



1                                   A bill to be entitled  
2           An act relating to Charlotte and Sarasota Counties;  
3           creating the Englewood Water District; providing for  
4           codification of special laws regarding special districts  
5           pursuant to s. 189.429, F.S., relating to the Englewood  
6           Water District; establishing boundaries; providing  
7           definitions; providing for election of a Board of  
8           Supervisors to govern said District; establishing powers,  
9           authority, and duties of the Board; granting to said  
10          governing board the authority in the territory defined to  
11          construct, acquire, extend, enlarge, reconstruct, improve,  
12          maintain, equip, repair, and operate a water system,  
13          wastewater system, or wastewater reuse system, or any  
14          combination thereof; authorizing the levy and collection  
15          of non-ad valorem assessments on property benefited by the  
16          construction of such water system, wastewater system,  
17          wastewater reuse system, or combined systems; providing  
18          for optional methods of financing the cost of the water  
19          system, wastewater system, wastewater reuse system, or  
20          combined systems or extensions and additions thereto by  
21          the issuance of revenue bonds or assessment bonds or any  
22          combination thereof and the fixing and collection thereof  
23          and the fixing and collection of rates and charges on  
24          users of such systems; providing for the levy and  
25          collection of non-ad valorem assessments on benefited  
26          property and the pledge of such assessments for the  
27          payment of any revenue bonds or assessment bonds;  
28          providing for the rights, remedies, and security of any of



29 the holders of said bonds; providing penalties; repealing  
30 chapter 96-499, Laws of Florida, relating to the creation  
31 and establishment of the Englewood Water District;  
32 providing an effective date.  
33

34 Be It Enacted by the Legislature of the State of Florida:  
35

36 Section 1. In accordance with section 189.429, Florida  
37 Statutes, this act constitutes the codification of all special  
38 acts relating to the Englewood Water District. It is the intent  
39 of the Legislature in enacting this law to provide a single,  
40 comprehensive special act charter for the district, including  
41 all current legislative authority granted to the district by its  
42 several legislative enactments and any additional authority  
43 granted by this act.

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

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

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

52  
53 Sections 8, 9, 10, 11, 12, 13, 14, 15, 16, 21, 22, 23,  
54 24, 25, 26, 27, 35, and 36, that part of sections 4  
55 and 5, lying and being west of the west boundary of  
56 Lemon Bay, township 40 south; range 19 east; and



57 sections 16, 17, 18, 19, 20, 21, 28, 29, 30, 31, 32  
58 and 33, township 40 south, range 20 east, all being in  
59 Sarasota County, State of Florida.

60  
61 Sections 1, 2, 12 and 13, Township 41 South, Range 19  
62 East; Sections 4, 5, 6, 7, 8, 9, 16, 17, and 18, that  
63 part of Section 20 lying and being east of the east  
64 boundary of Lemon Bay, Township 41 South, Range 20  
65 East, all lying and being in Charlotte County, State  
66 of Florida.

67  
68 That portion of Section 3, Township 40 South, Range 19  
69 East lying west of S.R. 776 (Englewood Road), and  
70 those portions of Sections 4 and 5, Township 40 South,  
71 Range 19 East, lying and being east of the west  
72 boundary of Lemon Bay, all being south of the  
73 east-west line prescribed by Colonial Road, all being  
74 in Sarasota County, Florida.

75  
76 (2) The Englewood Water District is hereby declared to be  
77 a body corporate and politic under the corporate name and style  
78 of "Englewood Water District" with power to contract, to sue and  
79 be sued in its corporate name, and with the other powers and  
80 duties hereinafter set forth, as well as all other powers and  
81 exemptions given by general law.

82 Section 2. As used in this act, unless the context  
83 otherwise requires:



84           (1) "District" means the Englewood Water District created  
85 by this act.

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

100           (3) "Wastewater system" means and includes any plant,  
101 system, facility, or property and additions, extensions, and  
102 improvements thereto at any future time constructed or acquired  
103 as a part thereof, useful or necessary, or having the present  
104 capacity for future use in connection with the collections,  
105 treatment, purification, or disposal of wastewater or sewerage  
106 of any nature or originating from any source, including  
107 industrial wastes resulting from any processes of any industry,  
108 manufacture, trade, or business or from the development of any  
109 natural resources; and without limiting the generality of the  
110 foregoing definition shall embrace treatment plants, pumping  
111 stations, lift stations, valves, force mains, intercepting



112 sewers, laterals, pressure lines, mains, and all necessary  
113 appurtenances and equipment, all wastewater mains and laterals  
114 for the reception and collection of wastewater or sewerage on  
115 premises connected therewith, and shall include all real and  
116 personal property and any interest therein, rights, easements,  
117 and franchises of any nature whatsoever relating to any such  
118 system and necessary or convenient for the operation thereof.

119 (4) "Wastewater reuse system" means and includes any  
120 plant, system, facility, or property and additions, extensions,  
121 and improvements thereto at any future time constructed or  
122 acquired as a part thereof, useful or necessary, or having the  
123 present capacity for future use in connection with the  
124 collection, treatment, purification, disposal, or distribution  
125 of wastewater or stormwater originating from any source, for the  
126 purpose of reuse and without limiting the generality of the  
127 foregoing definition, shall embrace treatment plants, dams,  
128 reservoirs, storage tanks, pumping stations, lift stations,  
129 valves, force mains, laterals, pressure lines, mains, and all  
130 necessary appurtenances and equipment, and shall include all  
131 real and personal property and any interest therein, rights,  
132 easements, and franchises of any nature whatsoever relating to  
133 any such system and necessary or convenient for the operation  
134 thereof. Water which has received at least secondary treatment  
135 and stormwater may be referred to as reclaimed wastewater and  
136 may be reused for such beneficial purposes, including, but not  
137 limited to, landscape or agricultural irrigation, aesthetic uses  
138 such as ponds or fountains, groundwater recharge, industrial  
139 uses, environmental enhancement, or fire protection.



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

143       (6) "Cost" means, as applied to the acquisition and  
144 construction of a water system, wastewater reuse system, or a  
145 wastewater system or extensions, additions, or improvements  
146 thereto, the cost of construction or reconstruction,  
147 acquisition, or purchase, the cost of all labor, materials,  
148 machinery, and equipment, cost of all lands and interest  
149 therein, an office and administration building for the district,  
150 property, rights, easements, and franchises of any nature  
151 whatsoever, financing charges, interest prior to and during  
152 construction and for 1 year after completion of construction or  
153 acquisition of such water system, wastewater reuse system, or  
154 wastewater system or extensions, additions, or improvements  
155 thereto, bond discount, fees and expenses of financial advisors  
156 or fiscal agents, cost of plans and specifications, surveys and  
157 estimates of costs and revenues, cost of engineering and legal  
158 services, and all other expenses necessary or incidental in  
159 determining feasibility or practicality of such construction,  
160 reconstruction, or acquisition, administrative expenses and such  
161 other expenses as may be necessary or incidental to the  
162 construction or acquisition or improvement of such water system,  
163 wastewater reuse system, or wastewater system authorized by this  
164 act and the financing thereof, and the reimbursement of any  
165 expenses incurred by the district in connection with any of the  
166 foregoing items of cost.



167           (7) "Revenue bonds" means bonds or other obligations  
168 secured by and payable as to principal and interest from the  
169 revenues derived from rates, fees, and charges collected by the  
170 district from the users of the facilities of the water system,  
171 wastewater reuse system, or wastewater system, or any  
172 combination thereof, and which may or may not be additionally  
173 secured by a pledge of the proceeds of non-ad valorem  
174 assessments levied against property benefiting from assessable  
175 improvements.

176           (8) "Board" means the Board of Supervisors of the  
177 District.

178           Section 3. The District shall be governed and its affairs  
179 administered by the Board of Supervisors consisting of five  
180 members.

181           A.(i) By a majority vote, the Englewood Water District  
182 Board of Supervisors shall adopt a preliminary resolution  
183 dividing the district into five separate and distinct sections  
184 of approximately equal populations, drawn along Charlotte County  
185 and/or Sarasota County precinct lines, if feasible. These  
186 divisions shall be known as the "Englewood Water District  
187 Supervisor Election Districts" which shall be numbered 1 through  
188 5.

189           (ii) After the initial adoption by the board of the  
190 proposed Englewood Water District Supervisor Election Districts,  
191 the district shall hold a public hearing at which all residents  
192 of the district or other interested parties shall have an  
193 opportunity to be heard concerning the proposed Englewood Water  
194 District Supervisor Election Districts. Notice of such public



195 hearing setting forth the five proposed Englewood Water District  
196 Supervisor Election Districts shall be given by one publication  
197 in a newspaper published in Charlotte County, in a newspaper  
198 published in Sarasota County, and such notice shall also be  
199 posted in five public places in the district, at least 30 days  
200 prior to the date of such hearing, which may be adjourned from  
201 time to time.

202 (iii) After such hearing, such preliminary resolution  
203 dividing the district into five separate and distinct sections,  
204 known as the Englewood Water District Supervisor Election  
205 Districts, either as initially adopted or as modified or  
206 amended, shall be finally adopted. A map of the Englewood Water  
207 District Supervisor Election Districts shall be kept on file in  
208 the office of the administrator of the district and shall be  
209 open to public inspection during normal business hours.

210 (iv) The Englewood Water District Supervisor Election  
211 Districts shall be revised every 10 years in the same manner as  
212 they were originally established. If the boundaries of the  
213 district are modified, the election districts shall be modified  
214 as necessary in the same manner established above in adequate  
215 time for the new election districts to be utilized during the  
216 next general election.

217 1. On the first Tuesday after the first Monday of November  
218 1994, a person residing in Englewood Water District Board of  
219 Supervisors Election District 5 was elected by the qualified  
220 electors of the Englewood Water District for a 4-year term to  
221 create and fill Englewood Water District Supervisors Election





222 District Seat Five. On the first day of January following the  
223 election, the expiring seats, four and six were eliminated.

224 2. On the first Tuesday after the first Monday of November  
225 1995, a person residing in Englewood Water District Board of  
226 Supervisors Election District 4 was elected by the qualified  
227 electors of the Englewood Water District for a term of 3 years  
228 to create and fill Englewood Water District Supervisors Election  
229 District Seat Four. On the first day of January following the  
230 election, the expiring seats, seven, eight, and nine shall be  
231 eliminated.

232 3. On the first Tuesday after the first Monday of November  
233 1996, a person residing in each of the Englewood Water District  
234 Board of Supervisors Election Districts 3, 2, and 1 was elected  
235 by the qualified electors of the Englewood Water District for a  
236 term of 4 years to create and fill Englewood Water District  
237 Supervisors Election District Seats three, two, and one  
238 respectively.

239 B.(i) On the first Tuesday after the first Monday in  
240 November 2002, and every 4<sup>th</sup> year thereafter, two supervisors,  
241 one residing in Englewood Water District Board of Supervisors  
242 Election District 5 and one residing in Englewood Water District  
243 Board of Supervisors Election District 4, were elected by the  
244 qualified electors of the Englewood Water District for a term of  
245 4 years.

246 (ii) On the first Tuesday after the first Monday in  
247 November 2004, and every 4<sup>th</sup> year thereafter, three supervisors,  
248 one residing in Englewood Water District Board of Supervisors  
249 Election District 3, one residing in Englewood Water District



250 Board of Supervisors Election District 2, and one residing in  
251 Englewood Water District Board of Supervisors Election District  
252 1, shall be elected by the qualified electors of the Englewood  
253 Water District for a term of 4 years.

254 (iii) The results of such election shall be declared by  
255 resolution adopted by the Board. Each elected member of the  
256 Board shall assume office 10 days following the member's  
257 election. Each supervisor shall duly file his or her oath of  
258 office and a bond in such amount as the Board shall determine  
259 for the faithful performance of his or her duties prior to  
260 taking office and the cost thereof shall be paid by the  
261 District.

262 C. In the event no person has been elected at the general  
263 election to fill an office which was required to be filled at  
264 such election, the members of the board shall, within 60 days  
265 following the date of the election, by a majority vote of all  
266 members then in office, appoint a person from the appropriate  
267 Englewood Water District Supervisors Election District, to serve  
268 for each office not otherwise filled by said election, to serve  
269 until the next general election, at which election the qualified  
270 electors of the District shall elect a supervisor to serve the  
271 remaining unexpired term, if any, of such supervisors so  
272 appointed.

273 (i) In the event any supervisor shall resign, die, or be  
274 removed from the district, or the office of such supervisor  
275 shall for any reason become vacant, the remaining members of the  
276 board may, by a majority vote of all members then in office,  
277 appoint a successor to such supervisor from the appropriate



278 Englewood Water District Supervisors Election District to serve  
279 until the next general election, at which election the qualified  
280 electors of the district shall elect a supervisor to serve for  
281 the remaining unexpired term, if any, of such supervisor whose  
282 office became vacant as aforesaid.

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

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

289 E.(i) Elections for the purpose of electing Supervisors to  
290 the Board shall conform to the Florida Election Code, chapters  
291 97 through 106, Florida Statutes, as pertains to independent  
292 special districts as set forth in section 189.405, Florida  
293 Statutes.

294 (a) The results of the election shall be jointly canvassed  
295 by the county canvassing boards of the Counties of Charlotte and  
296 Sarasota and the results of such joint canvass shall be reported  
297 in accordance with general law.

298 (b) Supervisors shall be qualified electors with legal  
299 residence in the appropriate Englewood Water District Board of  
300 Supervisors Election District, who are freeholders. The office  
301 of any supervisor who ceases to be a qualified elector with  
302 legal residence in the appropriate election district and a  
303 freeholder in the district during his or her term of office  
304 shall become vacant.



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

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

322           1. The chair and vice chair shall be elected at an annual  
323 meeting to be held in January of each year, and shall serve in  
324 said capacities until the next annual meeting and said officers  
325 may be removed at any time during their tenure, with or without  
326 cause, by a majority vote of all members of said Board. Upon the  
327 expiration of the terms of office of any of said officers for  
328 any reason whatsoever, the Board shall elect new officers to  
329 fill the positions thus vacated.

330           2. The Board shall hold such meetings as the business  
331 affairs of the district may require, and all such meetings shall  
332 be noticed and open to the public as provided by law. Such



333 meetings shall be held within the territorial limits of the  
334 District or may be held outside the District in conjunction with  
335 other boards, commissions, agencies, bodies, or persons for the  
336 purpose of holding discussions or for the exchange of  
337 information. However, no formal action may be taken by the  
338 passage of any resolution, rule, or order at meetings held  
339 outside the District other than that action which is required  
340 for the ordinary conduct of such meetings.

341 3. A majority of the Board shall constitute a quorum at  
342 any meeting thereof and all actions of the Board shall be upon  
343 an affirmative vote of the majority of Board members present at  
344 any such meeting; provided that no action of the Board may pass  
345 with less than three affirmative votes. However, any resolution  
346 authorizing the issuance of bonds or other obligations, or the  
347 levy on non-ad valorem assessments or the fixing of rates and  
348 charges for the services and facilities of the systems of the  
349 District shall not be adopted except upon the affirmative vote  
350 of a majority of all the members of the Board then in office.  
351 Actions of the Board shall be evidenced by resolutions voted  
352 upon and adopted by the Board, which may be finally adopted at  
353 the same meeting at which they are introduced and need not be  
354 published or posted, except resolutions authorizing the issuance  
355 of bonds or other obligations shall be advertised in accordance  
356 with the provisions of Section 3(1)(c)2 and a public hearing  
357 shall be held prior to the adoption of such resolutions.  
358 Resolutions providing solely for the refunding of any already  
359 existing bonds or other obligations need not be so advertised.



360 4. Written minutes of each Board meeting shall be kept and  
361 there shall be recorded therein a report of all that transpired  
362 at any such meeting. The minutes shall be signed by the vice  
363 chair of the Board and kept permanently in books provided for  
364 that purpose.

365 5. The Board shall cause to be kept complete and accurate  
366 books of accounting in standard bookkeeping and accounting  
367 procedures. Annually the Board shall make a true and complete  
368 accounting of all moneys received and expended by said Board and  
369 said accounting shall list the assets and liabilities of the  
370 District. Said accounting shall be based upon an audit prepared  
371 by a certified public accountant, and shall be in writing with  
372 sufficient copies thereof made to furnish to any inhabitants of  
373 the district requesting same.

374 6. All contracts of the District shall be signed by the  
375 chair of the Board of Supervisors, and the seal of the board  
376 shall be affixed thereto, attested by the secretary to the Board  
377 who shall be official custodian of such seal. The Board, by  
378 resolution, may delegate authority to sign contracts to the  
379 administrator of the District. Any bonds issued by the District  
380 under the provisions of this act shall be signed in the same  
381 manner as a contract. However, only one manual signature shall  
382 be required on any bonds and the seal of the District may be  
383 imprinted or reproduced thereon.

384 7. Every Board member and every officer of the district  
385 shall be indemnified by the District against all expenses and  
386 liabilities, including counsel fees, reasonably incurred by or  
387 imposed upon the member or officer in connection with any



388 proceeding or any settlement of any proceeding to which he or  
389 she may be a party or in which he or she may become involved by  
390 reason of his or her being or having been a Board member or  
391 officer of the District, whether or not he or she is a Board  
392 member or officer at the time such expenses are incurred. In the  
393 event of a settlement, the indemnification shall apply only when  
394 the Board approves such settlement and reimbursement as being  
395 for the best interests of the District. The right of  
396 indemnification authorized by this paragraph shall be in  
397 addition to and not exclusive of all other rights to which a  
398 Board member or officer may be entitled. This paragraph shall  
399 not apply to a Board member or officer who is adjudged guilty of  
400 willful misfeasance or malfeasance in the performance of his or  
401 her duties.

402 8. The Board may, by the vote of a majority of all  
403 members, elect a member to serve as chair or vice chair on an  
404 interim basis during the absence of such officer. The interim  
405 officer shall have all of the powers, duties, and authority of  
406 such officer during his or her absence.

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

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

411 (2) To employ such consulting and other engineers,  
412 technicians, construction and accounting experts, financial  
413 advisors or fiscal agents, attorneys, and such other agents and  
414 employees as the board may require or deem necessary to  
415 effectuate the purposes of this act and to take such steps as



416 are necessary to be taken to provide coverage by the old age and  
417 survivors insurance system embodied in the Federal Social  
418 Security Act to employees of the Englewood Water District on as  
419 broad a basis as permitted under the Federal Social Security Act  
420 and the laws of Florida and may provide a pension or retirement  
421 plan for its employees. Board members are not eligible for  
422 pension or retirement benefits. Notwithstanding the prohibition  
423 against extra compensation set forth in section 215.425, Florida  
424 Statutes, the board may provide for an extra compensation  
425 program, including a lump-sum bonus payment program, to reward  
426 outstanding employees whose performance exceeds standards, if  
427 the program provides that a bonus payment may not be included in  
428 an employee's regular base rate of pay and may not be carried  
429 forward in subsequent years.

430 (3) To construct, install, erect, acquire and operate,  
431 maintain, improve, extend, or enlarge and reconstruct a water  
432 system, wastewater system, or a wastewater reuse system or any  
433 combination thereof within or without said district for the  
434 furnishing of water service, wastewater service, or wastewater  
435 reuse service or any combination of such services to the  
436 inhabitants of the district, and to have the exclusive control  
437 and jurisdiction thereof; to issue its revenue bonds, assessment  
438 bonds, or other obligations, or any combination thereof to pay  
439 all or part of the cost of such construction, reconstruction,  
440 erection, acquisition, or installation of such systems. The  
441 purchase or sale of a water, wastewater, or wastewater reuse  
442 system shall be accomplished in accordance with section 189.423,  
443 Florida Statutes.





444       (4) To regulate the disposal of wastewater, reuse of  
445 wastewater, and the supply of water within the District and to  
446 prohibit the use and maintenance of outhouses, privies, septic  
447 tanks, or other unsanitary structures or appliances, in  
448 accordance with the general laws of the state.

449       (5) To fix and collect rates, fees, capital contributions,  
450 and other charges for the use of the facilities and services  
451 provided by any system, and to fix and collect charges for  
452 making connections and reconnections with any such system, and  
453 to provide for reasonable charges and penalties to any users of  
454 property for any such rates, fees, or charges that are  
455 delinquent.

456       (6) To acquire in the name of the district by purchase,  
457 gift, or the exercise of eminent domain pursuant to chapter 73  
458 or chapter 74, Florida Statutes, such lands and rights and  
459 interest therein, both within and without the district,  
460 including land under water and riparian rights and to acquire  
461 such personal property as may be deemed necessary in connection  
462 with the construction, reconstruction, improvement, extensions,  
463 installation, erection, or operation and maintenance of any  
464 system, and to hold and dispose of all real and personal  
465 property under its control.

466       (7) To receive grants, either separately or in conjunction  
467 with any municipality, governmental agency, or governmental  
468 entity, either in the nature of public works or public  
469 improvement grants or loans from any governmental agency,  
470 department, bureau, or individual for the purpose of installing,



471 constructing, erecting, acquiring, operating, or maintaining a  
472 system or other things necessary or incidental thereto.

473 (8) To exercise exclusive jurisdiction, control, and  
474 supervision over any system owned, operated, and maintained by  
475 the District and to make and enforce such rules and regulations  
476 for the maintenance and operation of any system as may be, in  
477 the judgment of the Board, necessary or desirable for the  
478 efficient operation of any such systems or improvements in  
479 accomplishing the purposes of this act.

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

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

487 (11) To contract with municipalities or other private or  
488 public corporations or persons to provide or receive a water  
489 supply or for wastewater disposal, collection, or treatment or  
490 for wastewater reuse.

491 (12) To prescribe methods of pretreatment of industrial  
492 wastes not amenable to treatment with domestic wastewater before  
493 accepting those wastes for treatment and to refuse to accept  
494 such industrial wastes when not sufficiently pre-treated as may  
495 be prescribed, and by proper resolution to prescribe penalties  
496 for the refusal of any person or corporation to so pre-treat  
497 such industrial wastes.



498       (13) To require and enforce the use of its facilities  
499 whenever and wherever they are accessible in accordance with  
500 applicable general law and applicable local government  
501 comprehensive plans.

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

505       (15) To accomplish construction by holding hearings,  
506 advertising for construction bids, and letting contracts for all  
507 or any part or parts of the construction of any system in  
508 accordance with the provisions of section 15.

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

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

515       (18) To construct and operate connecting, intercepting, or  
516 outlet wastewater or reclaimed wastewater mains and pipes and  
517 water mains, conduits or pipe lines in, along, or under any  
518 street, alleys, highways, or other public places or ways within  
519 the state or any municipality or political subdivision.

520       (19) Subject to such provisions and restrictions as may be  
521 set forth in the resolution authorizing or securing any bonds or  
522 other obligations issued under the provisions of this act, to  
523 enter into contracts with the government of the United States or  
524 any agency or instrumentality thereof, or with any other county,  
525 municipality, district, authority, or political subdivision,



526 private corporation, partnership, association, or individual  
 527 providing for or relating to the treatment, collection, and  
 528 disposal of wastewater or the treatment, supply, and  
 529 distribution of water or reclaimed wastewater and any other  
 530 matters relevant thereto or otherwise necessary to effect the  
 531 purposes of this act and to receive and accept from any federal  
 532 agency, grants for or in aid of the planning, construction,  
 533 reconstruction or financing of any system and to receive and  
 534 accept aid or contributions from any other source of either  
 535 money, property, labor or other things of value to be held,  
 536 used, and applied only for the purpose for which such grants and  
 537 contributions may be made.

538 (20) To acquire, purchase, or buy real estate within or  
 539 without the District to be used in the development,  
 540 installation, construction, improvement, maintenance, operation,  
 541 or servicing of any system of the District, by installment  
 542 contract, agreement for deed, or by note and mortgage; provided  
 543 that said contract, agreement for deed, or mortgage does not  
 544 constitute a lien or encumbrance upon any real property other  
 545 than that being purchased thereby.

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

548 (22) To require the owner, tenant, or occupant of each lot  
 549 or parcel of land within the District who is obligated to pay  
 550 the rates, fees, or charges for the services furnished by any  
 551 facility owned or operated by the District under the provisions  
 552 of this act make a reasonable deposit with the district in  
 553 advance to ensure the payment of such rates, fees, or charges.



554 If such rates, fees, or charges become delinquent, the district  
555 may apply the deposit to the payment or partial payment thereof,  
556 including accrued interest, shutoff charges, and penalties, if  
557 any.

558 (23) To invest and reinvest the surplus public funds of  
559 the district consistent with the requirements of applicable  
560 state or federal laws.

561 Section 5. (1) The Board for and on behalf of the  
562 District is authorized to provide from time to time for the  
563 issuance of revenue bonds to finance or refinance all or part of  
564 the costs of additions, extensions, and improvements to, or the  
565 acquisition of, any system. The principal of and interest on any  
566 such revenue bonds shall be payable from the rates, fees,  
567 charges, or other revenues derived from the operation of any  
568 such system or systems in the manner provided in this act and  
569 the resolution authorizing such bonds and pledging such  
570 revenues. The proceeds of non-ad valorem assessments levied as  
571 provided in this act may be pledged as additional security for  
572 said revenue bonds. It is the express intent of this act that  
573 the District shall be authorized to finance the purposes  
574 provided in this act by the issuance of revenue bonds or special  
575 assessment bonds separately for all or any part of the cost  
576 thereof, or to issue revenue bonds additionally secured by the  
577 non-ad valorem assessments for all or any part of such cost, so  
578 that the District shall have complete flexibility as to the  
579 types of bonds to be issued and the security for the holders of  
580 such bonds. The revenue bonds of the District shall be issued in  
581 such denominations, mature on such dates and in such amounts,



582 and may be subject to optional and mandatory redemption, all as  
583 shall be determined by resolutions adopted by the Board on  
584 behalf of the District. Bonds of said District may bear interest  
585 at a fixed or floating or adjustable rate and may be issued as  
586 interest-bearing, interest-accruing bonds or zero coupon bonds  
587 at such rate or rates not exceeding the maximum rate permitted  
588 by general law, all as shall be determined by resolutions of the  
589 Board on behalf of the District. Principal and interest shall be  
590 payable in the manner determined by the Board. The bonds shall  
591 be signed by the chair or vice chair of the Board, attested with  
592 the seal of said District and by the signature of the chair of  
593 the Board of Supervisors. In case any officer whose signature or  
594 a facsimile of whose signature shall appear on the bonds shall  
595 cease to be such officer before the delivery of such bonds, such  
596 signature or facsimile shall nevertheless be valid and  
597 sufficient for all intents and purposes the same as if he or she  
598 had remained in office until such delivery. The Board may sell  
599 such bonds in such manner not inconsistent with general law,  
600 either at public or private sale, and for such price, as it may  
601 determine to be for the best interests of the District.

602 (2) The proceeds of the sale of any such bonds shall be  
603 used to finance or refinance all or part of the costs of the  
604 construction or acquisition of additions, extensions, and  
605 improvements of any water system, wastewater reuse system, or  
606 wastewater system or any combination thereof, to fund reserves  
607 and renewal and replacement funds and to pay the costs of  
608 issuing such bonds. The funds derived from the sale of the bonds  
609 shall be disbursed in such manner and under such restrictions as



610 the board may provide in the authorizing resolution. Revenue  
611 bonds may be issued under the provisions of this act without any  
612 other proceeding or happening of any other condition or thing  
613 than those proceedings, conditions, or things which are  
614 specifically required by this act and by general law.

615 (3) A resolution providing for the issuance of revenue  
616 bonds may also contain such limitations upon the issuance of  
617 additional revenue bonds secured on a parity with the bonds  
618 theretofore issued, as the board may deem proper, and such  
619 additional bonds shall be issued under such restrictions and  
620 limitations as may be prescribed by such authorizing resolution.

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

624 (5) Revenue bonds issued under the provisions of this act  
625 shall not constitute a general obligation debt of the District  
626 within the meaning of any constitutional or statutory debt  
627 limitation, but such bonds shall be payable solely from the  
628 revenues and/or non-ad valorem assessments, if any, pledged  
629 therefor, and that the full faith and credit of the district is  
630 not pledged to the payment of the principal of or interest on  
631 such bonds.

632 (6) In connection with the sale and issuance of bonds, the  
633 district may enter into any contracts which the Board determines  
634 to be necessary or appropriate to achieve a desirable effective  
635 interest rate in connection with the bonds by means of, but not  
636 limited to, contracts commonly known as investment contracts,  
637 funding agreements, interest rate swap agreements, currency swap



638 agreements, forward payment conversion agreements, futures, or  
639 contracts providing for payments based on levels of or changes  
640 in interest rates, or contracts to exchange cash flows or a  
641 series of payments, or contracts, including, without limitation,  
642 options, puts, or calls to hedge payment, rate, spread, or  
643 similar exposure. Such contracts or arrangements may also be  
644 entered into by the District in connection with, or incidental  
645 to, entering into any agreement which secures bonds or provides  
646 liquidity therefor. Such contracts and arrangements shall be  
647 made upon the terms and conditions established by the Board,  
648 after giving due consideration for the credit worthiness of the  
649 counter parties, where applicable, including any rating by a  
650 nationally recognized rating service or any other criteria as  
651 may be appropriate.

652 (7) In connection with the sale and issuance of the bonds,  
653 or entering into any of the contracts or arrangements referred  
654 to in the paragraph above, the district may enter into such  
655 credit enhancement or liquidity agreements, with such payment,  
656 interest rate, security, default, remedy, and any other terms  
657 and conditions as the board shall determine.

658 (8) Notwithstanding any provisions of state law relating  
659 to the investment or reinvestment of surplus funds of any  
660 governmental unit, proceeds of the bonds and any money set aside  
661 or pledged to secure payment of the principal of, premium, if  
662 any, and interest on the bonds, or any of the contracts entered  
663 into pursuant to this section, may be invested in securities or  
664 obligations described in the resolution providing for the  
665 issuance of bonds.





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

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

681        B. The expenses of maintaining and repairing such systems,  
682 including reserves for such purposes and for capital  
683 replacements, depreciation, and necessary extensions or  
684 improvements and administrative expenses.

685        C. Any other payments required by the resolution  
686 authorizing the issuance of such revenue bonds.

687        (2) Such rates, fees, and charges shall be just and  
688 equitable and uniform for users of the same class and, where  
689 appropriate, may be based or computed either upon the quantity  
690 of water or wastewater consumed or produced, the number and size  
691 of wastewater connections, or the number and kind of plumbing  
692 fixtures in use in the premises or upon the number or average  
693 number of persons residing or working in or otherwise using the



694 facilities of such system or upon any other factor affecting the  
695 use of the facilities or services furnished or upon any  
696 combination of the foregoing factors as may be determined by the  
697 Board on any other equitable basis. All rates, fees, and charges  
698 established pursuant to this act shall be set in accordance with  
699 the total cost of service which is required to provide service  
700 to the customers. The water system, wastewater reuse system, and  
701 wastewater system shall be accounted for as separate and as  
702 distinct systems. However, the District shall set rates  
703 consistent with the guidelines adopted by the American Water  
704 Works Association, for government-owned utilities. The district  
705 may, by resolution, consolidate any one or more systems provided  
706 such consolidation shall not impair the rights of any existing  
707 bondholders of the district.

708 (3) No rates, fees, or charges shall be fixed under the  
709 foregoing provisions of this section until a public hearing at  
710 which all the users of the proposed system, or owners, tenants,  
711 or occupants served or to be served thereby and all others  
712 interested shall have an opportunity to be heard concerning the  
713 proposed rates, fees, and charges. After the initial adoption by  
714 the Board of the resolution setting forth the preliminary  
715 schedule or schedules fixing and classifying such rates, fees,  
716 and charges, notice of such public hearing setting forth the  
717 proposed schedule or schedules of rates, fees, and charges shall  
718 be given by one publication in a newspaper published in  
719 Charlotte County and in a newspaper published in Sarasota County  
720 and such notice shall also be posted in five public places in  
721 the district, at least 10 days prior to the date of such



722 hearing, which may be adjourned from time to time. After such  
723 hearing such preliminary schedule or schedules, either as  
724 initially adopted, or as modified or amended, may be finally  
725 adopted. A copy of the schedule or schedules of such rates,  
726 fees, or charges finally fixed in such resolution shall be kept  
727 on file in the office of the District and shall be open at all  
728 times to public inspection. The rates, fees, or charges so fixed  
729 for any class of users or property served shall be extended to  
730 cover any additional properties thereafter served which shall  
731 fall in the same class, without the necessity of any hearing or  
732 notice. Any change or revision of such rates, fees, or charges  
733 may be made in the same manner as such rates, fees, or charges  
734 were originally established as provided herein; provided that if  
735 such changes or revisions be made substantially pro rata as to  
736 all classes of service no hearing or notice shall be required.

737 Section 7. In addition to the other provisions and  
738 requirements of this act any resolution authorizing the issuance  
739 of bonds may contain any other provisions deemed necessary or in  
740 the best interest of the District and the Board is authorized to  
741 provide and may covenant and agree with the several holders of  
742 such bonds to include, but without limitation as to any other  
743 provisions, any of the following:

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

747 (2) May, in keeping with its rules and regulations,  
748 disconnect any premises from the water system, wastewater reuse



749 system, or wastewater system if any such rates, fees, or charges  
750 are delinquent for a period of 30 days or more.

751 (3) The assumption of payment or discharge of any  
752 indebtedness, lien, or other claim relating to any part of any  
753 such system or any combination thereof, or any other obligations  
754 having or which may have a lien on any part of any such system  
755 or systems.

756 (4) Limitations on the powers of the District to  
757 construct, acquire, or operate, or permit the construction,  
758 acquisition or operation of any plants, structures, facilities,  
759 or properties which may compete or tend to compete with any  
760 other system of the District.

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

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

765 (7) Terms and conditions for modification or amendment of  
766 any provisions or covenants in any such bond resolution  
767 authorizing the issuance of such bonds.

768 (8) Provisions and limitations on the appointment of a  
769 trustee, paying agent, registrar, or escrow agent for  
770 bondholders.

771 (9) Provisions as to the appointment of a receiver of any  
772 system on default of principal or interest on any such bonds or  
773 the breach of any covenant or condition of such authorizing  
774 resolution or the provisions and requirements of this act.

775 (10) Provisions as to the execution and entering into of  
776 trust agreements, if deemed necessary by the board, regarding



777 the disposition of revenues or bond proceeds for the payment of  
 778 the cost of the acquisition and construction of the system or  
 779 any part thereof, or for any other purposes necessary to secure  
 780 any such revenue bonds.

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

783 (12) Any other matters necessary to secure such bonds and  
 784 the payment of the principal and interest thereof. All such  
 785 provisions of the bond resolution and all such covenants and  
 786 agreements in addition to the other provisions and requirements  
 787 of this act shall constitute valid and legally binding contracts  
 788 between the District and several holders of any such bonds  
 789 regardless of the time of issuance of such bonds, and shall be  
 790 enforceable by any such holder or holders by mandamus or other  
 791 appropriate action, suit, or proceeding in law or in equity in  
 792 any court of competent jurisdiction.

793 Section 8. (1) When the fees, rates, or charges for the  
 794 services and facilities of any system are not paid when due and  
 795 are in default for 10 days or more, following written notice to  
 796 such delinquent customer, the District may discontinue and shut  
 797 off the supply of the services and facilities of such systems,  
 798 to the person, firm, corporation, or other body, public or  
 799 private, so supplied with such services or facilities, until  
 800 such fees, rates, or charges, including interest, penalties, and  
 801 charges for the shutting off and discontinuance or the  
 802 restoration of such services or facilities are fully paid. Such  
 803 delinquent fees, rates, or charges, together with interest,  
 804 penalties, and charges for the shutting off and discontinuance



805 or the restoration of such services or facilities, and  
806 reasonable attorney's fees, costs and other expenses, may be  
807 recovered by the board in a court of competent jurisdiction.

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

826 Section 9. (1) The District may provide for the levy of  
827 non-ad valorem assessments under this act on the lands and real  
828 estate benefited by the construction of any system, or  
829 extensions or improvements thereof, or any part thereof. Non-ad  
830 valorem assessments may be levied only on benefited real  
831 property at a rate of assessment based on the special benefit  
832 accruing to such property from such improvements. The District



833 may use any assessment apportionment methodology that meets the  
834 "fair apportionment" standards.

835 (2) The Board may determine to make any improvements  
836 authorized by this act and defray the whole or any part of the  
837 expense thereof by non-ad valorem assessments. The Board shall  
838 so declare by resolution stating the nature of the proposed  
839 improvement, designating the location of wastewater facilities,  
840 the location of water mains, water laterals, and other water  
841 distribution facilities, or the location of the wastewater reuse  
842 facilities, and the part or portion of the expense thereof to be  
843 paid by non-ad valorem assessments, the manner in which said  
844 assessments shall be made, when said assessments are to be paid,  
845 and what part, if any, shall be apportioned to be paid from the  
846 general funds of the District. Said resolution shall also  
847 designate the lands upon which the non-ad valorem assessments  
848 shall be levied, and in describing said lands it shall be  
849 sufficient to describe them as "all lots and lands adjoining and  
850 contiguous or bounding and abutting upon such improvements or  
851 specially benefited thereby and further designated by the  
852 assessment plat hereinafter provided for." Such resolution shall  
853 also state the total estimated cost of the improvement. Such  
854 estimated cost may include the cost of construction or  
855 reconstruction, the cost of all labor and materials, the cost of  
856 all lands, property, rights, easements, and franchises acquired,  
857 financing charges, interest prior to and during construction and  
858 for 1 year after completion of construction, discount on the  
859 sale of assessment bonds, cost of plans and specifications,  
860 surveys of estimates of costs and of revenues, cost of



861 engineering and legal services, and all other expenses necessary  
862 or incident to determining the feasibility or practicability of  
863 such construction or reconstruction, administrative expense, and  
864 such other expense may be necessary or incident to the financing  
865 herein authorized.

866 (3) At the time of the adoption of the resolution provided  
867 for in subsection (2), there shall be on file at the District's  
868 offices, an assessment plat showing the area to be assessed,  
869 with plans and specifications, and an estimate of the cost of  
870 the proposed improvement, which assessment plat, plans, and  
871 specifications and estimate shall be open to the inspection of  
872 the public.

873 (4) Upon adoption of the resolution provided for in  
874 subsection (2), or completion of the preliminary assessment roll  
875 provided for in subsection (5), whichever is later, the vice  
876 chair of the Board shall publish notice of the resolution once  
877 in a newspaper published in the Counties of Charlotte and  
878 Sarasota. The notice shall state in brief and general terms a  
879 description of the proposed improvements with the location  
880 thereof, and that the plans, specifications, and estimates are  
881 available to the public at the district's offices. The notice  
882 shall also state the date and time of the hearing to hear  
883 objections provided for in subsection (7), which hearing shall  
884 be no earlier than 15 days after publication of said notice.  
885 Such publication shall be verified by the affidavit of the  
886 publisher and filed with the secretary to the Board.

887 (5) Upon the adoption of the resolution provided for in  
888 subsection (2), the Board shall cause to be made a preliminary





889 assessment roll in accordance with the method of assessment  
890 provided for in said resolution, said assessment roll shall show  
891 the lots and lands assessed and the amount of the benefit to and  
892 the assessment against each lot or parcel of land, and, if said  
893 assessment is to be paid in installments, the number of annual  
894 installments in which the assessment is divided shall also be  
895 entered and shown upon said assessment roll.

896 (6) Upon the completion of said preliminary assessment  
897 roll, the Board shall by resolution fix a time and place at  
898 which the owners of the property to be assessed or any other  
899 persons interested therein may appear before said Board and be  
900 heard as to the propriety and advisability of making such  
901 improvements, as to the cost thereof, as to the manner of  
902 payment therefor, and as to the amount thereof to be assessed  
903 against each property so improved. Ten days' notice in writing  
904 of such time and place shall be given to such property owners.  
905 The notice shall include the amount of the assessment and shall  
906 be served by mailing a copy by first class mail to each of such  
907 property owners at his or her last known address, the names and  
908 addresses of such property owners to be obtained from the  
909 records of the property appraiser, proof of such mailing to be  
910 made by the affidavit of the secretary to the Board, or by the  
911 engineer.

912 (7) At the time and place named in the notice provided for  
913 in subsection (4), the Board shall meet and hear testimony from  
914 affected property owners as to the propriety and advisability of  
915 making the improvements and funding them with non-ad valorem  
916 assessments on property. Following the testimony, the Board



917 shall make a final decision on whether to levy the non-ad  
918 valorem assessments, adjusting assessments as may be warranted  
919 by information received at or prior to the hearing. If any  
920 property which may be chargeable under this section shall have  
921 been omitted from the preliminary roll or if the prima facie  
922 assessment shall not have been made against it, the Board may  
923 place on such roll an apportionment to such property. The owners  
924 of any property so added to the assessment roll shall be mailed  
925 a copy of the notice provided for in subsection (6), by first  
926 class mail and granted 15 days from such date of mailing to file  
927 any objections with the Board. When so approved by resolution of  
928 the Board, a final assessment roll shall be filed with the vice  
929 chair of the Board, and such assessments shall stand confirmed  
930 and remain legal, valid, and binding first liens upon the  
931 property against which such assessments are made until paid. The  
932 assessment so made shall be final and conclusive as to each lot  
933 or parcel assessed unless proper steps be taken within 30 days  
934 of the filing of the final assessment roll in a court of  
935 competent jurisdiction to secure relief. If the assessment  
936 against any property shall be sustained or reduced or abated by  
937 the court, the vice chair shall note that fact on the assessment  
938 roll opposite the description of the property affected thereby  
939 and notify the county property appraiser and the tax collector  
940 in writing. The amount of the non-ad valorem assessment against  
941 any lot or parcel which may be abated by the court, unless the  
942 assessment upon the entire District be abated, or the amount by  
943 which such assessment is so reduced, may by resolution of the  
944 Board be made chargeable against the District at large, or, at



945 the discretion of the Board, a new assessment roll may be  
946 prepared and confirmed in the manner hereinabove provided for  
947 the preparation and confirmation of the original assessment  
948 roll. The Board may by resolution grant a discount equal to all  
949 or a part of the payee's proportionate share of the cost of the  
950 project consisting of bond financing costs, such as capitalized  
951 interest, funded reserves, and bond discount included in the  
952 estimated cost of the project, upon payment in full of any  
953 assessment during such period prior to the time such financing  
954 costs are incurred as may be specified by the board.

955 (8) The non-ad valorem assessments shall be payable at the  
956 time and in the manner stipulated in the resolution providing  
957 for the improvement; shall remain liens, coequal with the lien  
958 of all state, county, district, and municipal taxes, superior in  
959 dignity to all other liens, titles, and claims, until paid;  
960 shall bear interest, at a rate not to exceed the percentage  
961 authorized by section 170.09, Florida Statutes, for municipal  
962 special assessments or, if bonds are issued pursuant to this  
963 chapter, at a rate not to exceed 1 percent above the rate of  
964 interest at which the bonds authorized pursuant to this act and  
965 used for the improvement are sold, from the date of the  
966 acceptance of the improvement; and may, by the resolution  
967 aforesaid and only for capital outlay projects, be made payable  
968 in equal installments over a period not to exceed 20 years, to  
969 which, if not paid when due, there shall be added a penalty at  
970 the rate of 1 percent per month, until paid. However, the  
971 assessments may be paid without interest at any time within 30



972 days after the improvement is completed and a resolution  
973 accepting the same has been adopted by the Board.

974 (9) The non-ad valorem assessments approved by the Board  
975 may be levied, assessed, and collected pursuant to section  
976 197.3632, Florida Statutes. The collection and enforcement of  
977 the non-ad valorem assessment levied by the district shall be at  
978 the same time and in like manner as county taxes.

979 (10) All assessments shall constitute a lien upon the  
980 property so assessed from the date of confirmation of the  
981 resolution ordering the improvement of the same nature and to  
982 the same extent as the lien for general county, municipal, or  
983 district taxes falling due in the same year or years in which  
984 such assessments or installments thereof fall due, and any  
985 assessment or installment not paid when due shall be collected  
986 with such interest and with a reasonable attorney's fee and  
987 costs, but without penalties, by the District by proceedings in  
988 a court of equity to foreclose the lien of assessment as a lien  
989 for mortgages is or may be foreclosed under the laws of the  
990 state; provided that any such proceedings to foreclose shall  
991 embrace all installments of principal remaining unpaid with  
992 accrued interest thereon, which installments shall, by virtue of  
993 the institution of such proceedings immediately become due and  
994 payable. Nevertheless, if, prior to any sale of the property  
995 under decree of foreclosure in such proceedings, payment be made  
996 of the installment or installments which are shown to be due  
997 under the provisions of the resolution passed pursuant to this  
998 section, and all costs including attorney's fees, such payment  
999 shall have the effect of restoring the remaining installments to



1000 their original maturities and the proceedings shall be  
1001 dismissed. It shall be the duty of the District to enforce the  
1002 prompt collection of assessments by the means herein provided,  
1003 and such duty may be enforced at the suit of any holder of bonds  
1004 issued under this act in a court of competent jurisdiction by  
1005 mandamus or other appropriate proceedings or action. Not later  
1006 than 30 days after the annual installments are due and payable,  
1007 it shall be the duty of the board to direct the attorney or  
1008 attorneys whom the board shall then designate, to institute  
1009 actions within 3 months after such direction to enforce the  
1010 collection of all non-ad valorem assessments for improvements  
1011 made under this section and remaining due and unpaid at the time  
1012 of such direction. Such action shall be prosecuted in the manner  
1013 and under the conditions in and under which mortgages are  
1014 foreclosed under the laws of the state. It shall be lawful to  
1015 join in one action the collection of assessments against any or  
1016 all property assessed by virtue of the same assessment roll  
1017 unless the court shall deem such joinder prejudicial to the  
1018 interest of any defendant. The court shall allow reasonable  
1019 attorney's fees for the attorney or attorneys of the district,  
1020 and the same shall be collectible as a part of or in addition to  
1021 the costs of the action. At the sale pursuant to decree in any  
1022 such action, the District may be a purchaser to the same extent  
1023 as an individual person or corporation, except that the part of  
1024 the purchase price represented by the assessments sued upon and  
1025 the interest thereon need not be paid in cash. Property so  
1026 acquired by the District may be sold or otherwise disposed of,  
1027 the proceeds of such disposition to be placed in the fund



1028 provided by subsection (11). However, no sale or other  
1029 disposition thereof shall be made unless the notice calling for  
1030 bids therefor to be received at a stated time and place shall  
1031 have been published in a newspaper of general circulation in the  
1032 District once in each of 4 successive weeks prior to such  
1033 disposition.

1034 (11) All assessments and charges made under the provisions  
1035 of this section for the payment of all or any part of the cost  
1036 of any improvements for which assessment bonds shall have been  
1037 issued under the provisions of this act are hereby pledged to  
1038 the payment of the principal of and the interest on such  
1039 assessment bonds and shall, when collected, be placed in a  
1040 separate fund, properly designated, which fund shall be used for  
1041 no other purpose than the payment of such principal and  
1042 interest.

1043 (12) The counties in which the District is located and  
1044 each school district and other political subdivision wholly or  
1045 partly within the District shall be subject to the same duties  
1046 and liabilities in respect of assessment under this section  
1047 affecting the real estate of such counties, school districts, or  
1048 other political subdivisions which private owners of real estate  
1049 are subject to hereunder, and such real estate of any such  
1050 counties, school districts, and political subdivision shall be  
1051 subject to liens for said assessments in all cases where the  
1052 same property would be subject had it at the time the lien  
1053 attached been owned by a private owner, except that no such lien  
1054 may be foreclosed unless and until said real estate is conveyed  
1055 to a person or entity which is not a political subdivision.



1056        Section 10. The Board shall cause to be made at least once  
 1057 each year a comprehensive report of its water system, wastewater  
 1058 reuse system, and wastewater system including all matters  
 1059 relating to rates, revenues, expenses of maintenance, repair,  
 1060 and operation and renewals and capital replacements, principal  
 1061 and interest requirements, and the status of all funds and  
 1062 accounts. Copies of such general report shall be filed with the  
 1063 vice chair and shall be open to public inspection.

1064        Section 11. Any holder of bonds issued under the  
 1065 provisions of this act, or of any of the coupons appertaining  
 1066 thereto, except as to the extent that the rights herein granted  
 1067 may be restricted by the resolution authorizing the issuance of  
 1068 such bonds, may, either at law or in equity, by suit, mandamus  
 1069 or other proceeding, protect and enforce any and all rights  
 1070 under the laws of the state or granted hereunder or under such  
 1071 resolutions, and may enforce and compel the performance of all  
 1072 duties required by this act and by such resolutions to be  
 1073 performed by the District or by the board or by any officer or  
 1074 officers or employees thereof, including the fixing and charging  
 1075 and collecting of rates, fees, and charges for the services and  
 1076 facilities furnished by the water system, wastewater reuse  
 1077 system, or wastewater system and the due and proper collection  
 1078 of any non-ad valorem assessments pledged therefor.

1079        Section 12. (1) As the exercise of the powers conferred  
 1080 by this act constitutes the performance of essential public  
 1081 functions and as the systems constructed under the provisions of  
 1082 this act constitute public property used for public purposes,  
 1083 such District and the property thereof, including all revenues,



1084 moneys, or other assets of any type or character, shall not be  
1085 subject to taxation by the state or any political subdivision,  
1086 agency, instrumentality, or municipality thereof, and it is  
1087 hereby expressly found, determined, and declared that all of the  
1088 lands and real estate in said District will be benefited by the  
1089 construction or acquisition of the systems, and additions,  
1090 extensions, and improvements thereto, provided for in this act.

1091 (2) All bonds or other obligations issued under this act  
1092 shall be exempt from all taxation by the state or any county,  
1093 municipality, or political subdivision thereof; however, the  
1094 exemption does not apply to any tax imposed by chapter 220,  
1095 Florida Statutes, on interest, income, or profits; however, the  
1096 exemption does not apply to any tax imposed by chapter 220,  
1097 Florida Statutes, on interest, income, or profits on debt  
1098 obligations owned by corporations. Such bonds or other  
1099 obligations shall be and constitute securities eligible for  
1100 deposit as collateral to secure any state, county, municipal, or  
1101 other public funds, and shall also be and constitute legal  
1102 investments for any banks, savings banks, trust funds,  
1103 executors, administrators, state, county, municipal, or other  
1104 public funds, or any other fiduciary funds.

1105 Section 13. In any case where the character or condition  
1106 of the sewage from or originating in any manufacturing or  
1107 industrial plant or building or premises is such that it imposes  
1108 an unreasonable burden upon the wastewater system, an additional  
1109 charge may be made therefor or the Board may, if it deems it  
1110 advisable, compel such manufacturing or industrial plant,  
1111 building, or premises to treat such wastewater in such manner as





1112 shall be specified by the Board before discharging such  
1113 wastewater into any wastewater lines owned, maintained, or  
1114 operated by the District.

1115 Section 14. The District is authorized to enter into any  
1116 agreement for the delivery of any revenue bonds, assessment  
1117 bonds, or any combination thereof, at one time or from time to  
1118 time as full or partial payment for any work done by any  
1119 contractor who may have been awarded a contract for the  
1120 construction of all or any part of any system. However, any such  
1121 bonds so delivered for payment of services shall have been  
1122 authorized and issued pursuant to the provisions of this act and  
1123 shall otherwise conform to the provisions thereof.

1124 Section 15. (1) All contracts for the purchase of  
1125 commodities or contractual services in excess of \$25,000 let,  
1126 awarded, or entered into by the District for the construction,  
1127 reconstruction, or addition to any system shall be publicly  
1128 advertised and bid. The Board shall adopt procedures for public  
1129 advertisement and call for sealed bids; which procedures may  
1130 vary the frequency and length of publication based on the amount  
1131 of the procurement.

1132 (2) Such advertisement for bids, in addition to the other  
1133 necessary and pertinent matter, shall state in general terms the  
1134 nature and description of the improvement or improvements to be  
1135 undertaken and shall state that detailed plans and  
1136 specifications for such work are on file in the office of the  
1137 vice chair or will be mailed upon request to interested parties.  
1138 The award shall be made to the responsible and competent bidder  
1139 or bidders who shall offer to undertake the improvements at the



1140 lowest cost to the District and such bidder or bidders shall be  
1141 required to file bond for the full and faithful performance of  
1142 such work and the execution of any such contract in such amount  
1143 as the Board shall determine. No criteria may be used in  
1144 determining the acceptability of the bid that was not set forth  
1145 in the invitation to bid. The contract shall be awarded with  
1146 reasonable promptness by written notice to the qualified and  
1147 responsive bidder who submits the lowest responsive bid.

1148 (3) When the Board determines that the use of competitive  
1149 sealed bidding is not practicable, commodities or contractual  
1150 services shall be procured by competitive sealed proposals. A  
1151 request for proposals which includes a statement of the  
1152 commodities or contractual services sought and all contractual  
1153 terms and conditions applicable to the procurement, including  
1154 the criteria, which shall include, but not be limited to, price,  
1155 to be used in determining acceptability of the proposal shall be  
1156 issued. To ensure full understanding of and responsiveness to  
1157 the solicitation requirement, discussions may be conducted with  
1158 qualified offerors. The offerors shall be accorded fair and  
1159 equal treatment prior to the submittal dates specified in the  
1160 request for proposals with respect to any opportunity for  
1161 discussion and revision of proposals. The award shall be made to  
1162 the responsible offeror whose proposal is determined in writing  
1163 to be the most advantageous to the District, taking into  
1164 consideration the price and the other criteria set forth in the  
1165 request for proposals.

1166 (4) If the chair of the Board, or his or her designee,  
1167 determines in writing that an immediate danger to the public



1168 health, safety, or welfare or other substantial loss to the  
1169 District requires emergency action, the provisions of this  
1170 section requiring competitive bidding or proposals shall be  
1171 waived. After the chair or his or her designee makes such a  
1172 written determination, the District may proceed with the  
1173 procurement of commodities or contractual services necessitated  
1174 by the immediate danger, without competition. However, such  
1175 emergency procurement shall be made with such competition as is  
1176 practicable under the circumstances. Commodities or contractual  
1177 services available only from a single source may be excepted  
1178 from the bid requirements if it is determined that such  
1179 commodities or services are available only from a single source  
1180 and such determination is documented and approved by the Board.  
1181 Nothing in this section shall be deemed to prevent the district  
1182 from hiring or retaining such consulting engineers, or other  
1183 professionals or other technicians as it shall determine, in its  
1184 discretion, consistent with the requirements of section 287.055,  
1185 Florida Statutes, or for undertaking any construction work with  
1186 its own resources and without any such public advertisement.

1187 Section 16. The same rates, fees, charges, and non-ad  
1188 valorem assessments shall be fixed, levied, and collected on the  
1189 property, officers, and employees of the counties, or any school  
1190 district, or other political subdivision included within the  
1191 District, as are fixed, levied, and collected on all other  
1192 properties or persons in the District as provided in this act.

1193 Section 17. Any county, municipality, or other political  
1194 subdivision is authorized to sell, lease, grant, or convey any  
1195 real or personal property to the district and any such sale,



1196 grant, lease, or conveyance may be made without formal  
1197 consideration. The district is authorized to classify as surplus  
1198 any of its property and dispose of such property consistent with  
1199 the provisions of sections 274.05 and 274.06, Florida Statutes.

1200 Section 18. No system or portion thereof shall be  
1201 constructed within the District unless the Board shall give its  
1202 consent thereto and approve the plans and specifications  
1203 therefor; subject, however, to the terms and provisions of any  
1204 resolution authorizing any bonds and agreements with  
1205 bondholders.

1206 Section 19. The Board shall have no power to mortgage,  
1207 pledge, encumber, sell, or otherwise convey all or any part of  
1208 its systems except as otherwise provided in this act, and except  
1209 that the Board may dispose of any part of such system or systems  
1210 as may be no longer necessary for the purposes of the District.  
1211 The provisions of this section shall be deemed to constitute a  
1212 contract with all bondholders. All District property shall be  
1213 exempt from levy and sale by virtue of an execution and no  
1214 execution or other judicial process shall issue against such  
1215 property nor shall any judgment against the District be a charge  
1216 or lien on its property; provided that nothing herein contained  
1217 shall apply to or limit the rights of bondholders to pursue any  
1218 remedy for the enforcement of any lien or pledge given by the  
1219 district on revenues derived from the operation of any system.

1220 Section 20. The state does hereby pledge to and covenant  
1221 and agree with the holders of any bonds issued pursuant to this  
1222 act that the state will not limit or alter the rights hereby  
1223 vested in the District to acquire, construct, maintain,



1224 reconstruct, and operate its systems and to fix, establish,  
1225 charge, and collect its service charges therefor, and to fulfill  
1226 the terms of any agreement made with the holders of such bonds  
1227 or other obligations, and will not in any way impair the rights  
1228 or remedies of such holders, until the bonds, together with  
1229 interest thereon, with interest on any unpaid installments of  
1230 interest, and all costs and expenses in connection with any  
1231 action or proceeding by or on behalf of such holders, are fully  
1232 met and discharged.

1233 Section 21. The provisions of this act shall be deemed to  
1234 constitute a contract with the holders of any bonds issued  
1235 hereunder and shall be liberally construed to effect its  
1236 purposes and shall be deemed cumulative and supplemental to all  
1237 other laws.

1238 Section 22. If any section or provision of this act is  
1239 held to be invalid or inoperative, then the same shall be deemed  
1240 severable from and shall not affect the validity of any of the  
1241 other provisions hereof.

1242 Section 23. The District may assume the operation of any  
1243 system which substantially fails to meet its financial  
1244 responsibilities or operating standards pursuant to this act or  
1245 other laws and regulations of the state, if the Board determines  
1246 that such action is in the public interest and the system owner  
1247 conveys ownership to the District.

1248 Section 24. The Board may lease or license the use of any  
1249 real or personal property of the District upon such terms,  
1250 conditions, and for such consideration as the Board deems  
1251 appropriate. However, no such lease or license shall be for a



1252 period exceeding 20 years in duration, unless renewed, and  
1253 provided that the lease or license shall be restricted to permit  
1254 the grantee to use such property during the term of the lease or  
1255 license only for civic or public purposes or purposes not in  
1256 conflict with this act or general law.

1257 Section 25. The District may, in addition to other  
1258 provisions of this act providing for the accrual of interest,  
1259 assess an interest charge on contractual obligations owed the  
1260 District. Such interest shall accrue at an annual percentage  
1261 rate as provided in chapter 687, Florida Statutes, or as  
1262 otherwise provided by contract. Such accrued interest charges,  
1263 if payment thereof becomes delinquent, may be recovered in the  
1264 same manner as provided in this act for other delinquent rates,  
1265 fees, charges, or penalties.

1266 Section 26. The members of the Board of Supervisors shall  
1267 be subject to recall as provided by general law for elected  
1268 officers of municipalities.

1269 Section 27. Any person who shall steal or damage District  
1270 property, or tamper with or alter District property or threaten  
1271 or cause actual harm to public health shall be guilty of a  
1272 criminal offense and misdemeanor within the meaning of section  
1273 775.08, Florida Statutes, unless such offense is of a higher  
1274 degree in general law, and shall be punishable as provided by  
1275 law.

1276 Section 28. All contracts, obligations, rules,  
1277 regulations, or policies of any nature existing on the date of  
1278 enactment of this act shall remain in full force and effect and



1279 this act shall in no way affect the validity of such contracts,  
 1280 obligations, rules, regulations, or policies.

1281 Section 29. This act shall not affect the terms of office  
 1282 of the present District Board, nor shall it affect the terms and  
 1283 conditions of employment of any employees of the District.

1284 Section 4. Chapter 96-499, Laws of Florida, is repealed.

1285 Section 5. It is declared to be the intent of the  
 1286 Legislature that if any section, subsection, sentence, clause,  
 1287 phrase, or portion of this act is, for any reason, held invalid  
 1288 or unconstitutional by a court of competent jurisdiction, such  
 1289 portion shall be deemed to be a separate, distinct, and  
 1290 independent provision and such holdings shall not affect the  
 1291 validity of the remaining portions of this act.

1292 Section 6. This act shall be construed as a remedial act  
 1293 and the provisions of this act shall be liberally construed in  
 1294 order to effectively carry out the purpose of this act in the  
 1295 interest of the public health, welfare, and safety of the  
 1296 citizens served by the District.

1297 Section 7. This act shall take effect upon becoming a law.  
 1298  
 1299