

CHAMBER ACTION

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

3  
4 **Committee Substitute**

5 Remove the entire bill and insert:

6 A bill to be entitled

7 An act relating to the Englewood Water District, Charlotte  
8 and Sarasota Counties; codifying, amending, reenacting,  
9 and repealing the district's special acts; establishing  
10 boundaries; providing definitions; providing for election  
11 of a board of supervisors to govern said district;  
12 providing powers, authority, and duties of the board;  
13 granting to said governing board the authority in the  
14 territory defined to construct, acquire, extend, enlarge,  
15 reconstruct, improve, maintain, equip, repair, and operate  
16 a water system, wastewater system, or wastewater reuse  
17 system, or any combination thereof; authorizing the levy  
18 and collection of non-ad valorem assessments on property  
19 benefited by the construction of such water system,  
20 wastewater system, or wastewater reuse system, or combined  
21 systems; providing for optional methods of financing the  
22 cost of the water system, wastewater system, or wastewater  
23 reuse system or combined systems or extensions and

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24 additions thereto by the issuance of revenue bonds or  
25 assessment bonds or any combination thereof and the fixing  
26 and collection thereof and the fixing and collection of  
27 rates and charges on users of such systems; providing for  
28 the levy and collection of non-ad valorem assessments on  
29 benefited property and the pledge of such assessments for  
30 the payment of any revenue bonds, or assessment bonds;  
31 providing for the rights, remedies, and security of any of  
32 the holders of said bonds; providing penalties; repealing  
33 chapter 96-499, Laws of Florida, relating to the Englewood  
34 Water District; providing an effective date.

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

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

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

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

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

54  
 55        Sections 8, 9, 10, 11, 12, 13, 14, 15, 16, 21, 22, 23,  
 56 24, 25, 26, 27, 35, and 36, that part of sections 4  
 57 and 5, lying and being west of the west boundary of  
 58 Lemon Bay, township 40 south; range 19 east; and  
 59 sections 16, 17, 18, 19, 20, 21, 28, 29, 30, 31, 32  
 60 and 33, township 40 south, range 20 east, all being in  
 61 Sarasota County, State of Florida.

62  
 63        Sections 1, 2, 12 and 13, Township 41 South, Range 19  
 64 East; Sections 4, 5, 6, 7, 8, 9, 16, 17, and 18, that  
 65 part of Section 21 lying and being north of the north  
 66 bank of Buck Creek, and that portion of Section 20  
 67 lying and being east of the east boundary of Lemon  
 68 Bay, Township 41 South, Range 20 East, all lying and  
 69 being in Charlotte County, State of Florida.

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

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

85       Section 2. As used in this act, unless the context  
 86 otherwise requires:

87       (1) "District" means the Englewood Water District created  
 88 by this act.

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

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

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

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

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

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

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

162 services, and all other expenses necessary or incidental in  
 163 determining feasibility or practicality of such construction,  
 164 reconstruction, or acquisition, administrative expenses, and  
 165 such other expenses as may be necessary or incidental to the  
 166 construction or acquisition or improvement of such water system,  
 167 wastewater reuse system, or wastewater system authorized by this  
 168 act and the financing thereof, and the reimbursement of any  
 169 expenses incurred by the district in connection with any of the  
 170 foregoing items of cost.

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

180 (8) "Board" means the board of supervisors of the  
 181 district.

182 Section 3. The district shall be governed and its affairs  
 183 administered by the board of supervisors consisting of five  
 184 members.

185 (1)(a) By a majority vote, the Englewood Water District  
 186 Board of Supervisors shall adopt a preliminary resolution  
 187 dividing the district into five separate and distinct sections  
 188 of approximately equal populations, drawn along Charlotte County  
 189 and/or Sarasota County precinct lines, if feasible. These

190 divisions shall be known as the "Englewood Water District  
 191 Supervisor Election Districts" which shall be numbered 1 through  
 192 5.

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

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

214 (d) The Englewood Water District Supervisor Election  
 215 Districts shall be revised every 10 years in the same manner as  
 216 they were originally established as hereinabove established. If  
 217 the boundaries of the district are modified, the election



218 districts shall be modified as necessary in the same manner  
 219 established above in adequate time for the new election  
 220 districts to be utilized during the next general election.

221 (2)(a) On the first Tuesday after the first Monday in  
 222 November 2002, and every 4th year thereafter, two supervisors,  
 223 one residing in Englewood Water District Board of Supervisors  
 224 Election District 5 and one residing in Englewood Water District  
 225 Board of Supervisors Election District 4, shall be elected by  
 226 the qualified electors of the Englewood Water District for terms  
 227 of 4 years each.

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

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

244 (3) In the event no person has been elected at the general  
 245 election to fill an office which was required to be filled at

246 such election, the members of the board shall, within 60 days  
 247 following the date of the election, by a majority vote of all  
 248 members then in office, appoint a person from the appropriate  
 249 Englewood Water District Supervisors Election District, to serve  
 250 for each office not otherwise filled by said election, to serve  
 251 until the next general election, at which election the qualified  
 252 electors of the district shall elect a supervisor to serve the  
 253 remaining unexpired term, if any, of such supervisors so  
 254 appointed.

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

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

271 (4) All elections under this act shall be nonpartisan.

272 (5)(a) Elections for the purpose of electing supervisors  
 273 to the board shall conform to the Florida Election code,

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274 chapters 97-106, Florida Statutes, as pertains to independent  
275 special districts as set forth in section 189.405, Florida  
276 Statutes.

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

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

288 (b) The board shall be vested with all administrative  
289 power and authority of the district and shall have and exercise  
290 all powers conferred upon such district by the terms of this  
291 act. Members of the board may each be paid a salary or  
292 honorarium to be determined by at least a majority plus one vote  
293 of the board, which salary or honorarium may not exceed \$500 per  
294 month for each member. Special notice of any meeting at which  
295 the board will consider a salary change for a board member shall  
296 be published at least once, at least 14 days prior to the  
297 meeting, in a newspaper of general circulation in the county in  
298 which the district is located. Separate compensation for the  
299 board member serving as treasurer may be authorized by like vote  
300 so long as total compensation for the board member does not  
301 exceed \$500 per month. Said board members shall also be

302 reimbursed for moneys expended in the performance of their  
303 official duties consistent with the provisions of section  
304 112.061, Florida Statutes.

305 (c) The organization and conduct of the board's affairs  
306 shall be as follows:

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

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

326 3. A majority of the board shall constitute a quorum at  
327 any meeting thereof and all actions of the board shall be upon  
328 an affirmative vote of the majority of board members present at  
329 any such meeting, provided that no action of the board may pass

330 with less than three affirmative votes. However, any resolution  
 331 authorizing the issuance of bonds or other obligations, or the  
 332 levy on non-ad valorem assessments, or the fixing of rates and  
 333 charges for the services and facilities of the systems of the  
 334 district shall not be adopted except upon the affirmative vote  
 335 of a majority of all the members of the board then in office.  
 336 Actions of the board shall be evidenced by resolutions voted  
 337 upon and adopted by the board, which may be finally adopted at  
 338 the same meeting at which they are introduced and need not be  
 339 published or posted, except resolutions authorizing the issuance  
 340 of bonds or other obligations shall be advertised in accordance  
 341 with the provisions of this section and a public hearing shall  
 342 be held prior to the adoption of such resolutions. Resolutions  
 343 providing solely for the refunding of any already existing bonds  
 344 or other obligations need not be so advertised.

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

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

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

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

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

385 willful misfeasance or malfeasance in the performance of his or  
 386 her duties.

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

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

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

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

412 an employee's regular base rate of pay and may not be carried  
 413 forward in subsequent years.

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

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

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



440       (6) To acquire in the name of the district by purchase,  
 441 gift, or the exercise of eminent domain pursuant to chapter 73  
 442 or chapter 74, Florida Statutes, such lands and rights and  
 443 interest therein, both within and without the district,  
 444 including land under water and riparian rights and to acquire  
 445 such personal property as may be deemed necessary in connection  
 446 with the construction, reconstruction, improvement, extensions,  
 447 installation, erection, or operation and maintenance of any  
 448 system, and to hold and dispose of all real and personal  
 449 property under its control.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

532       (22) To require the owner, tenant, or occupant of each lot  
 533 or parcel of land within the district who is obligated to pay  
 534 the rates, fees, or charges for the services furnished by any  
 535 facility owned or operated by the district under the provisions  
 536 of this act to make a reasonable deposit with the district in  
 537 advance to ensure the payment of such rates, fees, or charges.  
 538 If such rates, fees, or charges become delinquent, the district  
 539 may apply the deposit to the payment or partial payment thereof,  
 540 including accrued interest, shutoff charges, and penalties, if  
 541 any.

542       (23) To invest and reinvest the surplus public funds of  
 543 the district consistent with the requirements of section 218.415  
 544 Florida Statutes, and other applicable state or federal law.

545       Section 5. (1) The board for and on behalf of the  
 546 district is authorized to provide from time to time for the  
 547 issuance of revenue bonds to finance or refinance all or part of  
 548 the costs of additions, extensions, and improvements to, or the  
 549 acquisition of, any system. The principal of and interest on any

550 such revenue bonds shall be payable from the rates, fees,  
551 charges, or other revenues derived from the operation of any  
552 such system or systems in the manner provided in this act and  
553 the resolution authorizing such bonds and pledging such  
554 revenues. The proceeds of non-ad valorem assessments levied as  
555 provided in this act may be pledged as additional security for  
556 said revenue bonds. It is the express intent of this act that  
557 the district shall be authorized to finance the purposes  
558 provided in this act by the issuance of revenue bonds or special  
559 assessment bonds separately for all or any part of the cost  
560 thereof, or to issue revenue bonds additionally secured by the  
561 non-ad valorem assessments for all or any part of such cost, so  
562 that the district shall have complete flexibility as to the  
563 types of bonds to be issued and the security for the holders of  
564 such bonds. The revenue bonds of the district shall be issued in  
565 such denominations and mature on such dates and in such amounts,  
566 and may be subject to optional and mandatory redemption, all as  
567 shall be determined by resolutions adopted by the board on  
568 behalf of the district. Bonds of said district may bear interest  
569 at a fixed or floating or adjustable rate and may be issued as  
570 interest-bearing, interest-accruing bonds or zero coupon bonds  
571 at such rate or rates not exceeding the maximum rate permitted  
572 by general law, all as shall be determined by resolutions of the  
573 board on behalf of the district. Principal and interest shall be  
574 payable in the manner determined by the board. The bonds shall  
575 be signed by the chair or vice chair of the board, attested with  
576 the seal of said district and by the signature of the chair of  
577 the board of supervisors. In case any officer whose signature or

578 a facsimile of whose signature shall appear on the bonds shall  
 579 cease to be such officer before the delivery of such bonds, such  
 580 signature or facsimile shall nevertheless be valid and  
 581 sufficient for all intents and purposes the same as if he or she  
 582 had remained in office until such delivery. The board may sell  
 583 such bonds in such manner not inconsistent with general law,  
 584 either at public or private sale, and for such price, as it may  
 585 determine to be for the best interests of the district.

586 (2) The proceeds of the sale of any such bonds shall be  
 587 used to finance or refinance all or part of the costs of the  
 588 construction or acquisition of additions, extensions, and  
 589 improvements of any water system, wastewater reuse system, or  
 590 wastewater system or any combination thereof, to fund reserves  
 591 and renewal and replacement funds, and to pay the costs of  
 592 issuing such bonds. The funds derived from the sale of the bonds  
 593 shall be disbursed in such manner and under such restrictions as  
 594 the board may provide in the authorizing resolution. Revenue  
 595 bonds may be issued under the provisions of this act without any  
 596 other proceeding or happening of any other condition or thing  
 597 than those proceedings, conditions, or things which are  
 598 specifically required by this act and by general law.

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

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

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

616       (6) In connection with the sale and issuance of bonds, the  
617 district may enter into any contracts which the board determines  
618 to be necessary or appropriate to achieve a desirable effective  
619 interest rate in connection with the bonds by means of, but not  
620 limited to, contracts commonly known as investment contracts,  
621 funding agreements, interest rate swap agreements, currency swap  
622 agreements, forward payment conversion agreements, futures, or  
623 contracts providing for payments based on levels of or changes  
624 in interest rates, or contracts to exchange cash flows or a  
625 series of payments, or contracts, including, without limitation,  
626 options, puts, or calls to hedge payment, rate, spread, or  
627 similar exposure. Such contracts or arrangements may also be  
628 entered into by the district in connection with, or incidental  
629 to, entering into any agreement which secures bonds or provides  
630 liquidity therefor. Such contracts and arrangements shall be  
631 made upon the terms and conditions established by the board,  
632 after giving due consideration for the credit worthiness of the

633 | counterparties, where applicable, including any rating by a  
 634 | nationally recognized rating service or any other criteria as  
 635 | may be appropriate.

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

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

650 | Section 6. (1) The board shall, by resolution prior to  
 651 | the issuance of any revenue bonds, fix the initial schedule of  
 652 | rates, fees, or other charges for the use of and the services  
 653 | and facilities to be furnished by any such water system,  
 654 | wastewater reuse system, or wastewater system, or any  
 655 | combination thereof, to be paid by the owner, tenant, or  
 656 | occupant of each lot or parcel of land which may be connected  
 657 | with or used by any such system or systems of the district.  
 658 | After the system or systems shall have been in operation the  
 659 | district board may revise the schedule of rates, fees, and  
 660 | charges from time to time. However, such rates, fees, and



661 charges shall be so fixed and revised so as to provide sums  
 662 which, with other funds for such purposes, shall be sufficient  
 663 at all times to pay:

664 (a) The principal of and interest on revenue bonds as the  
 665 same shall become due and reserves therefor.

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

670 (c) Any other payments required by the resolution  
 671 authorizing the issuance of such revenue bonds.

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

689 by the American Water Works Association for government-owned  
 690 utilities. The district may, by resolution, consolidate any one  
 691 or more systems, provided such consolidation shall not impair  
 692 the rights of any existing bondholders of the district.

693 (3) No rates, fees, or charges shall be fixed under the  
 694 foregoing provisions of this section until a public hearing at  
 695 which all the users of the proposed system or owners, tenants,  
 696 or occupants served or to be served thereby and all others  
 697 interested shall have an opportunity to be heard concerning the  
 698 proposed rates, fees, and charges. After the initial adoption by  
 699 the board of the resolution setting forth the preliminary  
 700 schedule or schedules fixing and classifying such rates, fees,  
 701 and charges, notice of such public hearing setting forth the  
 702 proposed schedule or schedules of rates, fees, and charges shall  
 703 be given by one publication in a newspaper published in  
 704 Charlotte County and in a newspaper published in Sarasota County  
 705 and such notice shall also be posted in five public places in  
 706 the district, at least 10 days prior to the date of such  
 707 hearing, which may be adjourned from time to time. After such  
 708 hearing, such preliminary schedule or schedules, either as  
 709 initially adopted, or as modified or amended, may be finally  
 710 adopted. A copy of the schedule or schedules of such rates,  
 711 fees, or charges finally fixed in such resolution shall be kept  
 712 on file in the office of the district and shall be open at all  
 713 times to public inspection. The rates, fees, or charges so fixed  
 714 for any class of users or property served shall be extended to  
 715 cover any additional properties thereafter served which shall  
 716 fall in the same class, without the necessity of any hearing or

717 notice. Any change or revision of such rates, fees, or charges  
 718 may be made in the same manner as such rates, fees, or charges  
 719 were originally established as provided herein, provided that if  
 720 such changes or revisions be made substantially pro rata as to  
 721 all classes of service no hearing or notice shall be required.

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

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

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

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

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

744 or properties which may compete or tend to compete with any  
 745 other system of the district.

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

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

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

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

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

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

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

768 (12) Any other matters necessary to secure such bonds and  
 769 the payment of the principal and interest thereof. All such  
 770 provisions of the bond resolution and all such covenants and  
 771 agreements in addition to the other provisions and requirements

772 of this act shall constitute valid and legally binding contracts  
 773 between the district and several holders of any such bonds  
 774 regardless of the time of issuance of such bonds, and shall be  
 775 enforceable by any such holder or holders by mandamus or other  
 776 appropriate action, suit, or proceeding in law or in equity in  
 777 any court of competent jurisdiction.

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

793 (2) In the event that the fees, rates, or charges for the  
 794 services and the facilities of any system shall not be paid as  
 795 and when due, the unpaid balance thereof and all interest  
 796 accruing thereon shall, to the extent permitted by law, be a  
 797 lien on any parcel or property affected thereby. Such liens  
 798 shall be superior and paramount to the interest on such parcel  
 799 or property of any owner, lessee, tenant, mortgagee, or other

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800 person except the lien on county or district taxes and shall be  
 801 on a parity with the lien on any such county or district taxes.  
 802 In the event that any such service charge shall not be paid as  
 803 and when due and shall be in default for 30 days or more, the  
 804 unpaid balance thereof and all interest accrued or penalties  
 805 thereon, together with attorney's fees and costs, may be  
 806 recovered by the district in a civil action, and any such lien  
 807 and accrued interest and penalties may be foreclosed or  
 808 otherwise enforced by the district by action or suit in equity  
 809 as for the foreclosure of a mortgage on real property in the  
 810 manner provided by general law.

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

820 (2) The board may determine to make any improvements  
 821 authorized by this act and defray the whole or any part of the  
 822 expense thereof by non-ad valorem assessments. The board shall  
 823 so declare by resolution stating the nature of the proposed  
 824 improvement, designating the location of wastewater facilities,  
 825 the location of water mains, water laterals, and other water  
 826 distribution facilities, or the location of the wastewater reuse  
 827 facilities, and the part or portion of the expense thereof to be

828 paid by non-ad valorem assessments, the manner in which said  
 829 assessments shall be made, when said assessments are to be paid,  
 830 and what part, if any, shall be apportioned to be paid from the  
 831 general funds of the district. Said resolution shall also  
 832 designate the lands upon which the non-ad valorem assessments  
 833 shall be levied, and in describing said lands it shall be  
 834 sufficient to describe them as "all lots and lands adjoining and  
 835 contiguous or bounding and abutting upon such improvements or  
 836 specially benefited thereby and further designated by the  
 837 assessment plat hereinafter provided for." Such resolution shall  
 838 also state the total estimated cost of the improvement. Such  
 839 estimated cost may include the cost of construction or  
 840 reconstruction, the cost of all labor and materials, the cost of  
 841 all lands, property, rights, easements, and franchises acquired,  
 842 financing charges, interest prior to and during construction and  
 843 for 1 year after completion of construction, discount on the  
 844 sale of assessment bonds, cost of plans and specifications,  
 845 surveys of estimates of costs and of revenues, cost of  
 846 engineering and legal services, and all other expenses necessary  
 847 or incident to determining the feasibility or practicability of  
 848 such construction or reconstruction, administrative expense, and  
 849 such other expense as may be necessary or incident to the  
 850 financing herein authorized.

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

856 specifications and estimate shall be open to the inspection of  
857 the public.

858 (4) Upon adoption of the resolution provided for in  
859 subsection (2), or completion of the preliminary assessment roll  
860 provided for in subsection (5), whichever is later, the vice  
861 chair of the board shall publish notice of the resolution once  
862 in a newspaper published in each of the Counties of Charlotte  
863 and Sarasota. The notice shall state in brief and general terms  
864 a description of the proposed improvements with the location  
865 thereof, and that the plans, specifications, and estimates are  
866 available to the public at the district's offices. The notice  
867 shall also state the date and time of the hearing to hear  
868 objections provided for in subsection (7), which hearing shall  
869 be no earlier than 15 days after publication of said notice.  
870 Such publication shall be verified by the affidavit of the  
871 publisher and filed with the secretary to the board.

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

881 (6) Upon the completion of said preliminary assessment  
882 roll, the board shall by resolution fix a time and place at  
883 which the owners of the property to be assessed or any other



884 persons interested therein may appear before said board and be  
885 heard as to the propriety and advisability of making such  
886 improvements, as to the cost thereof, as to the manner of  
887 payment therefor, and as to the amount thereof to be assessed  
888 against each property so improved. Ten days' notice in writing  
889 of such time and place shall be given to such property owners.  
890 The notice shall include the amount of the assessment and shall  
891 be served by mailing a copy by first class mail to each of such  
892 property owners at his or her last known address, the names and  
893 addresses of such property owners to be obtained from the  
894 records of the property appraiser, and proof of such mailing to  
895 be made by the affidavit of the secretary to the board, or by  
896 the engineer.

897 (7) At the time and place named in the notice provided for  
898 in subsection (4), the board shall meet and hear testimony from  
899 affected property owners as to the propriety and advisability of  
900 making the improvements and funding them with non-ad valorem  
901 assessments on property. Following the testimony, the board  
902 shall make a final decision on whether to levy the non-ad  
903 valorem assessments, adjusting assessments as may be warranted  
904 by information received at or prior to the hearing. If any  
905 property which may be chargeable under this section shall have  
906 been omitted from the preliminary roll or if the prima facie  
907 assessment shall not have been made against it, the board may  
908 place on such roll an apportionment to such property. The owners  
909 of any property so added to the assessment roll shall be mailed  
910 a copy of the notice provided for in subsection (6) by first  
911 class mail and granted 15 days from such date of mailing to file

912 any objections with the board. When so approved by resolution of  
 913 the board, a final assessment roll shall be filed with the vice  
 914 chair of the board, and such assessments shall stand confirmed  
 915 and remain legal, valid, and binding first liens upon the  
 916 property against which such assessments are made until paid. The  
 917 assessment so made shall be final and conclusive as to each lot  
 918 or parcel assessed unless proper steps be taken within 30 days  
 919 after the filing of the final assessment roll in a court of  
 920 competent jurisdiction to secure relief. If the assessment  
 921 against any property shall be sustained or reduced or abated by  
 922 the court, the vice chair shall note that fact on the assessment  
 923 roll opposite the description of the property affected thereby  
 924 and notify the county property appraiser and the tax collector  
 925 in writing. The amount of the non-ad valorem assessment against  
 926 any lot or parcel which may be abated by the court, unless the  
 927 assessment upon the entire district be abated, or the amount by  
 928 which such assessment is so reduced, may by resolution of the  
 929 board be made chargeable against the district at large, or, at  
 930 the discretion of the board, a new assessment roll may be  
 931 prepared and confirmed in the manner hereinabove provided for  
 932 the preparation and confirmation of the original assessment  
 933 roll. The board may by resolution grant a discount equal to all  
 934 or a part of the payee's proportionate share of the cost of the  
 935 project consisting of bond financing costs, such as capitalized  
 936 interest, funded reserves, and bond discount included in the  
 937 estimated cost of the project, upon payment in full of any  
 938 assessment during such period prior to the time such financing  
 939 costs are incurred as may be specified by the board.

940       (8) The non-ad valorem assessments shall be payable at the  
 941 time and in the manner stipulated in the resolution providing  
 942 for the improvement; shall remain liens, coequal with the lien  
 943 of all state, county, district, and municipal taxes, superior in  
 944 dignity to all other liens, titles, and claims, until paid;  
 945 shall bear interest, at a rate not to exceed the percentage  
 946 authorized by section 170.09, Florida Statutes, for municipal  
 947 special assessments or, if bonds are issued pursuant to this  
 948 chapter, at a rate not to exceed 1 percent above the rate of  
 949 interest at which the bonds authorized pursuant to this act and  
 950 used for the improvement are sold, from the date of the  
 951 acceptance of the improvement; and may, by the resolution  
 952 aforesaid and only for capital outlay projects, be made payable  
 953 in equal installments over a period not to exceed 20 years, to  
 954 which, if not paid when due, there shall be added a penalty at  
 955 the rate of 1 percent per month, until paid. However, the  
 956 assessments may be paid without interest at any time within 30  
 957 days after the improvement is completed and a resolution  
 958 accepting the same has been adopted by the board.

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

964       (10) All assessments shall constitute a lien upon the  
 965 property so assessed from the date of confirmation of the  
 966 resolution ordering the improvement of the same nature and to  
 967 the same extent as the lien for general county, municipal, or

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968 district taxes falling due in the same year or years in which  
969 such assessments or installments thereof fall due, and any  
970 assessment or installment not paid when due shall be collected  
971 with such interest and with reasonable attorney's fees and  
972 costs, but without penalties, by the district by proceedings in  
973 a court of equity to foreclose the lien of assessment as a lien  
974 for mortgages is or may be foreclosed under the laws of the  
975 state, provided that any such proceedings to foreclose shall  
976 embrace all installments of principal remaining unpaid with  
977 accrued interest thereon, which installments shall, by virtue of  
978 the institution of such proceedings immediately become due and  
979 payable. Nevertheless, if, prior to any sale of the property  
980 under decree of foreclosure in such proceedings, payment be made  
981 of the installment or installments which are shown to be due  
982 under the provisions of the resolution passed pursuant to this  
983 section, and all costs including attorney's fees, such payment  
984 shall have the effect of restoring the remaining installments to  
985 their original maturities and the proceedings shall be  
986 dismissed. It shall be the duty of the district to enforce the  
987 prompt collection of assessments by the means herein provided,  
988 and such duty may be enforced at the suit of any holder of bonds  
989 issued under this act in a court of competent jurisdiction by  
990 mandamus or other appropriate proceedings or action. Not later  
991 than 30 days after the annual installments are due and payable,  
992 it shall be the duty of the board to direct the attorney or  
993 attorneys whom the board shall then designate to institute  
994 actions within 3 months after such direction to enforce the  
995 collection of all non-ad valorem assessments for improvements

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996 | made under this section and remaining due and unpaid at the time  
 997 | of such direction. Such action shall be prosecuted in the manner  
 998 | and under the conditions in and under which mortgages are  
 999 | foreclosed under the laws of the state. It shall be lawful to  
 1000 | join in one action the collection of assessments against any or  
 1001 | all property assessed by virtue of the same assessment roll  
 1002 | unless the court shall deem such joinder prejudicial to the  
 1003 | interest of any defendant. The court shall allow reasonable  
 1004 | attorney's fees for the attorney or attorneys of the district,  
 1005 | and the same shall be collectible as a part of or in addition to  
 1006 | the costs of the action. At the sale pursuant to decree in any  
 1007 | such action, the district may be a purchaser to the same extent  
 1008 | as an individual person or corporation, except that the part of  
 1009 | the purchase price represented by the assessments sued upon and  
 1010 | the interest thereon need not be paid in cash. Property so  
 1011 | acquired by the district may be sold or otherwise disposed of,  
 1012 | the proceeds of such disposition to be placed in the fund  
 1013 | provided by subsection (11). However, no sale or other  
 1014 | disposition thereof shall be made unless the notice calling for  
 1015 | bids therefor to be received at a stated time and place shall  
 1016 | have been published in a newspaper of general circulation in the  
 1017 | district once in each of 4 successive weeks prior to such  
 1018 | disposition.

1019 | (11) All assessments and charges made under the provisions  
 1020 | of this section for the payment of all or any part of the cost  
 1021 | of any improvements for which assessment bonds shall have been  
 1022 | issued under the provisions of this act are hereby pledged to  
 1023 | the payment of the principal of and the interest on such

1024 assessment bonds and shall, when collected, be placed in a  
 1025 separate fund, properly designated, which fund shall be used for  
 1026 no other purpose than the payment of such principal and  
 1027 interest.

1028 (12) The counties in which the district is located and  
 1029 each school district and other political subdivision wholly or  
 1030 partly within the district shall be subject to the same duties  
 1031 and liabilities in respect of assessment under this section  
 1032 affecting the real estate of such counties, school districts, or  
 1033 other political subdivisions which private owners of real estate  
 1034 are subject to hereunder, and such real estate of any such  
 1035 counties, school districts, and political subdivision shall be  
 1036 subject to liens for said assessments in all cases where the  
 1037 same property would be subject had it at the time the lien  
 1038 attached been owned by a private owner, except that no such lien  
 1039 may be foreclosed unless and until said real estate is conveyed  
 1040 to a person or entity which is not a political subdivision.

1041 Section 10. The board shall cause to be made at least once  
 1042 each year a comprehensive report of its water system, wastewater  
 1043 reuse system, and wastewater system including all matters  
 1044 relating to rates, revenues, expenses of maintenance, repair,  
 1045 and operation and renewals and capital replacements, principal  
 1046 and interest requirements, and the status of all funds and  
 1047 accounts. Copies of such general report shall be filed with the  
 1048 vice chair and shall be open to public inspection.

1049 Section 11. Any holder of bonds issued under the  
 1050 provisions of this act, or of any of the coupons appertaining  
 1051 thereto, except as to the extent that the rights herein granted

1052 may be restricted by the resolution authorizing the issuance of  
 1053 such bonds, may, either at law or in equity, by suit, mandamus,  
 1054 or other proceeding, protect and enforce any and all rights  
 1055 under the laws of the state or granted hereunder or under such  
 1056 resolutions, and may enforce and compel the performance of all  
 1057 duties required by this act and by such resolutions to be  
 1058 performed by the district or by the board or by any officer or  
 1059 officers or employees thereof, including the fixing and charging  
 1060 and collecting of rates, fees, and charges for the services and  
 1061 facilities furnished by the water system, wastewater reuse  
 1062 system, or wastewater system and the due and proper collection  
 1063 of any non-ad valorem assessments pledged therefor.

1064 Section 12. (1) As the exercise of the powers conferred  
 1065 by this act constitutes the performance of essential public  
 1066 functions and as the systems constructed under the provisions of  
 1067 this act constitute public property used for public purposes,  
 1068 such district and the property thereof, including all revenues,  
 1069 moneys, or other assets of any type or character, shall not be  
 1070 subject to taxation by the state or any political subdivision,  
 1071 agency, instrumentality, or municipality thereof, and it is  
 1072 hereby expressly found determined and declared that all of the  
 1073 lands and real estate in said district will be benefited by the  
 1074 construction or acquisition of the systems, and additions,  
 1075 extensions, and improvements thereto, provided for in this act.

1076 (2) All bonds or other obligations issued under this act  
 1077 shall be exempt from all taxation by the state or any county,  
 1078 municipality, or political subdivision thereof; however, the  
 1079 exemption does not apply to any tax imposed by chapter 220,

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1080 Florida Statutes, on interest, income, or profits on debt  
 1081 obligations owned by corporations. Such bonds or other  
 1082 obligations shall be and constitute securities eligible for  
 1083 deposit as collateral to secure any state, county, municipal, or  
 1084 other public funds, and shall also be and constitute legal  
 1085 investments for any banks, savings banks, trust funds,  
 1086 executors, administrators, state, county, municipal, or other  
 1087 public funds, or any other fiduciary funds.

1088 Section 13. In any case in which the character or  
 1089 condition of the sewage from or originating in any manufacturing  
 1090 or industrial plant or building or premises is such that it  
 1091 imposes an unreasonable burden upon the wastewater system, an  
 1092 additional charge may be made therefor or the board may, if it  
 1093 deems it advisable, compel such manufacturing or industrial  
 1094 plant, building, or premises to treat such wastewater in such  
 1095 manner as shall be specified by the board before discharging  
 1096 such wastewater into any wastewater lines owned, maintained, or  
 1097 operated by the district.

1098 Section 14. The district is authorized to enter into any  
 1099 agreement for the delivery of any revenue bonds, assessment  
 1100 bonds, or any combination thereof, at one time or from time to  
 1101 time as full or partial payment for any work done by any  
 1102 contractor who may have been awarded a contract for the  
 1103 construction of all or any part of any system. However, any such  
 1104 bonds so delivered for payment of services shall have been  
 1105 authorized and issued pursuant to the provisions of this act and  
 1106 shall otherwise conform to the provisions thereof.



1107        Section 15. (1) All contracts for the purchase of  
 1108 commodities or contractual services in excess of \$25,000 let,  
 1109 awarded, or entered into by the district for the construction,  
 1110 reconstruction, or addition to any system shall be publicly  
 1111 advertised and bid. The board shall adopt procedures for public  
 1112 advertisement and call for sealed bids, which procedures may  
 1113 vary the frequency and length of publication based on the amount  
 1114 of the procurement.

1115        (2) Such advertisement for bids, in addition to the other  
 1116 necessary and pertinent matter, shall state in general terms the  
 1117 nature and description of the improvement or improvements to be  
 1118 undertaken and shall state that detailed plans and  
 1119 specifications for such work are on file in the office of the  
 1120 vice chair or will be mailed upon request to interested parties.  
 1121 The award shall be made to the responsible and competent bidder  
 1122 or bidders who shall offer to undertake the improvements at the  
 1123 lowest cost to the district and such bidder or bidders shall be  
 1124 required to file bond for the full and faithful performance of  
 1125 such work and the execution of any such contract in such amount  
 1126 as the board shall determine. No criteria may be used in  
 1127 determining the acceptability of the bid that was not set forth  
 1128 in the invitation to bid. The contract shall be awarded with  
 1129 reasonable promptness by written notice to the qualified and  
 1130 responsive bidder that submits the lowest responsive bid.

1131        (3) When the board determines that the use of competitive  
 1132 sealed bidding is not practicable, commodities or contractual  
 1133 services shall be procured by competitive sealed proposals. A  
 1134 request for proposals which includes a statement of the

1135 commodities or contractual services sought and all contractual  
 1136 terms and conditions applicable to the procurement, including  
 1137 the criteria, which shall include, but not be limited to, price,  
 1138 to be used in determining acceptability of the proposal shall be  
 1139 issued. To ensure full understanding of and responsiveness to  
 1140 the solicitation requirement, discussions may be conducted with  
 1141 qualified offerors. The offerors shall be accorded fair and  
 1142 equal treatment prior to the submittal dates specified in the  
 1143 request for proposals with respect to any opportunity for  
 1144 discussion and revision of proposals. The award shall be made to  
 1145 the responsible offeror whose proposal is determined in writing  
 1146 to be the most advantageous to the district, taking into  
 1147 consideration the price and the other criteria set forth in the  
 1148 request for proposals.

1149 (4) If the chair of the board, or his or her designee,  
 1150 determines in writing that an immediate danger to the public  
 1151 health, safety, or welfare or other substantial loss to the  
 1152 district requires emergency action, the provisions of this  
 1153 section requiring competitive bidding or proposals shall be  
 1154 waived. After the chair or his or her designee makes such a  
 1155 written determination, the district may proceed with the  
 1156 procurement of commodities or contractual services necessitated  
 1157 by the immediate danger, without competition. However, such  
 1158 emergency procurement shall be made with such competition as is  
 1159 practicable under the circumstances. Commodities or contractual  
 1160 services available only from a single source may be excepted  
 1161 from the bid requirements if it is determined that such  
 1162 commodities or services are available only from a single source

1163 and such determination is documented and approved by the board.  
 1164 Nothing in this section shall be deemed to prevent the district  
 1165 from hiring or retaining such consulting engineers, or other  
 1166 professionals or other technicians as it shall determine, in its  
 1167 discretion, consistent with the requirements of section 287.055,  
 1168 Florida Statutes, or for undertaking any construction work with  
 1169 its own resources and without any such public advertisement.

1170 Section 16. The same rates, fees, charges, and non-ad  
 1171 valorem assessments shall be fixed, levied, and collected on the  
 1172 property, officers, and employees of the counties, or any school  
 1173 district, or other political subdivision included within the  
 1174 district, as are fixed, levied, and collected on all other  
 1175 properties or persons in the district as provided in this act.

1176 Section 17. Any county, municipality, or other political  
 1177 subdivision is authorized to sell, lease, grant, or convey any  
 1178 real or personal property to the district and any such sale,  
 1179 grant, lease, or conveyance may be made without formal  
 1180 consideration. The district is authorized to classify as surplus  
 1181 any of its property and dispose of such property consistent with  
 1182 the provisions of sections 274.05 and 274.06, Florida Statutes.

1183 Section 18. No system or portion thereof shall be  
 1184 constructed within the district unless the board shall give its  
 1185 consent thereto and approve the plans and specifications  
 1186 therefor, subject, however, to the terms and provisions of any  
 1187 resolution authorizing any bonds and agreements with  
 1188 bondholders.

1189 Section 19. The board shall have no power to mortgage,  
 1190 pledge, encumber, sell, or otherwise convey all or any part of

1191 its systems except as otherwise provided in this act, except  
 1192 that the board may dispose of any part of such system or systems  
 1193 as may be no longer necessary for the purposes of the district.  
 1194 The provisions of this section shall be deemed to constitute a  
 1195 contract with all bondholders. All district property shall be  
 1196 exempt from levy and sale by virtue of an execution and no  
 1197 execution or other judicial process shall issue against such  
 1198 property, nor shall any judgment against the district be a  
 1199 charge or lien on its property, provided that nothing herein  
 1200 contained shall apply to or limit the rights of bondholders to  
 1201 pursue any remedy for the enforcement of any lien or pledge  
 1202 given by the district on revenues derived from the operation of  
 1203 any system.

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

1217 Section 21. The provisions of this act shall be deemed to  
 1218 constitute a contract with the holders of any bonds issued

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1219 hereunder and shall be liberally construed to effect its  
1220 purposes and shall be deemed cumulative and supplemental to all  
1221 other laws.

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

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

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

1241 Section 25. The district may, in addition to other  
1242 provisions of this act providing for the accrual of interest,  
1243 assess an interest charge on contractual obligations owed the  
1244 district. Such interest shall accrue at an annual percentage  
1245 rate as provided in chapter 687, Florida Statutes, or as  
1246 otherwise provided by contract. Such accrued interest charges,

1247 if payment thereof becomes delinquent, may be recovered in the  
 1248 same manner as provided in this act for other delinquent rates,  
 1249 fees, charges, or penalties.

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

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

1259 Section 28. All contracts, obligations, rules,  
 1260 regulations, or policies of any nature existing on the date of  
 1261 enactment of this act shall remain in full force and effect and  
 1262 this act shall in no way affect the validity of such contracts,  
 1263 obligations, rules, regulations, or policies.

1264 Section 29. This act shall not affect the terms of office  
 1265 of the present district board, nor shall it affect the terms and  
 1266 conditions of employment of any employees of the district.

1267 Section 4. Chapter 96-499, Laws of Florida, is repealed.

1268 Section 5. It is declared to be the intent of the  
 1269 Legislature that if any section, subsection, sentence, clause,  
 1270 phrase, or portion of this act is, for any reason, held invalid  
 1271 or unconstitutional by a court of competent jurisdiction, such  
 1272 portion shall be deemed to be a separate, distinct, and  
 1273 independent provision and such holdings shall not affect the  
 1274 validity of the remaining portions of this act.

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1275           Section 6. This act shall be construed as a remedial act  
1276 and the provisions of this act shall be liberally construed in  
1277 order to effectively carry out the purpose of this act in the  
1278 interest of the public health, welfare, and safety of the  
1279 citizens served by the district.

1280           Section 7. This act shall take effect upon becoming a law.