



CHAMBER ACTION

The Committee on Procedures recommends the following:

Committee Substitute

Remove the entire bill and insert:

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



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



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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 4th 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 4th 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



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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.



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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. This act shall take effect upon becoming a law.

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