution prior to
651 the issuance of any revenue bonds, fix the initial schedule of
652 rates, fees, or other charges for the use of and the services
653 and facilities to be furnished by any such water system,



HB 0881

2003

654 wastewater reuse system, or wastewater system, or any
655 combination thereof, to be paid by the owner, tenant, or
656 occupant of each lot or parcel of land which may be connected
657 with or used by any such system or systems, of the district.
658 After the system or systems have been in operation the District
659 board may revise the schedule of rates, fees, and charges from
660 time to time. However, such rates, fees, and charges shall be so
661 fixed and revised so as to provide sums which, with other funds
662 for such purposes, shall be sufficient at all times to pay:

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

665 B. The expenses of maintaining and repairing such systems,
666 including reserves for such purposes and for capital
667 replacements, depreciation, and necessary extensions or
668 improvements and administrative expenses.

669 C. Any other payments required by the resolution
670 authorizing the issuance of such revenue bonds.

671 (2) Such rates, fees, and charges shall be just and
672 equitable and uniform for users of the same class and, where
673 appropriate, may be based or computed either upon the quantity
674 of water or wastewater consumed or produced, the number and size
675 of wastewater connections, or the number and kind of plumbing
676 fixtures in use in the premises or upon the number or average
677 number of persons residing or working in or otherwise using the
678 facilities of such system or upon any other factor affecting the
679 use of the facilities or services furnished or upon any
680 combination of the foregoing factors as may be determined by the
681 Board on any other equitable basis. All rates, fees, and charges
682 established pursuant to this act shall be set in accordance with
683 the total cost of service which is required to provide service



HB 0881

2003

684 to the customers. The water system, wastewater reuse system, and
685 wastewater system shall be accounted for as separate and as
686 distinct systems. However, the District shall set rates
687 consistent with the guidelines adopted by the American Water
688 Works Association, for government-owned utilities. The district
689 may, by resolution, consolidate any one or more systems provided
690 such consolidation shall not impair the rights of any existing
691 bondholders of the district.

692 (3) No rates, fees, or charges shall be fixed under the
693 foregoing provisions of this section until a public hearing at
694 which all the users of the proposed system, or owners, tenants,
695 or occupants served or to be served thereby and all others
696 interested shall have an opportunity to be heard concerning the
697 proposed rates, fees, and charges. After the initial adoption by
698 the Board of the resolution setting forth the preliminary
699 schedule or schedules fixing and classifying such rates, fees,
700 and charges, notice of such public hearing setting forth the
701 proposed schedule or schedules of rates, fees, and charges shall
702 be given by one publication in a newspaper published in
703 Charlotte County and in a newspaper published in Sarasota County
704 and such notice shall also be posted in five public places in
705 the district, at least 10 days prior to the date of such
706 hearing, which may be adjourned from time to time. After such
707 hearing such preliminary schedule or schedules, either as
708 initially adopted, or as modified or amended, may be finally
709 adopted. A copy of the schedule or schedules of such rates,
710 fees, or charges finally fixed in such resolution shall be kept
711 on file in the office of the District and shall be open at all
712 times to public inspection. The rates, fees, or charges so fixed
713 for any class of users or property served shall be extended to



HB 0881

2003

714 cover any additional properties thereafter served which shall
715 fall in the same class, without the necessity of any hearing or
716 notice. Any change or revision of such rates, fees, or charges
717 may be made in the same manner as such rates, fees, or charges
718 were originally established as provided herein; provided that if
719 such changes or revisions be made substantially pro rata as to
720 all classes of service no hearing or notice shall be required.

721 Section 7. In addition to the other provisions and
722 requirements of this act any resolution authorizing the issuance
723 of bonds may contain any other provisions deemed necessary or in
724 the best interest of the District and the Board is authorized to
725 provide and may covenant and agree with the several holders of
726 such bonds to include, but without limitation as to any other
727 provisions, any of the following:

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

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

735 (3) The assumption of payment or discharge of any
736 indebtedness, lien, or other claim relating to any part of any
737 such system or any combination thereof, or any other obligations
738 having or which may have a lien on any part of any such system
739 or systems.

740 (4) Limitations on the powers of the District to
741 construct, acquire, or operate, or permit the construction,
742 acquisition or operation of any plants, structures, facilities,



HB 0881

2003

743 or properties which may compete or tend to compete with any
744 other system of the District.

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

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

749 (7) Terms and conditions for modification or amendment of
750 any provisions or covenants in any such bond resolution
751 authorizing the issuance of such bonds.

752 (8) Provisions and limitations on the appointment of a
753 trustee, paying agent, registrar, or escrow agent for
754 bondholders.

755 (9) Provisions as to the appointment of a receiver of any
756 system on default of principal or interest on any such bonds or
757 the breach of any covenant or condition of such authorizing
758 resolution or the provisions and requirements of this act.

759 (10) Provisions as to the execution and entering into of
760 trust agreements, if deemed necessary by the board, regarding
761 the disposition of revenues or bond proceeds for the payment of
762 the cost of the acquisition and construction of the system or
763 any part thereof, or for any other purposes necessary to secure
764 any such revenue bonds.

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

767 (12) Any other matters necessary to secure such bonds and
768 the payment of the principal and interest thereof. All such
769 provisions of the bond resolution and all such covenants and
770 agreements in addition to the other provisions and requirements
771 of this act shall constitute valid and legally binding contracts
772 between the District and several holders of any such bonds



HB 0881

2003

773 regardless of the time of issuance of such bonds, and shall be
774 enforceable by any such holder or holders by mandamus or other
775 appropriate action, suit, or proceeding in law or in equity in
776 any court of competent jurisdiction.

777 Section 8. (1) When the fees, rates, or charges for the
778 services and facilities of any system are not paid when due and
779 are in default for 10 days or more, following written notice to
780 such delinquent customer, the District may discontinue and shut
781 off the supply of the services and facilities of such systems,
782 to the person, firm, corporation, or other body, public or
783 private, so supplied with such services or facilities, until
784 such fees, rates, or charges, including interest, penalties, and
785 charges for the shutting off and discontinuance or the
786 restoration of such services or facilities are fully paid. Such
787 delinquent fees, rates, or charges, together with interest,
788 penalties, and charges for the shutting off and discontinuance
789 or the restoration of such services or facilities, and
790 reasonable attorney's fees, costs and other expenses, may be
791 recovered by the board in a court of competent jurisdiction.

792 (2) In the event that the fees, rates, or charges for the
793 services and the facilities of any system shall not be paid as
794 and when due, the unpaid balance thereof and all interest
795 accruing thereon shall, to the extent permitted by law, be a
796 lien on any parcel or property affected thereby. Such liens
797 shall be superior and paramount to the interest on such parcel
798 or property of any owner, lessee, tenant, mortgagee, or other
799 person except the lien of county or district taxes and shall be
800 on a parity with the lien of any such county or district taxes.
801 In the event that any such service charge shall not be paid as
802 and when due and shall be in default for 30 days or more the



HB 0881

2003

803 unpaid balance thereof and all interest accrued or penalties
 804 thereon, together with attorney's fees and costs, may be
 805 recovered by the District in a civil action, and any such lien
 806 and accrued interest and penalties may be foreclosed or
 807 otherwise enforced by the District by action or suit in equity
 808 as for the foreclosure of a mortgage on real property in the
 809 manner provided by general law.

810 Section 9. (1) The District may provide for the levy of
 811 non-ad valorem assessments under this act on the lands and real
 812 estate benefited by the construction of any system, or
 813 extensions or improvements thereof, or any part thereof. Non-ad
 814 valorem assessments may be levied only on benefited real
 815 property at a rate of assessment based on the special benefit
 816 accruing to such property from such improvements. The District
 817 may use any assessment apportionment methodology that meets the
 818 "fair apportionment" standards.

819 (2) The Board may determine to make any improvements
 820 authorized by this act and defray the whole or any part of the
 821 expense thereof by non-ad valorem assessments. The Board shall
 822 so declare by resolution stating the nature of the proposed
 823 improvement, designating the location of wastewater facilities,
 824 the location of water mains, water laterals, and other water
 825 distribution facilities, or the location of the wastewater reuse
 826 facilities, and the part or portion of the expense thereof to be
 827 paid by non-ad valorem assessments, the manner in which said
 828 assessments shall be made, when said assessments are to be paid,
 829 and what part, if any, shall be apportioned to be paid from the
 830 general funds of the District. Said resolution shall also
 831 designate the lands upon which the non-ad valorem assessments
 832 shall be levied, and in describing said lands it shall be



HB 0881

2003

833 sufficient to describe them as "all lots and lands adjoining and
834 contiguous or bounding and abutting upon such improvements or
835 specially benefited thereby and further designated by the
836 assessment plat hereinafter provided for." Such resolution shall
837 also state the total estimated cost of the improvement. Such
838 estimated cost may include the cost of construction or
839 reconstruction, the cost of all labor and materials, the cost of
840 all lands, property, rights, easements, and franchises acquired,
841 financing charges, interest prior to and during construction and
842 for 1 year after completion of construction, discount on the
843 sale of assessment bonds, cost of plans and specifications,
844 surveys of estimates of costs and of revenues, cost of
845 engineering and legal services, and all other expenses necessary
846 or incident to determining the feasibility or practicability of
847 such construction or reconstruction, administrative expense, and
848 such other expense may be necessary or incident to the financing
849 herein authorized.

850 (3) At the time of the adoption of the resolution provided
851 for in subsection (2), there shall be on file at the District's
852 offices, an assessment plat showing the area to be assessed,
853 with plans and specifications, and an estimate of the cost of
854 the proposed improvement, which assessment plat, plans, and
855 specifications and estimate shall be open to the inspection of
856 the public.

857 (4) Upon adoption of the resolution provided for in
858 subsection (2), or completion of the preliminary assessment roll
859 provided for in subsection (5), whichever is later, the vice
860 chair of the Board shall publish notice of the resolution once
861 in a newspaper published in the Counties of Charlotte and
862 Sarasota. The notice shall state in brief and general terms a



HB 0881

2003

863 description of the proposed improvements with the location
864 thereof, and that the plans, specifications, and estimates are
865 available to the public at the district's offices. The notice
866 shall also state the date and time of the hearing to hear
867 objections provided for in subsection (7), which hearing shall
868 be no earlier than 15 days after publication of said notice.
869 Such publication shall be verified by the affidavit of the
870 publisher and filed with the secretary to the Board.

871 (5) Upon the adoption of the resolution provided for in
872 subsection (2), the Board shall cause to be made a preliminary
873 assessment roll in accordance with the method of assessment
874 provided for in said resolution, said assessment roll shall show
875 the lots and lands assessed and the amount of the benefit to and
876 the assessment against each lot or parcel of land, and, if said
877 assessment is to be paid in installments, the number of annual
878 installments in which the assessment is divided shall also be
879 entered and shown upon said assessment roll.

880 (6) Upon the completion of said preliminary assessment
881 roll, the Board shall by resolution fix a time and place at
882 which the owners of the property to be assessed or any other
883 persons interested therein may appear before said Board and be
884 heard as to the propriety and advisability of making such
885 improvements, as to the cost thereof, as to the manner of
886 payment therefor, and as to the amount thereof to be assessed
887 against each property so improved. Ten days' notice in writing
888 of such time and place shall be given to such property owners.
889 The notice shall include the amount of the assessment and shall
890 be served by mailing a copy by first class mail to each of such
891 property owners at his or her last known address, the names and
892 addresses of such property owners to be obtained from the



HB 0881

2003

893 records of the property appraiser, proof of such mailing to be
894 made by the affidavit of the secretary to the Board, or by the
895 engineer.

896 (7) At the time and place named in the notice provided for
897 in subsection (4), the Board shall meet and hear testimony from
898 affected property owners as to the propriety and advisability of
899 making the improvements and funding them with non-ad valorem
900 assessments on property. Following the testimony, the Board
901 shall make a final decision on whether to levy the non-ad
902 valorem assessments, adjusting assessments as may be warranted
903 by information received at or prior to the hearing. If any
904 property which may be chargeable under this section shall have
905 been omitted from the preliminary roll or if the prima facie
906 assessment shall not have been made against it, the Board may
907 place on such roll an apportionment to such property. The owners
908 of any property so added to the assessment roll shall be mailed
909 a copy of the notice provided for in subsection (6), by first
910 class mail and granted 15 days from such date of mailing to file
911 any objections with the Board. When so approved by resolution of
912 the Board, a final assessment roll shall be filed with the vice
913 chair of the Board, and such assessments shall stand confirmed
914 and remain legal, valid, and binding first liens upon the
915 property against which such assessments are made until paid. The
916 assessment so made shall be final and conclusive as to each lot
917 or parcel assessed unless proper steps be taken within 30 days
918 of the filing of the final assessment roll in a court of
919 competent jurisdiction to secure relief. If the assessment
920 against any property shall be sustained or reduced or abated by
921 the court, the vice chair shall note that fact on the assessment
922 roll opposite the description of the property affected thereby



HB 0881

2003

923 and notify the county property appraiser and the tax collector
 924 in writing. The amount of the non-ad valorem assessment against
 925 any lot or parcel which may be abated by the court, unless the
 926 assessment upon the entire District be abated, or the amount by
 927 which such assessment is so reduced, may by resolution of the
 928 Board be made chargeable against the District at large, or, at
 929 the discretion of the Board, a new assessment roll may be
 930 prepared and confirmed in the manner hereinabove provided for
 931 the preparation and confirmation of the original assessment
 932 roll. The Board may by resolution grant a discount equal to all
 933 or a part of the payee's proportionate share of the cost of the
 934 project consisting of bond financing costs, such as capitalized
 935 interest, funded reserves, and bond discount included in the
 936 estimated cost of the project, upon payment in full of any
 937 assessment during such period prior to the time such financing
 938 costs are incurred as may be specified by the board.

939 (8) The non-ad valorem assessments shall be payable at the
 940 time and in the manner stipulated in the resolution providing
 941 for the improvement; shall remain liens, coequal with the lien
 942 of all state, county, district, and municipal taxes, superior in
 943 dignity to all other liens, titles, and claims, until paid;
 944 shall bear interest, at a rate not to exceed the percentage
 945 authorized by section 170.09, Florida Statutes, for municipal
 946 special assessments or, if bonds are issued pursuant to this
 947 chapter, at a rate not to exceed 1 percent above the rate of
 948 interest at which the bonds authorized pursuant to this act and
 949 used for the improvement are sold, from the date of the
 950 acceptance of the improvement; and may, by the resolution
 951 aforesaid and only for capital outlay projects, be made payable
 952 in equal installments over a period not to exceed 20 years, to



HB 0881

2003

953 which, if not paid when due, there shall be added a penalty at
954 the rate of 1 percent per month, until paid. However, the
955 assessments may be paid without interest at any time within 30
956 days after the improvement is completed and a resolution
957 accepting the same has been adopted by the Board.

958 (9) The non-ad valorem assessments approved by the Board
959 may be levied, assessed, and collected pursuant to section
960 197.3632, Florida Statutes. The collection and enforcement of
961 the non-ad valorem assessment levied by the district shall be at
962 the same time and in like manner as county taxes.

963 (10) All assessments shall constitute a lien upon the
964 property so assessed from the date of confirmation of the
965 resolution ordering the improvement of the same nature and to
966 the same extent as the lien for general county, municipal, or
967 district taxes falling due in the same year or years in which
968 such assessments or installments thereof fall due, and any
969 assessment or installment not paid when due shall be collected
970 with such interest and with a reasonable attorney's fee and
971 costs, but without penalties, by the District by proceedings in
972 a court of equity to foreclose the lien of assessment as a lien
973 for mortgages is or may be foreclosed under the laws of the
974 state; provided that any such proceedings to foreclose shall
975 embrace all installments of principal remaining unpaid with
976 accrued interest thereon, which installments shall, by virtue of
977 the institution of such proceedings immediately become due and
978 payable. Nevertheless, if, prior to any sale of the property
979 under decree of foreclosure in such proceedings, payment be made
980 of the installment or installments which are shown to be due
981 under the provisions of the resolution passed pursuant to this
982 section, and all costs including attorney's fees, such payment



HB 0881

2003

983 shall have the effect of restoring the remaining installments to
984 their original maturities and the proceedings shall be
985 dismissed. It shall be the duty of the District to enforce the
986 prompt collection of assessments by the means herein provided,
987 and such duty may be enforced at the suit of any holder of bonds
988 issued under this act in a court of competent jurisdiction by
989 mandamus or other appropriate proceedings or action. Not later
990 than 30 days after the annual installments are due and payable,
991 it shall be the duty of the board to direct the attorney or
992 attorneys whom the board shall then designate, to institute
993 actions within 3 months after such direction to enforce the
994 collection of all non-ad valorem assessments for improvements
995 made under this section and remaining due and unpaid at the time
996 of such direction. Such action shall be prosecuted in the manner
997 and under the conditions in and under which mortgages are
998 foreclosed under the laws of the state. It shall be lawful to
999 join in one action the collection of assessments against any or
1000 all property assessed by virtue of the same assessment roll
1001 unless the court shall deem such joinder prejudicial to the
1002 interest of any defendant. The court shall allow reasonable
1003 attorney's fees for the attorney or attorneys of the district,
1004 and the same shall be collectible as a part of or in addition to
1005 the costs of the action. At the sale pursuant to decree in any
1006 such action, the District may be a purchaser to the same extent
1007 as an individual person or corporation, except that the part of
1008 the purchase price represented by the assessments sued upon and
1009 the interest thereon need not be paid in cash. Property so
1010 acquired by the District may be sold or otherwise disposed of,
1011 the proceeds of such disposition to be placed in the fund
1012 provided by subsection (11). However, no sale or other



HB 0881

2003

1013 disposition thereof shall be made unless the notice calling for
 1014 bids therefor to be received at a stated time and place shall
 1015 have been published in a newspaper of general circulation in the
 1016 District once in each of 4 successive weeks prior to such
 1017 disposition.

1018 (11) All assessments and charges made under the provisions
 1019 of this section for the payment of all or any part of the cost
 1020 of any improvements for which assessment bonds shall have been
 1021 issued under the provisions of this act are hereby pledged to
 1022 the payment of the principal of and the interest on such
 1023 assessment bonds and shall, when collected, be placed in a
 1024 separate fund, properly designated, which fund shall be used for
 1025 no other purpose than the payment of such principal and
 1026 interest.

1027 (12) The counties in which the District is located and
 1028 each school district and other political subdivision wholly or
 1029 partly within the District shall be subject to the same duties
 1030 and liabilities in respect of assessment under this section
 1031 affecting the real estate of such counties, school districts, or
 1032 other political subdivisions which private owners of real estate
 1033 are subject to hereunder, and such real estate of any such
 1034 counties, school districts, and political subdivision shall be
 1035 subject to liens for said assessments in all cases where the
 1036 same property would be subject had it at the time the lien
 1037 attached been owned by a private owner, except that no such lien
 1038 may be foreclosed unless and until said real estate is conveyed
 1039 to a person or entity which is not a political subdivision.

1040 Section 10. The Board shall cause to be made at least once
 1041 each year a comprehensive report of its water system, wastewater
 1042 reuse system, and wastewater system including all matters



HB 0881

2003

1043 relating to rates, revenues, expenses of maintenance, repair,
 1044 and operation and renewals and capital replacements, principal
 1045 and interest requirements, and the status of all funds and
 1046 accounts. Copies of such general report shall be filed with the
 1047 vice chair and shall be open to public inspection.

1048 Section 11. Any holder of bonds issued under the
 1049 provisions of this act, or of any of the coupons appertaining
 1050 thereto, except as to the extent that the rights herein granted
 1051 may be restricted by the resolution authorizing the issuance of
 1052 such bonds, may, either at law or in equity, by suit, mandamus
 1053 or other proceeding, protect and enforce any and all rights
 1054 under the laws of the state or granted hereunder or under such
 1055 resolutions, and may enforce and compel the performance of all
 1056 duties required by this act and by such resolutions to be
 1057 performed by the District or by the board or by any officer or
 1058 officers or employees thereof, including the fixing and charging
 1059 and collecting of rates, fees, and charges for the services and
 1060 facilities furnished by the water system, wastewater reuse
 1061 system, or wastewater system and the due and proper collection
 1062 of any non-ad valorem assessments pledged therefor.

1063 Section 12. (1) As the exercise of the powers conferred
 1064 by this act constitutes the performance of essential public
 1065 functions and as the systems constructed under the provisions of
 1066 this act constitute public property used for public purposes,
 1067 such District and the property thereof, including all revenues,
 1068 moneys, or other assets of any type or character, shall not be
 1069 subject to taxation by the state or any political subdivision,
 1070 agency, instrumentality, or municipality thereof, and it is
 1071 hereby expressly found, determined, and declared that all of the
 1072 lands and real estate in said District will be benefited by the



HB 0881

2003

1073 construction or acquisition of the systems, and additions,
 1074 extensions, and improvements thereto, provided for in this act.

1075 (2) All bonds or other obligations issued under this act
 1076 shall be exempt from all taxation by the state or any county,
 1077 municipality, or political subdivision thereof; however, the
 1078 exemption does not apply to any tax imposed by chapter 220,
 1079 Florida Statutes, on interest, income, or profits; however, the
 1080 exemption does not apply to any tax imposed by chapter 220,
 1081 Florida Statutes, on interest, income, or profits on debt
 1082 obligations owned by corporations. Such bonds or other
 1083 obligations shall be and constitute securities eligible for
 1084 deposit as collateral to secure any state, county, municipal, or
 1085 other public funds, and shall also be and constitute legal
 1086 investments for any banks, savings banks, trust funds,
 1087 executors, administrators, state, county, municipal, or other
 1088 public funds, or any other fiduciary funds.

1089 Section 13. In any case where the character or condition
 1090 of the sewage from or originating in any manufacturing or
 1091 industrial plant or building or premises is such that it imposes
 1092 an unreasonable burden upon the wastewater system, an additional
 1093 charge may be made therefor or the Board may, if it deems it
 1094 advisable, compel such manufacturing or industrial plant,
 1095 building, or premises to treat such wastewater in such manner as
 1096 shall be specified by the Board before discharging such
 1097 wastewater into any wastewater lines owned, maintained, or
 1098 operated by the District.

1099 Section 14. The District is authorized to enter into any
 1100 agreement for the delivery of any revenue bonds, assessment
 1101 bonds, or any combination thereof, at one time or from time to
 1102 time as full or partial payment for any work done by any



HB 0881

2003

1103 contractor who may have been awarded a contract for the
1104 construction of all or any part of any system. However, any such
1105 bonds so delivered for payment of services shall have been
1106 authorized and issued pursuant to the provisions of this act and
1107 shall otherwise conform to the provisions thereof.

1108 Section 15. (1) All contracts for the purchase of
1109 commodities or contractual services in excess of \$25,000 let,
1110 awarded, or entered into by the District for the construction,
1111 reconstruction, or addition to any system shall be publicly
1112 advertised and bid. The Board shall adopt procedures for public
1113 advertisement and call for sealed bids; which procedures may
1114 vary the frequency and length of publication based on the amount
1115 of the procurement.

1116 (2) Such advertisement for bids, in addition to the other
1117 necessary and pertinent matter, shall state in general terms the
1118 nature and description of the improvement or improvements to be
1119 undertaken and shall state that detailed plans and
1120 specifications for such work are on file in the office of the
1121 vice chair or will be mailed upon request to interested parties.
1122 The award shall be made to the responsible and competent bidder
1123 or bidders who shall offer to undertake the improvements at the
1124 lowest cost to the District and such bidder or bidders shall be
1125 required to file bond for the full and faithful performance of
1126 such work and the execution of any such contract in such amount
1127 as the Board shall determine. No criteria may be used in
1128 determining the acceptability of the bid that was not set forth
1129 in the invitation to bid. The contract shall be awarded with
1130 reasonable promptness by written notice to the qualified and
1131 responsive bidder who submits the lowest responsive bid.



HB 0881

2003

1132 (3) When the Board determines that the use of competitive
1133 sealed bidding is not practicable, commodities or contractual
1134 services shall be procured by competitive sealed proposals. A
1135 request for proposals which includes a statement of the
1136 commodities or contractual services sought and all contractual
1137 terms and conditions applicable to the procurement, including
1138 the criteria, which shall include, but not be limited to, price,
1139 to be used in determining acceptability of the proposal shall be
1140 issued. To ensure full understanding of and responsiveness to
1141 the solicitation requirement, discussions may be conducted with
1142 qualified offerors. The offerors shall be accorded fair and
1143 equal treatment prior to the submittal dates specified in the
1144 request for proposals with respect to any opportunity for
1145 discussion and revision of proposals. The award shall be made to
1146 the responsible offeror whose proposal is determined in writing
1147 to be the most advantageous to the District, taking into
1148 consideration the price and the other criteria set forth in the
1149 request for proposals.

1150 (4) If the chair of the Board, or his or her designee,
1151 determines in writing that an immediate danger to the public
1152 health, safety, or welfare or other substantial loss to the
1153 District requires emergency action, the provisions of this
1154 section requiring competitive bidding or proposals shall be
1155 waived. After the chair or his or her designee makes such a
1156 written determination, the District may proceed with the
1157 procurement of commodities or contractual services necessitated
1158 by the immediate danger, without competition. However, such
1159 emergency procurement shall be made with such competition as is
1160 practicable under the circumstances. Commodities or contractual
1161 services available only from a single source may be excepted



HB 0881

2003

1162 from the bid requirements if it is determined that such
1163 commodities or services are available only from a single source
1164 and such determination is documented and approved by the Board.
1165 Nothing in this section shall be deemed to prevent the district
1166 from hiring or retaining such consulting engineers, or other
1167 professionals or other technicians as it shall determine, in its
1168 discretion, consistent with the requirements of section 287.055,
1169 Florida Statutes, or for undertaking any construction work with
1170 its own resources and without any such public advertisement.

1171 Section 16. The same rates, fees, charges, and non-ad
1172 valorem assessments shall be fixed, levied, and collected on the
1173 property, officers, and employees of the counties, or any school
1174 district, or other political subdivision included within the
1175 District, as are fixed, levied, and collected on all other
1176 properties or persons in the District as provided in this act.

1177 Section 17. Any county, municipality, or other political
1178 subdivision is authorized to sell, lease, grant, or convey any
1179 real or personal property to the district and any such sale,
1180 grant, lease, or conveyance may be made without formal
1181 consideration. The district is authorized to classify as surplus
1182 any of its property and dispose of such property consistent with
1183 the provisions of sections 274.05 and 274.06, Florida Statutes.

1184 Section 18. No system or portion thereof shall be
1185 constructed within the District unless the Board shall give its
1186 consent thereto and approve the plans and specifications
1187 therefor; subject, however, to the terms and provisions of any
1188 resolution authorizing any bonds and agreements with
1189 bondholders.

1190 Section 19. The Board shall have no power to mortgage,
1191 pledge, encumber, sell, or otherwise convey all or any part of



HB 0881

2003

1192 its systems except as otherwise provided in this act, and except
 1193 that the Board may dispose of any part of such system or systems
 1194 as may be no longer necessary for the purposes of the District.
 1195 The provisions of this section shall be deemed to constitute a
 1196 contract with all bondholders. All District property shall be
 1197 exempt from levy and sale by virtue of an execution and no
 1198 execution or other judicial process shall issue against such
 1199 property nor shall any judgment against the District be a charge
 1200 or lien on its property; provided that nothing herein contained
 1201 shall apply to or limit the rights of bondholders to pursue any
 1202 remedy for the enforcement of any lien or pledge given by the
 1203 district on revenues derived from the operation of any system.

1204 Section 20. The state does hereby pledge to and covenant
 1205 and agree with the holders of any bonds issued pursuant to this
 1206 act that the state will not limit or alter the rights hereby
 1207 vested in the District to acquire, construct, maintain,
 1208 reconstruct, and operate its systems and to fix, establish,
 1209 charge, and collect its service charges therefor, and to fulfill
 1210 the terms of any agreement made with the holders of such bonds
 1211 or other obligations, and will not in any way impair the rights
 1212 or remedies of such holders, until the bonds, together with
 1213 interest thereon, with interest on any unpaid installments of
 1214 interest, and all costs and expenses in connection with any
 1215 action or proceeding by or on behalf of such holders, are fully
 1216 met and discharged.

1217 Section 21. The provisions of this act shall be deemed to
 1218 constitute a contract with the holders of any bonds issued
 1219 hereunder and shall be liberally construed to effect its
 1220 purposes and shall be deemed cumulative and supplemental to all
 1221 other laws.



HB 0881

2003

1222 Section 22. If any section or provision of this act is
1223 held to be invalid or inoperative, then the same shall be deemed
1224 severable from and shall not affect the validity of any of the
1225 other provisions hereof.

1226 Section 23. The District may assume the operation of any
1227 system which substantially fails to meet its financial
1228 responsibilities or operating standards pursuant to this act or
1229 other laws and regulations of the state, if the Board determines
1230 that such action is in the public interest and the system owner
1231 conveys ownership to the District.

1232 Section 24. The Board may lease or license the use of any
1233 real or personal property of the District upon such terms,
1234 conditions, and for such consideration as the Board deems
1235 appropriate. However, no such lease or license shall be for a
1236 period exceeding 20 years in duration, unless renewed, and
1237 provided that the lease or license shall be restricted to permit
1238 the grantee to use such property during the term of the lease or
1239 license only for civic or public purposes or purposes not in
1240 conflict with this act or general law.

1241 Section 25. The District may, in addition to other
1242 provisions of this act providing for the accrual of interest,
1243 assess an interest charge on contractual obligations owed the
1244 District. Such interest shall accrue at an annual percentage
1245 rate as provided in chapter 687, Florida Statutes, or as
1246 otherwise provided by contract. Such accrued interest charges,
1247 if payment thereof becomes delinquent, may be recovered in the
1248 same manner as provided in this act for other delinquent rates,
1249 fees, charges, or penalties.



HB 0881

2003

1250 Section 26. The members of the Board of Supervisors shall
 1251 be subject to recall as provided by general law for elected
 1252 officers of municipalities.

1253 Section 27. Any person who shall steal or damage District
 1254 property, or tamper with or alter District property or threaten
 1255 or cause actual harm to public health shall be guilty of a
 1256 criminal offense and misdemeanor within the meaning of section
 1257 775.08, Florida Statutes, unless such offense is of a higher
 1258 degree in general law, and shall be punishable as provided by
 1259 law.

1260 Section 28. All contracts, obligations, rules,
 1261 regulations, or policies of any nature existing on the date of
 1262 enactment of this act shall remain in full force and effect and
 1263 this act shall in no way affect the validity of such contracts,
 1264 obligations, rules, regulations, or policies.

1265 Section 29. This act shall not affect the terms of office
 1266 of the present District Board, nor shall it affect the terms and
 1267 conditions of employment of any employees of the District.

1268 Section 30. Chapter 96-499, Laws of Florida, is repealed.

1269 Section 31. It is declared to be the intent of the
 1270 Legislature that if any section, subsection, sentence, clause,
 1271 phrase, or portion of this act is, for any reason, held invalid
 1272 or unconstitutional by a court of competent jurisdiction, such
 1273 portion shall be deemed to be a separate, distinct, and
 1274 independent provision and such holdings shall not affect the
 1275 validity of the remaining portions of this act.

1276 Section 32. This act shall be construed as a remedial act
 1277 and the provisions of this act shall be liberally construed in
 1278 order to effectively carry out the purpose of this act in the



HB 0881

2003

1279 interest of the public health, welfare, and safety of the
 1280 citizens served by the District.

1281 Section 33. All laws or part of laws in conflict herewith
 1282 are, to the extent of such conflict, repealed.

1283 Section 34. This act shall take effect upon becoming a
 1284 law.