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CHAMBER ACTION

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The Committee on Local Government & Veterans' Affairs recommends the following:

**Committee Substitute**

A bill to be entitled

An act relating to Charlotte and Sarasota Counties; creating the Englewood Water District; providing for codification of special laws regarding special districts pursuant to s. 189.429, F.S., relating to 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, wastewater reuse system, or combined systems; providing for optional methods of financing the cost of the water system, wastewater system, wastewater reuse system, or



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29 combined systems or extensions and additions thereto by  
 30 the issuance of revenue bonds or assessment bonds or any  
 31 combination thereof and the fixing and collection thereof  
 32 and the fixing and collection of rates and charges on  
 33 users of such systems; providing for the levy and  
 34 collection of non-ad valorem assessments on benefited  
 35 property and the pledge of such assessments for the  
 36 payment of any revenue bonds or assessment bonds;  
 37 providing for the rights, remedies, and security of any of  
 38 the holders of said bonds; providing penalties; repealing  
 39 chapter 96-499, Laws of Florida, relating to the creation  
 40 and establishment of the Englewood Water District;  
 41 providing an effective date.

42  
 43 Be It Enacted by the Legislature of the State of Florida:

44  
 45 Section 1. In accordance with section 189.429, Florida  
 46 Statutes, this act constitutes the codification of all special  
 47 acts relating to the Englewood Water District. It is the intent  
 48 of the Legislature in enacting this law to provide a single,  
 49 comprehensive special act charter for the district, including  
 50 all current legislative authority granted to the district by its  
 51 several legislative enactments and any additional authority  
 52 granted by this act.

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 55 repealed as herein provided.



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

58 Section 1. (1) There is hereby created the Englewood  
59 Water District for the areas of Charlotte and Sarasota Counties,  
60 described as follows:

61  
62 Sections 8, 9, 10, 11, 12, 13, 14, 15, 16, 21, 22, 23,  
63 24, 25, 26, 27, 35, and 36, that part of sections 4  
64 and 5, lying and being west of the west boundary of  
65 Lemon Bay, township 40 south; range 19 east; and  
66 sections 16, 17, 18, 19, 20, 21, 28, 29, 30, 31, 32  
67 and 33, township 40 south, range 20 east, all being in  
68 Sarasota County, State of Florida.

69  
70 Sections 1, 2, 12 and 13, Township 41 South, Range 19  
71 East; Sections 4, 5, 6, 7, 8, 9, 16, 17, and 18, that  
72 part of Section 20 lying and being east of the east  
73 boundary of Lemon Bay, Township 41 South, Range 20  
74 East, all lying and being in Charlotte County, State  
75 of Florida.

76  
77 That portion of Section 3, Township 40 South, Range 19  
78 East lying west of S.R. 776 (Englewood Road), and  
79 those portions of Sections 4 and 5, Township 40 South,  
80 Range 19 East, lying and being east of the west  
81 boundary of Lemon Bay, all being south of the  
82 east-west line prescribed by Colonial Road, all being  
83 in Sarasota County, Florida.



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85 (2) The Englewood Water District is hereby declared to be  
86 a body corporate and politic under the corporate name and style  
87 of "Englewood Water District" with power to contract, to sue and  
88 be sued in its corporate name, and with the other powers and  
89 duties hereinafter set forth, as well as all other powers and  
90 exemptions given by general law.

91 Section 2. As used in this act, unless the context  
92 otherwise requires:

93 (1) "District" means the Englewood Water District created  
94 by this act.

95 (2) "Water system" means and includes any plants, systems,  
96 facilities, or property and additions, extensions, and  
97 improvements thereto at any future time constructed or acquired  
98 as a part thereof, useful or necessary, or having the present  
99 capacity for future use in connection with the development of  
100 sources, treatment for purification and distribution of water  
101 for domestic, commercial, or industrial use and without limiting  
102 the generality of the foregoing shall include dams, reservoirs,  
103 storage tanks, mains, lines, valves, pumping stations, laterals,  
104 and pipes for the purpose of carrying water to the premises  
105 connected with such system and shall include all real and  
106 personal property and any interest therein, rights, easements,  
107 and franchises of any nature whatsoever relating to such system  
108 and necessary or convenient to the operation thereof.

109 (3) "Wastewater system" means and includes any plant,  
110 system, facility, or property and additions, extensions, and  
111 improvements thereto at any future time constructed or acquired



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112 as a part thereof, useful or necessary, or having the present  
113 capacity for future use in connection with the collections,  
114 treatment, purification, or disposal of wastewater or sewerage  
115 of any nature or originating from any source, including  
116 industrial wastes resulting from any processes of any industry,  
117 manufacture, trade, or business or from the development of any  
118 natural resources; and without limiting the generality of the  
119 foregoing definition shall embrace treatment plants, pumping  
120 stations, lift stations, valves, force mains, intercepting  
121 sewers, laterals, pressure lines, mains, and all necessary  
122 appurtenances and equipment, all wastewater mains and laterals  
123 for the reception and collection of wastewater or sewerage on  
124 premises connected therewith, and shall include all real and  
125 personal property and any interest therein, rights, easements,  
126 and franchises of any nature whatsoever relating to any such  
127 system and necessary or convenient for the operation thereof.

128 (4) "Wastewater reuse system" means and includes any  
129 plant, system, facility, or property and additions, extensions,  
130 and improvements thereto at any future time constructed or  
131 acquired as a part thereof, useful or necessary, or having the  
132 present capacity for future use in connection with the  
133 collection, treatment, purification, disposal, or distribution  
134 of wastewater or stormwater originating from any source, for the  
135 purpose of reuse and without limiting the generality of the  
136 foregoing definition, shall embrace treatment plants, dams,  
137 reservoirs, storage tanks, pumping stations, lift stations,  
138 valves, force mains, laterals, pressure lines, mains, and all  
139 necessary appurtenances and equipment, and shall include all



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140 real and personal property and any interest therein, rights,  
141 easements, and franchises of any nature whatsoever relating to  
142 any such system and necessary or convenient for the operation  
143 thereof. Water which has received at least secondary treatment  
144 and stormwater may be referred to as reclaimed wastewater and  
145 may be reused for such beneficial purposes, including, but not  
146 limited to, landscape or agricultural irrigation, aesthetic uses  
147 such as ponds or fountains, groundwater recharge, industrial  
148 uses, environmental enhancement, or fire protection.

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

152 (6) "Cost" means, as applied to the acquisition and  
153 construction of a water system, wastewater reuse system, or a  
154 wastewater system or extensions, additions, or improvements  
155 thereto, the cost of construction or reconstruction,  
156 acquisition, or purchase, the cost of all labor, materials,  
157 machinery, and equipment, cost of all lands and interest  
158 therein, an office and administration building for the district,  
159 property, rights, easements, and franchises of any nature  
160 whatsoever, financing charges, interest prior to and during  
161 construction and for 1 year after completion of construction or  
162 acquisition of such water system, wastewater reuse system, or  
163 wastewater system or extensions, additions, or improvements  
164 thereto, bond discount, fees and expenses of financial advisors  
165 or fiscal agents, cost of plans and specifications, surveys and  
166 estimates of costs and revenues, cost of engineering and legal  
167 services, and all other expenses necessary or incidental in



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168 determining feasibility or practicality of such construction,  
169 reconstruction, or acquisition, administrative expenses and such  
170 other expenses as may be necessary or incidental to the  
171 construction or acquisition or improvement of such water system,  
172 wastewater reuse system, or wastewater system authorized by this  
173 act and the financing thereof, and the reimbursement of any  
174 expenses incurred by the district in connection with any of the  
175 foregoing items of cost.

176 (7) "Revenue bonds" means bonds or other obligations  
177 secured by and payable as to principal and interest from the  
178 revenues derived from rates, fees, and charges collected by the  
179 district from the users of the facilities of the water system,  
180 wastewater reuse system, or wastewater system, or any  
181 combination thereof, and which may or may not be additionally  
182 secured by a pledge of the proceeds of non-ad valorem  
183 assessments levied against property benefiting from assessable  
184 improvements.

185 (8) "Board" means the Board of Supervisors of the  
186 District.

187 Section 3. The District shall be governed and its affairs  
188 administered by the Board of Supervisors consisting of five  
189 members.

190 A.(i) By a majority vote, the Englewood Water District  
191 Board of Supervisors shall adopt a preliminary resolution  
192 dividing the district into five separate and distinct sections  
193 of approximately equal populations, drawn along Charlotte County  
194 and/or Sarasota County precinct lines, if feasible. These  
195 divisions shall be known as the "Englewood Water District



196 Supervisor Election Districts" which shall be numbered 1 through  
 197 5.

198 (ii) After the initial adoption by the board of the  
 199 proposed Englewood Water District Supervisor Election Districts,  
 200 the district shall hold a public hearing at which all residents  
 201 of the district or other interested parties shall have an  
 202 opportunity to be heard concerning the proposed Englewood Water  
 203 District Supervisor Election Districts. Notice of such public  
 204 hearing setting forth the five proposed Englewood Water District  
 205 Supervisor Election Districts shall be given by one publication  
 206 in a newspaper published in Charlotte County, in a newspaper  
 207 published in Sarasota County, and such notice shall also be  
 208 posted in five public places in the district, at least 30 days  
 209 prior to the date of such hearing, which may be adjourned from  
 210 time to time.

211 (iii) After such hearing, such preliminary resolution  
 212 dividing the district into five separate and distinct sections,  
 213 known as the Englewood Water District Supervisor Election  
 214 Districts, either as initially adopted or as modified or  
 215 amended, shall be finally adopted. A map of the Englewood Water  
 216 District Supervisor Election Districts shall be kept on file in  
 217 the office of the administrator of the district and shall be  
 218 open to public inspection during normal business hours.

219 (iv) The Englewood Water District Supervisor Election  
 220 Districts shall be revised every 10 years in the same manner as  
 221 they were originally established. If the boundaries of the  
 222 district are modified, the election districts shall be modified  
 223 as necessary in the same manner established above in adequate





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224 | time for the new election districts to be utilized during the  
225 | next general election.

226 | 1. On the first Tuesday after the first Monday of November  
227 | 1994, a person residing in Englewood Water District Board of  
228 | Supervisors Election District 5 was elected by the qualified  
229 | electors of the Englewood Water District for a 4-year term to  
230 | create and fill Englewood Water District Supervisors Election  
231 | District Seat Five. On the first day of January following the  
232 | election, the expiring seats, four and six were eliminated.

233 | 2. On the first Tuesday after the first Monday of November  
234 | 1995, a person residing in Englewood Water District Board of  
235 | Supervisors Election District 4 was elected by the qualified  
236 | electors of the Englewood Water District for a term of 3 years  
237 | to create and fill Englewood Water District Supervisors Election  
238 | District Seat Four. On the first day of January following the  
239 | election, the expiring seats, seven, eight, and nine shall be  
240 | eliminated.

241 | 3. On the first Tuesday after the first Monday of November  
242 | 1996, a person residing in each of the Englewood Water District  
243 | Board of Supervisors Election Districts 3, 2, and 1 was elected  
244 | by the qualified electors of the Englewood Water District for a  
245 | term of 4 years to create and fill Englewood Water District  
246 | Supervisors Election District Seats three, two, and one  
247 | respectively.

248 | B.(i) On the first Tuesday after the first Monday in  
249 | November 2002, and every 4<sup>th</sup> year thereafter, two supervisors,  
250 | one residing in Englewood Water District Board of Supervisors  
251 | Election District 5 and one residing in Englewood Water District



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252 Board of Supervisors Election District 4, were elected by the  
253 qualified electors of the Englewood Water District for a term of  
254 4 years.

255 (ii) On the first Tuesday after the first Monday in  
256 November 2004, and every 4<sup>th</sup> year thereafter, three supervisors,  
257 one residing in Englewood Water District Board of Supervisors  
258 Election District 3, one residing in Englewood Water District  
259 Board of Supervisors Election District 2, and one residing in  
260 Englewood Water District Board of Supervisors Election District  
261 1, shall be elected by the qualified electors of the Englewood  
262 Water District for a term of 4 years.

263 (iii) The results of such election shall be declared by  
264 resolution adopted by the Board. Each elected member of the  
265 Board shall assume office 10 days following the member's  
266 election. Each supervisor shall duly file his or her oath of  
267 office and a bond in such amount as the Board shall determine  
268 for the faithful performance of his or her duties prior to  
269 taking office and the cost thereof shall be paid by the  
270 District.

271 C. In the event no person has been elected at the general  
272 election to fill an office which was required to be filled at  
273 such election, the members of the board shall, within 60 days  
274 following the date of the election, by a majority vote of all  
275 members then in office, appoint a person from the appropriate  
276 Englewood Water District Supervisors Election District, to serve  
277 for each office not otherwise filled by said election, to serve  
278 until the next general election, at which election the qualified  
279 electors of the District shall elect a supervisor to serve the



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280 remaining unexpired term, if any, of such supervisors so  
281 appointed.

282 (i) In the event any supervisor shall resign, die, or be  
283 removed from the district, or the office of such supervisor  
284 shall for any reason become vacant, the remaining members of the  
285 board may, by a majority vote of all members then in office,  
286 appoint a successor to such supervisor from the appropriate  
287 Englewood Water District Supervisors Election District to serve  
288 until the next general election, at which election the qualified  
289 electors of the district shall elect a supervisor to serve for  
290 the remaining unexpired term, if any, of such supervisor whose  
291 office became vacant as aforesaid.

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

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

298 E.(i) Elections for the purpose of electing Supervisors to  
299 the Board shall conform to the Florida Election Code, chapters  
300 97 through 106, Florida Statutes, as pertains to independent  
301 special districts as set forth in section 189.405, Florida  
302 Statutes.

303 (a) The results of the election shall be jointly canvassed  
304 by the county canvassing boards of the Counties of Charlotte and  
305 Sarasota and the results of such joint canvass shall be reported  
306 in accordance with general law.



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307        (b) Supervisors shall be qualified electors with legal  
308 residence in the appropriate Englewood Water District Board of  
309 Supervisors Election District, who are freeholders. The office  
310 of any supervisor who ceases to be a qualified elector with  
311 legal residence in the appropriate election district and a  
312 freeholder in the district during his or her term of office  
313 shall become vacant.

314        (ii)(a) The Board shall be vested with all administrative  
315 power and authority of the District and shall have and exercise  
316 all powers conferred upon such District by the terms of this  
317 act. Said Board members may receive compensation for their  
318 services to be determined by at least a majority plus one vote  
319 of the Board. The board shall publish notice of its intent to  
320 consider a modification of board member compensation in the same  
321 manner as provided in paragraph 1(e) of this section. Said  
322 salary may not exceed \$2,500 each, annually, except that the  
323 chair may receive \$3,000 annually. Such payments shall be  
324 payable in such installments during each year of a member's term  
325 as the Board shall from time to time determine. Said Board  
326 members shall also be reimbursed for moneys expended in the  
327 performance of their official duties consistent with the  
328 provisions of section. 112.061, Florida Statutes.

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

331        1. The chair and vice chair shall be elected at an annual  
332 meeting to be held in January of each year, and shall serve in  
333 said capacities until the next annual meeting and said officers  
334 may be removed at any time during their tenure, with or without



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335 cause, by a majority vote of all members of said Board. Upon the  
336 expiration of the terms of office of any of said officers for  
337 any reason whatsoever, the Board shall elect new officers to  
338 fill the positions thus vacated.

339 2. The Board shall hold such meetings as the business  
340 affairs of the district may require, and all such meetings shall  
341 be noticed and open to the public as provided by law. Such  
342 meetings shall be held within the territorial limits of the  
343 District or may be held outside the District in conjunction with  
344 other boards, commissions, agencies, bodies, or persons for the  
345 purpose of holding discussions or for the exchange of  
346 information. However, no formal action may be taken by the  
347 passage of any resolution, rule, or order at meetings held  
348 outside the District other than that action which is required  
349 for the ordinary conduct of such meetings.

350 3. A majority of the Board shall constitute a quorum at  
351 any meeting thereof and all actions of the Board shall be upon  
352 an affirmative vote of the majority of Board members present at  
353 any such meeting; provided that no action of the Board may pass  
354 with less than three affirmative votes. However, any resolution  
355 authorizing the issuance of bonds or other obligations, or the  
356 levy on non-ad valorem assessments or the fixing of rates and  
357 charges for the services and facilities of the systems of the  
358 District shall not be adopted except upon the affirmative vote  
359 of a majority of all the members of the Board then in office.  
360 Actions of the Board shall be evidenced by resolutions voted  
361 upon and adopted by the Board, which may be finally adopted at  
362 the same meeting at which they are introduced and need not be



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363 published or posted, except resolutions authorizing the issuance  
364 of bonds or other obligations shall be advertised in accordance  
365 with the provisions of Section 3(1)(c)2 and a public hearing  
366 shall be held prior to the adoption of such resolutions.

367 Resolutions providing solely for the refunding of any already  
368 existing bonds or other obligations need not be so advertised.

369 4. Written minutes of each Board meeting shall be kept and  
370 there shall be recorded therein a report of all that transpired  
371 at any such meeting. The minutes shall be signed by the vice  
372 chair of the Board and kept permanently in books provided for  
373 that purpose.

374 5. The Board shall cause to be kept complete and accurate  
375 books of accounting in standard bookkeeping and accounting  
376 procedures. Annually the Board shall make a true and complete  
377 accounting of all moneys received and expended by said Board and  
378 said accounting shall list the assets and liabilities of the  
379 District. Said accounting shall be based upon an audit prepared  
380 by a certified public accountant, and shall be in writing with  
381 sufficient copies thereof made to furnish to any inhabitants of  
382 the district requesting same.

383 6. All contracts of the District shall be signed by the  
384 chair of the Board of Supervisors, and the seal of the board  
385 shall be affixed thereto, attested by the secretary to the Board  
386 who shall be official custodian of such seal. The Board, by  
387 resolution, may delegate authority to sign contracts to the  
388 administrator of the District. Any bonds issued by the District  
389 under the provisions of this act shall be signed in the same  
390 manner as a contract. However, only one manual signature shall



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391 be required on any bonds and the seal of the District may be  
392 imprinted or reproduced thereon.

393 7. Every Board member and every officer of the district  
394 shall be indemnified by the District against all expenses and  
395 liabilities, including counsel fees, reasonably incurred by or  
396 imposed upon the member or officer in connection with any  
397 proceeding or any settlement of any proceeding to which he or  
398 she may be a party or in which he or she may become involved by  
399 reason of his or her being or having been a Board member or  
400 officer of the District, whether or not he or she is a Board  
401 member or officer at the time such expenses are incurred. In the  
402 event of a settlement, the indemnification shall apply only when  
403 the Board approves such settlement and reimbursement as being  
404 for the best interests of the District. The right of  
405 indemnification authorized by this paragraph shall be in  
406 addition to and not exclusive of all other rights to which a  
407 Board member or officer may be entitled. This paragraph shall  
408 not apply to a Board member or officer who is adjudged guilty of  
409 willful misfeasance or malfeasance in the performance of his or  
410 her duties.

411 8. The Board may, by the vote of a majority of all  
412 members, elect a member to serve as chair or vice chair on an  
413 interim basis during the absence of such officer. The interim  
414 officer shall have all of the powers, duties, and authority of  
415 such officer during his or her absence.

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



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

420       (2) To employ such consulting and other engineers,  
421 technicians, construction and accounting experts, financial  
422 advisors or fiscal agents, attorneys, and such other agents and  
423 employees as the board may require or deem necessary to  
424 effectuate the purposes of this act and to take such steps as  
425 are necessary to be taken to provide coverage by the old age and  
426 survivors insurance system embodied in the Federal Social  
427 Security Act to employees of the Englewood Water District on as  
428 broad a basis as permitted under the Federal Social Security Act  
429 and the laws of Florida and may provide a pension or retirement  
430 plan for its employees. Board members are not eligible for  
431 pension or retirement benefits. Notwithstanding the prohibition  
432 against extra compensation set forth in section 215.425, Florida  
433 Statutes, the board may provide for an extra compensation  
434 program, including a lump-sum bonus payment program, to reward  
435 outstanding employees whose performance exceeds standards, if  
436 the program provides that a bonus payment may not be included in  
437 an employee's regular base rate of pay and may not be carried  
438 forward in subsequent years.

439       (3) To construct, install, erect, acquire and operate,  
440 maintain, improve, extend, or enlarge and reconstruct a water  
441 system, wastewater system, or a wastewater reuse system or any  
442 combination thereof within or without said district for the  
443 furnishing of water service, wastewater service, or wastewater  
444 reuse service or any combination of such services to the  
445 inhabitants of the district, and to have the exclusive control





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446 and jurisdiction thereof; to issue its revenue bonds, assessment  
447 bonds, or other obligations, or any combination thereof to pay  
448 all or part of the cost of such construction, reconstruction,  
449 erection, acquisition, or installation of such systems. The  
450 purchase or sale of a water, wastewater, or wastewater reuse  
451 system shall be accomplished in accordance with section 189.423,  
452 Florida Statutes.

453 (4) To regulate the disposal of wastewater, reuse of  
454 wastewater, and the supply of water within the District and to  
455 prohibit the use and maintenance of outhouses, privies, septic  
456 tanks, or other unsanitary structures or appliances, in  
457 accordance with the general laws of the state.

458 (5) To fix and collect rates, fees, capital contributions,  
459 and other charges for the use of the facilities and services  
460 provided by any system, and to fix and collect charges for  
461 making connections and reconnections with any such system, and  
462 to provide for reasonable charges and penalties to any users of  
463 property for any such rates, fees, or charges that are  
464 delinquent.

465 (6) To acquire in the name of the district by purchase,  
466 gift, or the exercise of eminent domain pursuant to chapter 73  
467 or chapter 74, Florida Statutes, such lands and rights and  
468 interest therein, both within and without the district,  
469 including land under water and riparian rights and to acquire  
470 such personal property as may be deemed necessary in connection  
471 with the construction, reconstruction, improvement, extensions,  
472 installation, erection, or operation and maintenance of any



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473 system, and to hold and dispose of all real and personal  
474 property under its control.

475 (7) To receive grants, either separately or in conjunction  
476 with any municipality, governmental agency, or governmental  
477 entity, either in the nature of public works or public  
478 improvement grants or loans from any governmental agency,  
479 department, bureau, or individual for the purpose of installing,  
480 constructing, erecting, acquiring, operating, or maintaining a  
481 system or other things necessary or incidental thereto.

482 (8) To exercise exclusive jurisdiction, control, and  
483 supervision over any system owned, operated, and maintained by  
484 the District and to make and enforce such rules and regulations  
485 for the maintenance and operation of any system as may be, in  
486 the judgment of the Board, necessary or desirable for the  
487 efficient operation of any such systems or improvements in  
488 accomplishing the purposes of this act.

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

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

496 (11) To contract with municipalities or other private or  
497 public corporations or persons to provide or receive a water  
498 supply or for wastewater disposal, collection, or treatment or  
499 for wastewater reuse.



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500       (12) To prescribe methods of pretreatment of industrial  
501 wastes not amenable to treatment with domestic wastewater before  
502 accepting those wastes for treatment and to refuse to accept  
503 such industrial wastes when not sufficiently pre-treated as may  
504 be prescribed, and by proper resolution to prescribe penalties  
505 for the refusal of any person or corporation to so pre-treat  
506 such industrial wastes.

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

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

514       (15) To accomplish construction by holding hearings,  
515 advertising for construction bids, and letting contracts for all  
516 or any part or parts of the construction of any system in  
517 accordance with the provisions of section 15.

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

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

524       (18) To construct and operate connecting, intercepting, or  
525 outlet wastewater or reclaimed wastewater mains and pipes and  
526 water mains, conduits or pipe lines in, along, or under any



527 street, alleys, highways, or other public places or ways within  
 528 the state or any municipality or political subdivision.

529 (19) Subject to such provisions and restrictions as may be  
 530 set forth in the resolution authorizing or securing any bonds or  
 531 other obligations issued under the provisions of this act, to  
 532 enter into contracts with the government of the United States or  
 533 any agency or instrumentality thereof, or with any other county,  
 534 municipality, district, authority, or political subdivision,  
 535 private corporation, partnership, association, or individual  
 536 providing for or relating to the treatment, collection, and  
 537 disposal of wastewater or the treatment, supply, and  
 538 distribution of water or reclaimed wastewater and any other  
 539 matters relevant thereto or otherwise necessary to effect the  
 540 purposes of this act and to receive and accept from any federal  
 541 agency, grants for or in aid of the planning, construction,  
 542 reconstruction or financing of any system and to receive and  
 543 accept aid or contributions from any other source of either  
 544 money, property, labor or other things of value to be held,  
 545 used, and applied only for the purpose for which such grants and  
 546 contributions may be made.

547 (20) To acquire, purchase, or buy real estate within or  
 548 without the District to be used in the development,  
 549 installation, construction, improvement, maintenance, operation,  
 550 or servicing of any system of the District, by installment  
 551 contract, agreement for deed, or by note and mortgage; provided  
 552 that said contract, agreement for deed, or mortgage does not  
 553 constitute a lien or encumbrance upon any real property other  
 554 than that being purchased thereby.



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

557           (22) To require the owner, tenant, or occupant of each lot  
 558 or parcel of land within the District who is obligated to pay  
 559 the rates, fees, or charges for the services furnished by any  
 560 facility owned or operated by the District under the provisions  
 561 of this act make a reasonable deposit with the district in  
 562 advance to ensure the payment of such rates, fees, or charges.  
 563 If such rates, fees, or charges become delinquent, the district  
 564 may apply the deposit to the payment or partial payment thereof,  
 565 including accrued interest, shutoff charges, and penalties, if  
 566 any.

567           (23) To invest and reinvest the surplus public funds of  
 568 the district consistent with the requirements of applicable  
 569 state or federal laws.

570           Section 5. (1) The Board for and on behalf of the  
 571 District is authorized to provide from time to time for the  
 572 issuance of revenue bonds to finance or refinance all or part of  
 573 the costs of additions, extensions, and improvements to, or the  
 574 acquisition of, any system. The principal of and interest on any  
 575 such revenue bonds shall be payable from the rates, fees,  
 576 charges, or other revenues derived from the operation of any  
 577 such system or systems in the manner provided in this act and  
 578 the resolution authorizing such bonds and pledging such  
 579 revenues. The proceeds of non-ad valorem assessments levied as  
 580 provided in this act may be pledged as additional security for  
 581 said revenue bonds. It is the express intent of this act that  
 582 the District shall be authorized to finance the purposes



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583 provided in this act by the issuance of revenue bonds or special  
584 assessment bonds separately for all or any part of the cost  
585 thereof, or to issue revenue bonds additionally secured by the  
586 non-ad valorem assessments for all or any part of such cost, so  
587 that the District shall have complete flexibility as to the  
588 types of bonds to be issued and the security for the holders of  
589 such bonds. The revenue bonds of the District shall be issued in  
590 such denominations, mature on such dates and in such amounts,  
591 and may be subject to optional and mandatory redemption, all as  
592 shall be determined by resolutions adopted by the Board on  
593 behalf of the District. Bonds of said District may bear interest  
594 at a fixed or floating or adjustable rate and may be issued as  
595 interest-bearing, interest-accruing bonds or zero coupon bonds  
596 at such rate or rates not exceeding the maximum rate permitted  
597 by general law, all as shall be determined by resolutions of the  
598 Board on behalf of the District. Principal and interest shall be  
599 payable in the manner determined by the Board. The bonds shall  
600 be signed by the chair or vice chair of the Board, attested with  
601 the seal of said District and by the signature of the chair of  
602 the Board of Supervisors. In case any officer whose signature or  
603 a facsimile of whose signature shall appear on the bonds shall  
604 cease to be such officer before the delivery of such bonds, such  
605 signature or facsimile shall nevertheless be valid and  
606 sufficient for all intents and purposes the same as if he or she  
607 had remained in office until such delivery. The Board may sell  
608 such bonds in such manner not inconsistent with general law,  
609 either at public or private sale, and for such price, as it may  
610 determine to be for the best interests of the District.



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611       (2) The proceeds of the sale of any such bonds shall be  
612 used to finance or refinance all or part of the costs of the  
613 construction or acquisition of additions, extensions, and  
614 improvements of any water system, wastewater reuse system, or  
615 wastewater system or any combination thereof, to fund reserves  
616 and renewal and replacement funds and to pay the costs of  
617 issuing such bonds. The funds derived from the sale of the bonds  
618 shall be disbursed in such manner and under such restrictions as  
619 the board may provide in the authorizing resolution. Revenue  
620 bonds may be issued under the provisions of this act without any  
621 other proceeding or happening of any other condition or thing  
622 than those proceedings, conditions, or things which are  
623 specifically required by this act and by general law.

624       (3) A resolution providing for the issuance of revenue  
625 bonds may also contain such limitations upon the issuance of  
626 additional revenue bonds secured on a parity with the bonds  
627 theretofore issued, as the board may deem proper, and such  
628 additional bonds shall be issued under such restrictions and  
629 limitations as may be prescribed by such authorizing resolution.

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

633       (5) Revenue bonds issued under the provisions of this act  
634 shall not constitute a general obligation debt of the District  
635 within the meaning of any constitutional or statutory debt  
636 limitation, but such bonds shall be payable solely from the  
637 revenues and/or non-ad valorem assessments, if any, pledged  
638 therefor, and that the full faith and credit of the district is



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639 | not pledged to the payment of the principal of or interest on  
640 | such bonds.

641 | (6) In connection with the sale and issuance of bonds, the  
642 | district may enter into any contracts which the Board determines  
643 | to be necessary or appropriate to achieve a desirable effective  
644 | interest rate in connection with the bonds by means of, but not  
645 | limited to, contracts commonly known as investment contracts,  
646 | funding agreements, interest rate swap agreements, currency swap  
647 | agreements, forward payment conversion agreements, futures, or  
648 | contracts providing for payments based on levels of or changes  
649 | in interest rates, or contracts to exchange cash flows or a  
650 | series of payments, or contracts, including, without limitation,  
651 | options, puts, or calls to hedge payment, rate, spread, or  
652 | similar exposure. Such contracts or arrangements may also be  
653 | entered into by the District in connection with, or incidental  
654 | to, entering into any agreement which secures bonds or provides  
655 | liquidity therefor. Such contracts and arrangements shall be  
656 | made upon the terms and conditions established by the Board,  
657 | after giving due consideration for the credit worthiness of the  
658 | counter parties, where applicable, including any rating by a  
659 | nationally recognized rating service or any other criteria as  
660 | may be appropriate.

661 | (7) In connection with the sale and issuance of the bonds,  
662 | or entering into any of the contracts or arrangements referred  
663 | to in the paragraph above, the district may enter into such  
664 | credit enhancement or liquidity agreements, with such payment,  
665 | interest rate, security, default, remedy, and any other terms  
666 | and conditions as the board shall determine.





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667       (8) Notwithstanding any provisions of state law relating  
668 to the investment or reinvestment of surplus funds of any  
669 governmental unit, proceeds of the bonds and any money set aside  
670 or pledged to secure payment of the principal of, premium, if  
671 any, and interest on the bonds, or any of the contracts entered  
672 into pursuant to this section, may be invested in securities or  
673 obligations described in the resolution providing for the  
674 issuance of bonds.

675       Section 6. (1) The Board shall, by resolution prior to  
676 the issuance of any revenue bonds, fix the initial schedule of  
677 rates, fees, or other charges for the use of and the services  
678 and facilities to be furnished by any such water system,  
679 wastewater reuse system, or wastewater system, or any  
680 combination thereof, to be paid by the owner, tenant, or  
681 occupant of each lot or parcel of land which may be connected  
682 with or used by any such system or systems, of the district.  
683 After the system or systems have been in operation the District  
684 board may revise the schedule of rates, fees, and charges from  
685 time to time. However, such rates, fees, and charges shall be so  
686 fixed and revised so as to provide sums which, with other funds  
687 for such purposes, shall be sufficient at all times to pay:

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

690       B. The expenses of maintaining and repairing such systems,  
691 including reserves for such purposes and for capital  
692 replacements, depreciation, and necessary extensions or  
693 improvements and administrative expenses.



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694 C. Any other payments required by the resolution  
695 authorizing the issuance of such revenue bonds.

696 (2) Such rates, fees, and charges shall be just and  
697 equitable and uniform for users of the same class and, where  
698 appropriate, may be based or computed either upon the quantity  
699 of water or wastewater consumed or produced, the number and size  
700 of wastewater connections, or the number and kind of plumbing  
701 fixtures in use in the premises or upon the number or average  
702 number of persons residing or working in or otherwise using the  
703 facilities of such system or upon any other factor affecting the  
704 use of the facilities or services furnished or upon any  
705 combination of the foregoing factors as may be determined by the  
706 Board on any other equitable basis. All rates, fees, and charges  
707 established pursuant to this act shall be set in accordance with  
708 the total cost of service which is required to provide service  
709 to the customers. The water system, wastewater reuse system, and  
710 wastewater system shall be accounted for as separate and as  
711 distinct systems. However, the District shall set rates  
712 consistent with the guidelines adopted by the American Water  
713 Works Association, for government-owned utilities. The district  
714 may, by resolution, consolidate any one or more systems provided  
715 such consolidation shall not impair the rights of any existing  
716 bondholders of the district.

717 (3) No rates, fees, or charges shall be fixed under the  
718 foregoing provisions of this section until a public hearing at  
719 which all the users of the proposed system, or owners, tenants,  
720 or occupants served or to be served thereby and all others  
721 interested shall have an opportunity to be heard concerning the



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722 proposed rates, fees, and charges. After the initial adoption by  
723 the Board of the resolution setting forth the preliminary  
724 schedule or schedules fixing and classifying such rates, fees,  
725 and charges, notice of such public hearing setting forth the  
726 proposed schedule or schedules of rates, fees, and charges shall  
727 be given by one publication in a newspaper published in  
728 Charlotte County and in a newspaper published in Sarasota County  
729 and such notice shall also be posted in five public places in  
730 the district, at least 10 days prior to the date of such  
731 hearing, which may be adjourned from time to time. After such  
732 hearing such preliminary schedule or schedules, either as  
733 initially adopted, or as modified or amended, may be finally  
734 adopted. A copy of the schedule or schedules of such rates,  
735 fees, or charges finally fixed in such resolution shall be kept  
736 on file in the office of the District and shall be open at all  
737 times to public inspection. The rates, fees, or charges so fixed  
738 for any class of users or property served shall be extended to  
739 cover any additional properties thereafter served which shall  
740 fall in the same class, without the necessity of any hearing or  
741 notice. Any change or revision of such rates, fees, or charges  
742 may be made in the same manner as such rates, fees, or charges  
743 were originally established as provided herein; provided that if  
744 such changes or revisions be made substantially pro rata as to  
745 all classes of service no hearing or notice shall be required.

746 Section 7. In addition to the other provisions and  
747 requirements of this act any resolution authorizing the issuance  
748 of bonds may contain any other provisions deemed necessary or in  
749 the best interest of the District and the Board is authorized to



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750 provide and may covenant and agree with the several holders of  
751 such bonds to include, but without limitation as to any other  
752 provisions, any of the following:

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

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

760 (3) The assumption of payment or discharge of any  
761 indebtedness, lien, or other claim relating to any part of any  
762 such system or any combination thereof, or any other obligations  
763 having or which may have a lien on any part of any such system  
764 or systems.

765 (4) Limitations on the powers of the District to  
766 construct, acquire, or operate, or permit the construction,  
767 acquisition or operation of any plants, structures, facilities,  
768 or properties which may compete or tend to compete with any  
769 other system of the District.

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

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

774 (7) Terms and conditions for modification or amendment of  
775 any provisions or covenants in any such bond resolution  
776 authorizing the issuance of such bonds.



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777       (8) Provisions and limitations on the appointment of a  
778 trustee, paying agent, registrar, or escrow agent for  
779 bondholders.

780       (9) Provisions as to the appointment of a receiver of any  
781 system on default of principal or interest on any such bonds or  
782 the breach of any covenant or condition of such authorizing  
783 resolution or the provisions and requirements of this act.

784       (10) Provisions as to the execution and entering into of  
785 trust agreements, if deemed necessary by the board, regarding  
786 the disposition of revenues or bond proceeds for the payment of  
787 the cost of the acquisition and construction of the system or  
788 any part thereof, or for any other purposes necessary to secure  
789 any such revenue bonds.

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

792       (12) Any other matters necessary to secure such bonds and  
793 the payment of the principal and interest thereof. All such  
794 provisions of the bond resolution and all such covenants and  
795 agreements in addition to the other provisions and requirements  
796 of this act shall constitute valid and legally binding contracts  
797 between the District and several holders of any such bonds  
798 regardless of the time of issuance of such bonds, and shall be  
799 enforceable by any such holder or holders by mandamus or other  
800 appropriate action, suit, or proceeding in law or in equity in  
801 any court of competent jurisdiction.

802       Section 8. (1) When the fees, rates, or charges for the  
803 services and facilities of any system are not paid when due and  
804 are in default for 10 days or more, following written notice to



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805 such delinquent customer, the District may discontinue and shut  
806 off the supply of the services and facilities of such systems,  
807 to the person, firm, corporation, or other body, public or  
808 private, so supplied with such services or facilities, until  
809 such fees, rates, or charges, including interest, penalties, and  
810 charges for the shutting off and discontinuance or the  
811 restoration of such services or facilities are fully paid. Such  
812 delinquent fees, rates, or charges, together with interest,  
813 penalties, and charges for the shutting off and discontinuance  
814 or the restoration of such services or facilities, and  
815 reasonable attorney's fees, costs and other expenses, may be  
816 recovered by the board in a court of competent jurisdiction.

817 (2) In the event that the fees, rates, or charges for the  
818 services and the facilities of any system shall not be paid as  
819 and when due, the unpaid balance thereof and all interest  
820 accruing thereon shall, to the extent permitted by law, be a  
821 lien on any parcel or property affected thereby. Such liens  
822 shall be superior and paramount to the interest on such parcel  
823 or property of any owner, lessee, tenant, mortgagee, or other  
824 person except the lien of county or district taxes and shall be  
825 on a parity with the lien of any such county or district taxes.  
826 In the event that any such service charge shall not be paid as  
827 and when due and shall be in default for 30 days or more the  
828 unpaid balance thereof and all interest accrued or penalties  
829 thereon, together with attorney's fees and costs, may be  
830 recovered by the District in a civil action, and any such lien  
831 and accrued interest and penalties may be foreclosed or  
832 otherwise enforced by the District by action or suit in equity



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833 as for the foreclosure of a mortgage on real property in the  
834 manner provided by general law.

835 Section 9. (1) The District may provide for the levy of  
836 non-ad valorem assessments under this act on the lands and real  
837 estate benefited by the construction of any system, or  
838 extensions or improvements thereof, or any part thereof. Non-ad  
839 valorem assessments may be levied only on benefited real  
840 property at a rate of assessment based on the special benefit  
841 accruing to such property from such improvements. The District  
842 may use any assessment apportionment methodology that meets the  
843 "fair apportionment" standards.

844 (2) The Board may determine to make any improvements  
845 authorized by this act and defray the whole or any part of the  
846 expense thereof by non-ad valorem assessments. The Board shall  
847 so declare by resolution stating the nature of the proposed  
848 improvement, designating the location of wastewater facilities,  
849 the location of water mains, water laterals, and other water  
850 distribution facilities, or the location of the wastewater reuse  
851 facilities, and the part or portion of the expense thereof to be  
852 paid by non-ad valorem assessments, the manner in which said  
853 assessments shall be made, when said assessments are to be paid,  
854 and what part, if any, shall be apportioned to be paid from the  
855 general funds of the District. Said resolution shall also  
856 designate the lands upon which the non-ad valorem assessments  
857 shall be levied, and in describing said lands it shall be  
858 sufficient to describe them as "all lots and lands adjoining and  
859 contiguous or bounding and abutting upon such improvements or  
860 specially benefited thereby and further designated by the



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861 assessment plat hereinafter provided for." Such resolution shall  
862 also state the total estimated cost of the improvement. Such  
863 estimated cost may include the cost of construction or  
864 reconstruction, the cost of all labor and materials, the cost of  
865 all lands, property, rights, easements, and franchises acquired,  
866 financing charges, interest prior to and during construction and  
867 for 1 year after completion of construction, discount on the  
868 sale of assessment bonds, cost of plans and specifications,  
869 surveys of estimates of costs and of revenues, cost of  
870 engineering and legal services, and all other expenses necessary  
871 or incident to determining the feasibility or practicability of  
872 such construction or reconstruction, administrative expense, and  
873 such other expense may be necessary or incident to the financing  
874 herein authorized.

875 (3) At the time of the adoption of the resolution provided  
876 for in subsection (2), there shall be on file at the District's  
877 offices, an assessment plat showing the area to be assessed,  
878 with plans and specifications, and an estimate of the cost of  
879 the proposed improvement, which assessment plat, plans, and  
880 specifications and estimate shall be open to the inspection of  
881 the public.

882 (4) Upon adoption of the resolution provided for in  
883 subsection (2), or completion of the preliminary assessment roll  
884 provided for in subsection (5), whichever is later, the vice  
885 chair of the Board shall publish notice of the resolution once  
886 in a newspaper published in the Counties of Charlotte and  
887 Sarasota. The notice shall state in brief and general terms a  
888 description of the proposed improvements with the location





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889 thereof, and that the plans, specifications, and estimates are  
890 available to the public at the district's offices. The notice  
891 shall also state the date and time of the hearing to hear  
892 objections provided for in subsection (7), which hearing shall  
893 be no earlier than 15 days after publication of said notice.  
894 Such publication shall be verified by the affidavit of the  
895 publisher and filed with the secretary to the Board.

896 (5) Upon the adoption of the resolution provided for in  
897 subsection (2), the Board shall cause to be made a preliminary  
898 assessment roll in accordance with the method of assessment  
899 provided for in said resolution, said assessment roll shall show  
900 the lots and lands assessed and the amount of the benefit to and  
901 the assessment against each lot or parcel of land, and, if said  
902 assessment is to be paid in installments, the number of annual  
903 installments in which the assessment is divided shall also be  
904 entered and shown upon said assessment roll.

905 (6) Upon the completion of said preliminary assessment  
906 roll, the Board shall by resolution fix a time and place at  
907 which the owners of the property to be assessed or any other  
908 persons interested therein may appear before said Board and be  
909 heard as to the propriety and advisability of making such  
910 improvements, as to the cost thereof, as to the manner of  
911 payment therefor, and as to the amount thereof to be assessed  
912 against each property so improved. Ten days' notice in writing  
913 of such time and place shall be given to such property owners.  
914 The notice shall include the amount of the assessment and shall  
915 be served by mailing a copy by first class mail to each of such  
916 property owners at his or her last known address, the names and



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917 addresses of such property owners to be obtained from the  
918 records of the property appraiser, proof of such mailing to be  
919 made by the affidavit of the secretary to the Board, or by the  
920 engineer.

921 (7) At the time and place named in the notice provided for  
922 in subsection (4), the Board shall meet and hear testimony from  
923 affected property owners as to the propriety and advisability of  
924 making the improvements and funding them with non-ad valorem  
925 assessments on property. Following the testimony, the Board  
926 shall make a final decision on whether to levy the non-ad  
927 valorem assessments, adjusting assessments as may be warranted  
928 by information received at or prior to the hearing. If any  
929 property which may be chargeable under this section shall have  
930 been omitted from the preliminary roll or if the prima facie  
931 assessment shall not have been made against it, the Board may  
932 place on such roll an apportionment to such property. The owners  
933 of any property so added to the assessment roll shall be mailed  
934 a copy of the notice provided for in subsection (6), by first  
935 class mail and granted 15 days from such date of mailing to file  
936 any objections with the Board. When so approved by resolution of  
937 the Board, a final assessment roll shall be filed with the vice  
938 chair of the Board, and such assessments shall stand confirmed  
939 and remain legal, valid, and binding first liens upon the  
940 property against which such assessments are made until paid. The  
941 assessment so made shall be final and conclusive as to each lot  
942 or parcel assessed unless proper steps be taken within 30 days  
943 of the filing of the final assessment roll in a court of  
944 competent jurisdiction to secure relief. If the assessment



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945 against any property shall be sustained or reduced or abated by  
946 the court, the vice chair shall note that fact on the assessment  
947 roll opposite the description of the property affected thereby  
948 and notify the county property appraiser and the tax collector  
949 in writing. The amount of the non-ad valorem assessment against  
950 any lot or parcel which may be abated by the court, unless the  
951 assessment upon the entire District be abated, or the amount by  
952 which such assessment is so reduced, may by resolution of the  
953 Board be made chargeable against the District at large, or, at  
954 the discretion of the Board, a new assessment roll may be  
955 prepared and confirmed in the manner hereinabove provided for  
956 the preparation and confirmation of the original assessment  
957 roll. The Board may by resolution grant a discount equal to all  
958 or a part of the payee's proportionate share of the cost of the  
959 project consisting of bond financing costs, such as capitalized  
960 interest, funded reserves, and bond discount included in the  
961 estimated cost of the project, upon payment in full of any  
962 assessment during such period prior to the time such financing  
963 costs are incurred as may be specified by the board.

964 (8) The non-ad valorem assessments shall be payable at the  
965 time and in the manner stipulated in the resolution providing  
966 for the improvement; shall remain liens, coequal with the lien  
967 of all state, county, district, and municipal taxes, superior in  
968 dignity to all other liens, titles, and claims, until paid;  
969 shall bear interest, at a rate not to exceed the percentage  
970 authorized by section 170.09, Florida Statutes, for municipal  
971 special assessments or, if bonds are issued pursuant to this  
972 chapter, at a rate not to exceed 1 percent above the rate of



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973 interest at which the bonds authorized pursuant to this act and  
974 used for the improvement are sold, from the date of the  
975 acceptance of the improvement; and may, by the resolution  
976 aforesaid and only for capital outlay projects, be made payable  
977 in equal installments over a period not to exceed 20 years, to  
978 which, if not paid when due, there shall be added a penalty at  
979 the rate of 1 percent per month, until paid. However, the  
980 assessments may be paid without interest at any time within 30  
981 days after the improvement is completed and a resolution  
982 accepting the same has been adopted by the Board.

983 (9) The non-ad valorem assessments approved by the Board  
984 may be levied, assessed, and collected pursuant to section  
985 197.3632, Florida Statutes. The collection and enforcement of  
986 the non-ad valorem assessment levied by the district shall be at  
987 the same time and in like manner as county taxes.

988 (10) All assessments shall constitute a lien upon the  
989 property so assessed from the date of confirmation of the  
990 resolution ordering the improvement of the same nature and to  
991 the same extent as the lien for general county, municipal, or  
992 district taxes falling due in the same year or years in which  
993 such assessments or installments thereof fall due, and any  
994 assessment or installment not paid when due shall be collected  
995 with such interest and with a reasonable attorney's fee and  
996 costs, but without penalties, by the District by proceedings in  
997 a court of equity to foreclose the lien of assessment as a lien  
998 for mortgages is or may be foreclosed under the laws of the  
999 state; provided that any such proceedings to foreclose shall  
1000 embrace all installments of principal remaining unpaid with



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1001 accrued interest thereon, which installments shall, by virtue of  
 1002 the institution of such proceedings immediately become due and  
 1003 payable. Nevertheless, if, prior to any sale of the property  
 1004 under decree of foreclosure in such proceedings, payment be made  
 1005 of the installment or installments which are shown to be due  
 1006 under the provisions of the resolution passed pursuant to this  
 1007 section, and all costs including attorney's fees, such payment  
 1008 shall have the effect of restoring the remaining installments to  
 1009 their original maturities and the proceedings shall be  
 1010 dismissed. It shall be the duty of the District to enforce the  
 1011 prompt collection of assessments by the means herein provided,  
 1012 and such duty may be enforced at the suit of any holder of bonds  
 1013 issued under this act in a court of competent jurisdiction by  
 1014 mandamus or other appropriate proceedings or action. Not later  
 1015 than 30 days after the annual installments are due and payable,  
 1016 it shall be the duty of the board to direct the attorney or  
 1017 attorneys whom the board shall then designate, to institute  
 1018 actions within 3 months after such direction to enforce the  
 1019 collection of all non-ad valorem assessments for improvements  
 1020 made under this section and remaining due and unpaid at the time  
 1021 of such direction. Such action shall be prosecuted in the manner  
 1022 and under the conditions in and under which mortgages are  
 1023 foreclosed under the laws of the state. It shall be lawful to  
 1024 join in one action the collection of assessments against any or  
 1025 all property assessed by virtue of the same assessment roll  
 1026 unless the court shall deem such joinder prejudicial to the  
 1027 interest of any defendant. The court shall allow reasonable  
 1028 attorney's fees for the attorney or attorneys of the district,



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1029 and the same shall be collectible as a part of or in addition to  
 1030 the costs of the action. At the sale pursuant to decree in any  
 1031 such action, the District may be a purchaser to the same extent  
 1032 as an individual person or corporation, except that the part of  
 1033 the purchase price represented by the assessments sued upon and  
 1034 the interest thereon need not be paid in cash. Property so  
 1035 acquired by the District may be sold or otherwise disposed of,  
 1036 the proceeds of such disposition to be placed in the fund  
 1037 provided by subsection (11). However, no sale or other  
 1038 disposition thereof shall be made unless the notice calling for  
 1039 bids therefor to be received at a stated time and place shall  
 1040 have been published in a newspaper of general circulation in the  
 1041 District once in each of 4 successive weeks prior to such  
 1042 disposition.

1043 (11) All assessments and charges made under the provisions  
 1044 of this section for the payment of all or any part of the cost  
 1045 of any improvements for which assessment bonds shall have been  
 1046 issued under the provisions of this act are hereby pledged to  
 1047 the payment of the principal of and the interest on such  
 1048 assessment bonds and shall, when collected, be placed in a  
 1049 separate fund, properly designated, which fund shall be used for  
 1050 no other purpose than the payment of such principal and  
 1051 interest.

1052 (12) The counties in which the District is located and  
 1053 each school district and other political subdivision wholly or  
 1054 partly within the District shall be subject to the same duties  
 1055 and liabilities in respect of assessment under this section  
 1056 affecting the real estate of such counties, school districts, or



1057 other political subdivisions which private owners of real estate  
 1058 are subject to hereunder, and such real estate of any such  
 1059 counties, school districts, and political subdivision shall be  
 1060 subject to liens for said assessments in all cases where the  
 1061 same property would be subject had it at the time the lien  
 1062 attached been owned by a private owner, except that no such lien  
 1063 may be foreclosed unless and until said real estate is conveyed  
 1064 to a person or entity which is not a political subdivision.

1065 Section 10. The Board shall cause to be made at least once  
 1066 each year a comprehensive report of its water system, wastewater  
 1067 reuse system, and wastewater system including all matters  
 1068 relating to rates, revenues, expenses of maintenance, repair,  
 1069 and operation and renewals and capital replacements, principal  
 1070 and interest requirements, and the status of all funds and  
 1071 accounts. Copies of such general report shall be filed with the  
 1072 vice chair and shall be open to public inspection.

1073 Section 11. Any holder of bonds issued under the  
 1074 provisions of this act, or of any of the coupons appertaining  
 1075 thereto, except as to the extent that the rights herein granted  
 1076 may be restricted by the resolution authorizing the issuance of  
 1077 such bonds, may, either at law or in equity, by suit, mandamus  
 1078 or other proceeding, protect and enforce any and all rights  
 1079 under the laws of the state or granted hereunder or under such  
 1080 resolutions, and may enforce and compel the performance of all  
 1081 duties required by this act and by such resolutions to be  
 1082 performed by the District or by the board or by any officer or  
 1083 officers or employees thereof, including the fixing and charging  
 1084 and collecting of rates, fees, and charges for the services and



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1085 facilities furnished by the water system, wastewater reuse  
1086 system, or wastewater system and the due and proper collection  
1087 of any non-ad valorem assessments pledged therefor.

1088 Section 12. (1) As the exercise of the powers conferred  
1089 by this act constitutes the performance of essential public  
1090 functions and as the systems constructed under the provisions of  
1091 this act constitute public property used for public purposes,  
1092 such District and the property thereof, including all revenues,  
1093 moneys, or other assets of any type or character, shall not be  
1094 subject to taxation by the state or any political subdivision,  
1095 agency, instrumentality, or municipality thereof, and it is  
1096 hereby expressly found, determined, and declared that all of the  
1097 lands and real estate in said District will be benefited by the  
1098 construction or acquisition of the systems, and additions,  
1099 extensions, and improvements thereto, provided for in this act.

1100 (2) All bonds or other obligations issued under this act  
1101 shall be exempt from all taxation by the state or any county,  
1102 municipality, or political subdivision thereof; however, the  
1103 exemption does not apply to any tax imposed by chapter 220,  
1104 Florida Statutes, on interest, income, or profits; however, the  
1105 exemption does not apply to any tax imposed by chapter 220,  
1106 Florida Statutes, on interest, income, or profits on debt  
1107 obligations owned by corporations. Such bonds or other  
1108 obligations shall be and constitute securities eligible for  
1109 deposit as collateral to secure any state, county, municipal, or  
1110 other public funds, and shall also be and constitute legal  
1111 investments for any banks, savings banks, trust funds,





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1112 executors, administrators, state, county, municipal, or other  
 1113 public funds, or any other fiduciary funds.

1114 Section 13. In any case where the character or condition  
 1115 of the sewage from or originating in any manufacturing or  
 1116 industrial plant or building or premises is such that it imposes  
 1117 an unreasonable burden upon the wastewater system, an additional  
 1118 charge may be made therefor or the Board may, if it deems it  
 1119 advisable, compel such manufacturing or industrial plant,  
 1120 building, or premises to treat such wastewater in such manner as  
 1121 shall be specified by the Board before discharging such  
 1122 wastewater into any wastewater lines owned, maintained, or  
 1123 operated by the District.

1124 Section 14. The District is authorized to enter into any  
 1125 agreement for the delivery of any revenue bonds, assessment  
 1126 bonds, or any combination thereof, at one time or from time to  
 1127 time as full or partial payment for any work done by any  
 1128 contractor who may have been awarded a contract for the  
 1129 construction of all or any part of any system. However, any such  
 1130 bonds so delivered for payment of services shall have been  
 1131 authorized and issued pursuant to the provisions of this act and  
 1132 shall otherwise conform to the provisions thereof.

1133 Section 15. (1) All contracts for the purchase of  
 1134 commodities or contractual services in excess of \$25,000 let,  
 1135 awarded, or entered into by the District for the construction,  
 1136 reconstruction, or addition to any system shall be publicly  
 1137 advertised and bid. The Board shall adopt procedures for public  
 1138 advertisement and call for sealed bids; which procedures may



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1139 vary the frequency and length of publication based on the amount  
1140 of the procurement.

1141 (2) Such advertisement for bids, in addition to the other  
1142 necessary and pertinent matter, shall state in general terms the  
1143 nature and description of the improvement or improvements to be  
1144 undertaken and shall state that detailed plans and  
1145 specifications for such work are on file in the office of the  
1146 vice chair or will be mailed upon request to interested parties.  
1147 The award shall be made to the responsible and competent bidder  
1148 or bidders who shall offer to undertake the improvements at the  
1149 lowest cost to the District and such bidder or bidders shall be  
1150 required to file bond for the full and faithful performance of  
1151 such work and the execution of any such contract in such amount  
1152 as the Board shall determine. No criteria may be used in  
1153 determining the acceptability of the bid that was not set forth  
1154 in the invitation to bid. The contract shall be awarded with  
1155 reasonable promptness by written notice to the qualified and  
1156 responsive bidder who submits the lowest responsive bid.

1157 (3) When the Board determines that the use of competitive  
1158 sealed bidding is not practicable, commodities or contractual  
1159 services shall be procured by competitive sealed proposals. A  
1160 request for proposals which includes a statement of the  
1161 commodities or contractual services sought and all contractual  
1162 terms and conditions applicable to the procurement, including  
1163 the criteria, which shall include, but not be limited to, price,  
1164 to be used in determining acceptability of the proposal shall be  
1165 issued. To ensure full understanding of and responsiveness to  
1166 the solicitation requirement, discussions may be conducted with



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1167 qualified offerors. The offerors shall be accorded fair and  
1168 equal treatment prior to the submittal dates specified in the  
1169 request for proposals with respect to any opportunity for  
1170 discussion and revision of proposals. The award shall be made to  
1171 the responsible offeror whose proposal is determined in writing  
1172 to be the most advantageous to the District, taking into  
1173 consideration the price and the other criteria set forth in the  
1174 request for proposals.

1175 (4) If the chair of the Board, or his or her designee,  
1176 determines in writing that an immediate danger to the public  
1177 health, safety, or welfare or other substantial loss to the  
1178 District requires emergency action, the provisions of this  
1179 section requiring competitive bidding or proposals shall be  
1180 waived. After the chair or his or her designee makes such a  
1181 written determination, the District may proceed with the  
1182 procurement of commodities or contractual services necessitated  
1183 by the immediate danger, without competition. However, such  
1184 emergency procurement shall be made with such competition as is  
1185 practicable under the circumstances. Commodities or contractual  
1186 services available only from a single source may be excepted  
1187 from the bid requirements if it is determined that such  
1188 commodities or services are available only from a single source  
1189 and such determination is documented and approved by the Board.  
1190 Nothing in this section shall be deemed to prevent the district  
1191 from hiring or retaining such consulting engineers, or other  
1192 professionals or other technicians as it shall determine, in its  
1193 discretion, consistent with the requirements of section 287.055,



1194 Florida Statutes, or for undertaking any construction work with  
 1195 its own resources and without any such public advertisement.

1196 Section 16. The same rates, fees, charges, and non-ad  
 1197 valorem assessments shall be fixed, levied, and collected on the  
 1198 property, officers, and employees of the counties, or any school  
 1199 district, or other political subdivision included within the  
 1200 District, as are fixed, levied, and collected on all other  
 1201 properties or persons in the District as provided in this act.

1202 Section 17. Any county, municipality, or other political  
 1203 subdivision is authorized to sell, lease, grant, or convey any  
 1204 real or personal property to the district and any such sale,  
 1205 grant, lease, or conveyance may be made without formal  
 1206 consideration. The district is authorized to classify as surplus  
 1207 any of its property and dispose of such property consistent with  
 1208 the provisions of sections 274.05 and 274.06, Florida Statutes.

1209 Section 18. No system or portion thereof shall be  
 1210 constructed within the District unless the Board shall give its  
 1211 consent thereto and approve the plans and specifications  
 1212 therefor; subject, however, to the terms and provisions of any  
 1213 resolution authorizing any bonds and agreements with  
 1214 bondholders.

1215 Section 19. The Board shall have no power to mortgage,  
 1216 pledge, encumber, sell, or otherwise convey all or any part of  
 1217 its systems except as otherwise provided in this act, and except  
 1218 that the Board may dispose of any part of such system or systems  
 1219 as may be no longer necessary for the purposes of the District.  
 1220 The provisions of this section shall be deemed to constitute a  
 1221 contract with all bondholders. All District property shall be



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1222 exempt from levy and sale by virtue of an execution and no  
1223 execution or other judicial process shall issue against such  
1224 property nor shall any judgment against the District be a charge  
1225 or lien on its property; provided that nothing herein contained  
1226 shall apply to or limit the rights of bondholders to pursue any  
1227 remedy for the enforcement of any lien or pledge given by the  
1228 district on revenues derived from the operation of any system.

1229 Section 20. The state does hereby pledge to and covenant  
1230 and agree with the holders of any bonds issued pursuant to this  
1231 act that the state will not limit or alter the rights hereby  
1232 vested in the District to acquire, construct, maintain,  
1233 reconstruct, and operate its systems and to fix, establish,  
1234 charge, and collect its service charges therefor, and to fulfill  
1235 the terms of any agreement made with the holders of such bonds  
1236 or other obligations, and will not in any way impair the rights  
1237 or remedies of such holders, until the bonds, together with  
1238 interest thereon, with interest on any unpaid installments of  
1239 interest, and all costs and expenses in connection with any  
1240 action or proceeding by or on behalf of such holders, are fully  
1241 met and discharged.

1242 Section 21. The provisions of this act shall be deemed to  
1243 constitute a contract with the holders of any bonds issued  
1244 hereunder and shall be liberally construed to effect its  
1245 purposes and shall be deemed cumulative and supplemental to all  
1246 other laws.

1247 Section 22. If any section or provision of this act is  
1248 held to be invalid or inoperative, then the same shall be deemed



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1249 severable from and shall not affect the validity of any of the  
1250 other provisions hereof.

1251 Section 23. The District may assume the operation of any  
1252 system which substantially fails to meet its financial  
1253 responsibilities or operating standards pursuant to this act or  
1254 other laws and regulations of the state, if the Board determines  
1255 that such action is in the public interest and the system owner  
1256 conveys ownership to the District.

1257 Section 24. The Board may lease or license the use of any  
1258 real or personal property of the District upon such terms,  
1259 conditions, and for such consideration as the Board deems  
1260 appropriate. However, no such lease or license shall be for a  
1261 period exceeding 20 years in duration, unless renewed, and  
1262 provided that the lease or license shall be restricted to permit  
1263 the grantee to use such property during the term of the lease or  
1264 license only for civic or public purposes or purposes not in  
1265 conflict with this act or general law.

1266 Section 25. The District may, in addition to other  
1267 provisions of this act providing for the accrual of interest,  
1268 assess an interest charge on contractual obligations owed the  
1269 District. Such interest shall accrue at an annual percentage  
1270 rate as provided in chapter 687, Florida Statutes, or as  
1271 otherwise provided by contract. Such accrued interest charges,  
1272 if payment thereof becomes delinquent, may be recovered in the  
1273 same manner as provided in this act for other delinquent rates,  
1274 fees, charges, or penalties.



1275 Section 26. The members of the Board of Supervisors shall  
 1276 be subject to recall as provided by general law for elected  
 1277 officers of municipalities.

1278 Section 27. Any person who shall steal or damage District  
 1279 property, or tamper with or alter District property or threaten  
 1280 or cause actual harm to public health shall be guilty of a  
 1281 criminal offense and misdemeanor within the meaning of section  
 1282 775.08, Florida Statutes, unless such offense is of a higher  
 1283 degree in general law, and shall be punishable as provided by  
 1284 law.

1285 Section 28. All contracts, obligations, rules,  
 1286 regulations, or policies of any nature existing on the date of  
 1287 enactment of this act shall remain in full force and effect and  
 1288 this act shall in no way affect the validity of such contracts,  
 1289 obligations, rules, regulations, or policies.

1290 Section 29. This act shall not affect the terms of office  
 1291 of the present District Board, nor shall it affect the terms and  
 1292 conditions of employment of any employees of the District.

1293 Section 4. Chapter 96-499, Laws of Florida, is repealed.

1294 Section 5. It is declared to be the intent of the  
 1295 Legislature that if any section, subsection, sentence, clause,  
 1296 phrase, or portion of this act is, for any reason, held invalid  
 1297 or unconstitutional by a court of competent jurisdiction, such  
 1298 portion shall be deemed to be a separate, distinct, and  
 1299 independent provision and such holdings shall not affect the  
 1300 validity of the remaining portions of this act.

1301 Section 6. This act shall be construed as a remedial act  
 1302 and the provisions of this act shall be liberally construed in



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1303 | order to effectively carry out the purpose of this act in the  
1304 | interest of the public health, welfare, and safety of the  
1305 | citizens served by the District.

1306 |       Section 7. All laws or part of laws in conflict herewith  
1307 | are, to the extent of such conflict, repealed.

1308 |       Section 8. This act shall take effect upon becoming a law.  
1309 |