

1 A bill to be entitled

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

28 | chapter 96-499, Laws of Florida, relating to the Englewood  
 29 | Water District; providing an effective date.

30 |

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

32 |

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

41 | Section 2. Chapter 96-499, Laws of Florida, relating to  
 42 | the Englewood Water District, is codified, reenacted, amended,  
 43 | and repealed as herein provided.

44 | Section 3. The Englewood Water District is re-created and  
 45 | the charter is re-created and reenacted to read:

46 | Section 1. (1) There is hereby created the Englewood  
 47 | Water District for the areas of Charlotte and Sarasota Counties,  
 48 | described as follows:

49 |

50 | Sections 8, 9, 10, 11, 12, 13, 14, 15, 16, 21, 22, 23,  
 51 | 24, 25, 26, 27, 35, and 36, that part of sections 4  
 52 | and 5, lying and being west of the west boundary of  
 53 | Lemon Bay, township 40 south; range 19 east; and  
 54 | sections 16, 17, 18, 19, 20, 21, 28, 29, 30, 31, 32

55 and 33, township 40 south, range 20 east, all being in  
 56 Sarasota County, State of Florida.

57  
 58 Sections 1, 2, 12 and 13, Township 41 South, Range 19  
 59 East; Sections 4, 5, 6, 7, 8, 9, 16, 17, and 18, that  
 60 part of Section 21 lying and being north of the north  
 61 bank of Buck Creek, and that portion of Section 20  
 62 lying and being east of the east boundary of Lemon  
 63 Bay, Township 41 South, Range 20 East, all lying and  
 64 being in Charlotte County, State of Florida.

65  
 66 That portion of Section 3, Township 40 South, Range 19  
 67 East lying west of S.R. 776 (Englewood Road), and  
 68 those portions of Sections 4 and 5, Township 40 South,  
 69 Range 19 East, lying and being east of the west  
 70 boundary of Lemon Bay, all being south of the  
 71 east-west line prescribed by Colonial Road, all being  
 72 in Sarasota County, Florida.

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

80 Section 2. As used in this act, unless the context  
 81 otherwise requires:

82        (1) "District" means the Englewood Water District created  
 83 by this act.

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

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

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

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

137 such as ponds or fountains, groundwater recharge, industrial  
 138 uses, environmental enhancement, or fire protection.

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

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

164 expenses incurred by the district in connection with any of the  
 165 foregoing items of cost.

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

175 (8) "Board" means the board of supervisors of the  
 176 district.

177 Section 3. The district shall be governed and its affairs  
 178 administered by the board of supervisors consisting of five  
 179 members.

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

188 (b) After the initial adoption by the board of the  
 189 proposed Englewood Water District Supervisor Election Districts,  
 190 the district shall hold a public hearing at which all residents  
 191 of the district or other interested parties shall have an

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

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

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

216 (2)(a) On the first Tuesday after the first Monday in  
 217 November 2002, and every 4th year thereafter, two supervisors,  
 218 one residing in Englewood Water District Board of Supervisors  
 219 Election District 5 and one residing in Englewood Water District

220 Board of Supervisors Election District 4, shall be elected by  
221 the qualified electors of the Englewood Water District for terms  
222 of 4 years each.

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

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

239 (3) In the event no person has been elected at the general  
240 election to fill an office which was required to be filled at  
241 such election, the members of the board shall, within 60 days  
242 following the date of the election, by a majority vote of all  
243 members then in office, appoint a person from the appropriate  
244 Englewood Water District Supervisors Election District, to serve  
245 for each office not otherwise filled by said election, to serve  
246 until the next general election, at which election the qualified  
247 electors of the district shall elect a supervisor to serve the

248 remaining unexpired term, if any, of such supervisors so  
 249 appointed.

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

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

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

267 (5)(a) Elections for the purpose of electing supervisors  
 268 to the board shall conform to the Florida Election code,  
 269 chapters 97-106, Florida Statutes, as pertains to independent  
 270 special districts as set forth in section 189.405, Florida  
 271 Statutes.

272 1. The results of the election shall be jointly canvassed  
 273 by the county canvassing boards of the Counties of Charlotte and  
 274 Sarasota and the results of such joint canvass shall be reported  
 275 in accordance with general law.

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

283        (b) The board shall be vested with all administrative  
 284 power and authority of the district and shall have and exercise  
 285 all powers conferred upon such district by the terms of this  
 286 act. Members of the board may each be paid a salary or  
 287 honorarium to be determined by at least a majority plus one vote  
 288 of the board, which salary or honorarium may not exceed \$500 per  
 289 month for each member. Special notice of any meeting at which  
 290 the board will consider a salary change for a board member shall  
 291 be published at least once, at least 14 days prior to the  
 292 meeting, in a newspaper of general circulation in the county in  
 293 which the district is located. Separate compensation for the  
 294 board member serving as treasurer may be authorized by like vote  
 295 so long as total compensation for the board member does not  
 296 exceed \$500 per month. Said board members shall also be  
 297 reimbursed for moneys expended in the performance of their  
 298 official duties consistent with the provisions of section  
 299 112.061, Florida Statutes.

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

302        1. The chair and vice chair shall be elected at an annual  
 303 meeting to be held in January of each year, and shall serve in

304 said capacities until the next annual meeting; said officers may  
305 be removed at any time during their tenure, with or without  
306 cause, by a majority vote of all members of said board. Upon the  
307 expiration of the terms of office of any of said officers for  
308 any reason whatsoever, the board shall elect new officers to  
309 fill the positions thus vacated.

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

321 3. A majority of the board shall constitute a quorum at  
322 any meeting thereof and all actions of the board shall be upon  
323 an affirmative vote of the majority of board members present at  
324 any such meeting, provided that no action of the board may pass  
325 with less than three affirmative votes. However, any resolution  
326 authorizing the issuance of bonds or other obligations, or the  
327 levy on non-ad valorem assessments, or the fixing of rates and  
328 charges for the services and facilities of the systems of the  
329 district shall not be adopted except upon the affirmative vote  
330 of a majority of all the members of the board then in office.  
331 Actions of the board shall be evidenced by resolutions voted

332 upon and adopted by the board, which may be finally adopted at  
333 the same meeting at which they are introduced and need not be  
334 published or posted, except resolutions authorizing the issuance  
335 of bonds or other obligations shall be advertised in accordance  
336 with the provisions of this section and a public hearing shall  
337 be held prior to the adoption of such resolutions. Resolutions  
338 providing solely for the refunding of any already existing bonds  
339 or other obligations need not be so advertised.

340 4. Written minutes of each board meeting shall be kept and  
341 there shall be recorded therein a report of all that transpired  
342 at any such meeting. The minutes shall be signed by the vice  
343 chair of the board and kept permanently in books provided for  
344 that purpose.

345 5. The board shall cause to be kept complete and accurate  
346 books of accounting in standard bookkeeping and accounting  
347 procedures. Annually, the board shall make a true and complete  
348 accounting of all moneys received and expended by said board and  
349 said accounting shall list the assets and liabilities of the  
350 district. Said accounting shall be based upon an audit prepared  
351 by a certified public accountant, and shall be in writing with  
352 sufficient copies thereof made to furnish to any inhabitants of  
353 the district requesting same.

354 6. All contracts of the district shall be signed by the  
355 chair of the board of supervisors, and the seal of the board  
356 shall be affixed thereto, attested by the secretary to the board  
357 who shall be official custodian of such seal. The board, by  
358 resolution, may delegate authority to sign contracts to the  
359 administrator of the district. Any bonds issued by the district

360 under the provisions of this act shall be signed in the same  
361 manner as a contract. However, only one manual signature shall  
362 be required on any bonds and the seal of the district may be  
363 imprinted or reproduced thereon.

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

382 8. The board may, by the vote of a majority of all  
383 members, elect a member to serve as chair or vice chair on an  
384 interim basis during the absence of such officer. The interim  
385 officer shall have all of the powers, duties, and authority of  
386 such officer during his or her absence.

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

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

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

409 (3) To construct, install, erect, acquire and operate,  
 410 maintain, improve, extend, or enlarge and reconstruct a water  
 411 system, wastewater system, or wastewater reuse system or any  
 412 combination thereof within or without said district for the  
 413 furnishing of water service, wastewater service, or wastewater  
 414 reuse service or any combination of such services to the

415 inhabitants of the district, and to have the exclusive control  
416 and jurisdiction thereof, and to issue its revenue bonds,  
417 assessment bonds, or other obligations, or any combination  
418 thereof to pay all or part of the cost of such construction,  
419 reconstruction, erection, acquisition, or installation of such  
420 systems. The purchase or sale of a water, wastewater, or  
421 wastewater reuse system shall be accomplished in accordance with  
422 section 189.423, Florida Statutes.

423 (4) To regulate the disposal of wastewater, reuse of  
424 wastewater, and supply of water within the district and to  
425 prohibit the use and maintenance of outhouses, privies, septic  
426 tanks, or other unsanitary structures or appliances, in  
427 accordance with the general laws of the state.

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

435 (6) To acquire in the name of the district by purchase,  
436 gift, or the exercise of eminent domain pursuant to chapter 73  
437 or chapter 74, Florida Statutes, such lands and rights and  
438 interest therein, both within and without the district,  
439 including land under water and riparian rights and to acquire  
440 such personal property as may be deemed necessary in connection  
441 with the construction, reconstruction, improvement, extensions,  
442 installation, erection, or operation and maintenance of any

443 system, and to hold and dispose of all real and personal  
444 property under its control.

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

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

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

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

466 (11) To contract with municipalities or other private or  
467 public corporations or persons to provide or receive a water  
468 supply or for wastewater disposal, collection, or treatment, or  
469 for wastewater reuse.

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

477       (13) To require and enforce the use of its facilities  
478 whenever and wherever they are accessible in accordance with  
479 applicable general law and applicable local government  
480 comprehensive plans.

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

484       (15) To accomplish construction by holding hearings,  
485 advertising for construction bids, and letting contracts for all  
486 or any part or parts of the construction of any system in  
487 accordance with the provisions of section 15.

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

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

494       (18) To construct and operate connecting, intercepting, or  
495 outlet wastewater or reclaimed wastewater mains and pipes and  
496 water mains, conduits or pipelines in, along, or under any

497 | streets, alleys, highways, or other public places or ways within  
 498 | the state or any municipality or political subdivision.

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

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

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

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

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

540        Section 5. (1) The board for and on behalf of the  
 541 district is authorized to provide from time to time for the  
 542 issuance of revenue bonds to finance or refinance all or part of  
 543 the costs of additions, extensions, and improvements to, or the  
 544 acquisition of, any system. The principal of and interest on any  
 545 such revenue bonds shall be payable from the rates, fees,  
 546 charges, or other revenues derived from the operation of any  
 547 such system or systems in the manner provided in this act and  
 548 the resolution authorizing such bonds and pledging such  
 549 revenues. The proceeds of non-ad valorem assessments levied as  
 550 provided in this act may be pledged as additional security for  
 551 said revenue bonds. It is the express intent of this act that  
 552 the district shall be authorized to finance the purposes

553 provided in this act by the issuance of revenue bonds or special  
554 assessment bonds separately for all or any part of the cost  
555 thereof, or to issue revenue bonds additionally secured by the  
556 non-ad valorem assessments for all or any part of such cost, so  
557 that the district shall have complete flexibility as to the  
558 types of bonds to be issued and the security for the holders of  
559 such bonds. The revenue bonds of the district shall be issued in  
560 such denominations and mature on such dates and in such amounts,  
561 and may be subject to optional and mandatory redemption, all as  
562 shall be determined by resolutions adopted by the board on  
563 behalf of the district. Bonds of said district may bear interest  
564 at a fixed or floating or adjustable rate and may be issued as  
565 interest-bearing, interest-accruing bonds or zero coupon bonds  
566 at such rate or rates not exceeding the maximum rate permitted  
567 by general law, all as shall be determined by resolutions of the  
568 board on behalf of the district. Principal and interest shall be  
569 payable in the manner determined by the board. The bonds shall  
570 be signed by the chair or vice chair of the board, attested with  
571 the seal of said district and by the signature of the chair of  
572 the board of supervisors. In case any officer whose signature or  
573 a facsimile of whose signature shall appear on the bonds shall  
574 cease to be such officer before the delivery of such bonds, such  
575 signature or facsimile shall nevertheless be valid and  
576 sufficient for all intents and purposes the same as if he or she  
577 had remained in office until such delivery. The board may sell  
578 such bonds in such manner not inconsistent with general law,  
579 either at public or private sale, and for such price, as it may  
580 determine to be for the best interests of the district.

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

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

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

603       (5) Revenue bonds issued under the provisions of this act  
 604 shall not constitute a general obligation debt of the district  
 605 within the meaning of any constitutional or statutory debt  
 606 limitation, but such bonds shall be payable solely from the  
 607 revenues and/or non-ad valorem assessments, if any, pledged  
 608 therefor, and that the full faith and credit of the district is

609 | not pledged to the payment of the principal of or interest on  
610 | such bonds.

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

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

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

645       Section 6. (1) The board shall, by resolution prior to  
646 the issuance of any revenue bonds, fix the initial schedule of  
647 rates, fees, or other charges for the use of and the services  
648 and facilities to be furnished by any such water system,  
649 wastewater reuse system, or wastewater system, or any  
650 combination thereof, to be paid by the owner, tenant, or  
651 occupant of each lot or parcel of land which may be connected  
652 with or used by any such system or systems of the district.  
653 After the system or systems shall have been in operation the  
654 district board may revise the schedule of rates, fees, and  
655 charges from time to time. However, such rates, fees, and  
656 charges shall be so fixed and revised so as to provide sums  
657 which, with other funds for such purposes, shall be sufficient  
658 at all times to pay:

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

661       (b) The expenses of maintaining and repairing such  
662 systems, including reserves for such purposes and for capital  
663 replacements, depreciation, and necessary extensions or  
664 improvements and administrative expenses.

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

667 (2) Such rates, fees, and charges shall be just and  
668 equitable and uniform for users of the same class and where  
669 appropriate may be based or computed either upon the quantity of  
670 water or wastewater consumed or produced, or upon the number and  
671 size of wastewater connections or upon the number and kind of  
672 plumbing fixtures in use in the premises or upon the number or  
673 average number of persons residing or working in or otherwise  
674 using the facilities of such system or upon any other factor  
675 affecting the use of the facilities or services furnished or  
676 upon any combination of the foregoing factors as may be  
677 determined by the board on any other equitable basis. All rates,  
678 fees, and charges established pursuant to this act shall be set  
679 in accordance with the total cost of service which is required  
680 to provide service to the customers. The water system,  
681 wastewater reuse system, and wastewater system shall be  
682 accounted for as separate and as distinct systems. However, the  
683 district shall set rates consistent with the guidelines adopted  
684 by the American Water Works Association for government-owned  
685 utilities. The district may, by resolution, consolidate any one  
686 or more systems, provided such consolidation shall not impair  
687 the rights of any existing bondholders of the district.

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

693 proposed rates, fees, and charges. After the initial adoption by  
694 the board of the resolution setting forth the preliminary  
695 schedule or schedules fixing and classifying such rates, fees,  
696 and charges, notice of such public hearing setting forth the  
697 proposed schedule or schedules of rates, fees, and charges shall  
698 be given by one publication in a newspaper published in  
699 Charlotte County and in a newspaper published in Sarasota County  
700 and such notice shall also be posted in five public places in  
701 the district, at least 10 days prior to the date of such  
702 hearing, which may be adjourned from time to time. After such  
703 hearing, such preliminary schedule or schedules, either as  
704 initially adopted, or as modified or amended, may be finally  
705 adopted. A copy of the schedule or schedules of such rates,  
706 fees, or charges finally fixed in such resolution shall be kept  
707 on file in the office of the district and shall be open at all  
708 times to public inspection. The rates, fees, or charges so fixed  
709 for any class of users or property served shall be extended to  
710 cover any additional properties thereafter served which shall  
711 fall in the same class, without the necessity of any hearing or  
712 notice. Any change or revision of such rates, fees, or charges  
713 may be made in the same manner as such rates, fees, or charges  
714 were originally established as provided herein, provided that if  
715 such changes or revisions be made substantially pro rata as to  
716 all classes of service no hearing or notice shall be required.

717 Section 7. In addition to the other provisions and  
718 requirements of this act, any resolution authorizing the  
719 issuance of bonds may contain any other provisions deemed  
720 necessary or in the best interest of the district and the board

721 is authorized to provide and may covenant and agree with the  
722 several holders of such bonds to include, but without limitation  
723 as to any other provisions, any of the following:

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

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

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

736 (4) Limitations on the powers of the district to  
737 construct, acquire, or operate, or permit the construction,  
738 acquisition, or operation of any plants, structures, facilities,  
739 or properties which may compete or tend to compete with any  
740 other system of the district.

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

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

745 (7) Terms and conditions for modification or amendment of  
746 any provisions or covenants in any such bond resolution  
747 authorizing the issuance of such bonds.

748       (8) Provisions and limitations on the appointment of a  
 749 trustee, paying agent, registrar, or escrow agent for  
 750 bondholders.

751       (9) Provisions as to the appointment of a receiver of any  
 752 system on default of principal of or interest on any such bonds  
 753 or the breach of any covenant or condition of such authorizing  
 754 resolution or the provisions and requirements of this act.

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

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

763       (12) Any other matters necessary to secure such bonds and  
 764 the payment of the principal and interest thereof. All such  
 765 provisions of the bond resolution and all such covenants and  
 766 agreements in addition to the other provisions and requirements  
 767 of this act shall constitute valid and legally binding contracts  
 768 between the district and several holders of any such bonds  
 769 regardless of the time of issuance of such bonds, and shall be  
 770 enforceable by any such holder or holders by mandamus or other  
 771 appropriate action, suit, or proceeding in law or in equity in  
 772 any court of competent jurisdiction.

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

776 such delinquent customer, the district may discontinue and shut  
 777 off the supply of the services and facilities of such systems,  
 778 to the person, firm, corporation, or other body, public or  
 779 private, so supplied with such services or facilities, until  
 780 such fees, rates, or charges, including interest, penalties, and  
 781 charges for the shutting off and discontinuance or the  
 782 restoration of such services or facilities are fully paid. Such  
 783 delinquent fees, rates, or charges, together with interest,  
 784 penalties, and charges for the shutting off and discontinuance  
 785 or the restoration of such services or facilities, and  
 786 reasonable attorney's fees, costs and other expenses, may be  
 787 recovered by the board in a court of competent jurisdiction.

788 (2) In the event that the fees, rates, or charges for the  
 789 services and the facilities of any system shall not be paid as  
 790 and when due, the unpaid balance thereof and all interest  
 791 accruing thereon shall, to the extent permitted by law, be a  
 792 lien on any parcel or property affected thereby. Such liens  
 793 shall be superior and paramount to the interest on such parcel  
 794 or property of any owner, lessee, tenant, mortgagee, or other  
 795 person except the lien on county or district taxes and shall be  
 796 on a parity with the lien on any such county or district taxes.  
 797 In the event that any such service charge shall not be paid as  
 798 and when due and shall be in default for 30 days or more, the  
 799 unpaid balance thereof and all interest accrued or penalties  
 800 thereon, together with attorney's fees and costs, may be  
 801 recovered by the district in a civil action, and any such lien  
 802 and accrued interest and penalties may be foreclosed or  
 803 otherwise enforced by the district by action or suit in equity

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

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

815 (2) The board may determine to make any improvements  
816 authorized by this act and defray the whole or any part of the  
817 expense thereof by non-ad valorem assessments. The board shall  
818 so declare by resolution stating the nature of the proposed  
819 improvement, designating the location of wastewater facilities,  
820 the location of water mains, water laterals, and other water  
821 distribution facilities, or the location of the wastewater reuse  
822 facilities, and the part or portion of the expense thereof to be  
823 paid by non-ad valorem assessments, the manner in which said  
824 assessments shall be made, when said assessments are to be paid,  
825 and what part, if any, shall be apportioned to be paid from the  
826 general funds of the district. Said resolution shall also  
827 designate the lands upon which the non-ad valorem assessments  
828 shall be levied, and in describing said lands it shall be  
829 sufficient to describe them as "all lots and lands adjoining and  
830 contiguous or bounding and abutting upon such improvements or  
831 specially benefited thereby and further designated by the

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

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

853 (4) Upon adoption of the resolution provided for in  
 854 subsection (2), or completion of the preliminary assessment roll  
 855 provided for in subsection (5), whichever is later, the vice  
 856 chair of the board shall publish notice of the resolution once  
 857 in a newspaper published in each of the Counties of Charlotte  
 858 and Sarasota. The notice shall state in brief and general terms  
 859 a description of the proposed improvements with the location

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

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

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

888 | addresses of such property owners to be obtained from the  
 889 | records of the property appraiser, and proof of such mailing to  
 890 | be made by the affidavit of the secretary to the board, or by  
 891 | the engineer.

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

916 against any property shall be sustained or reduced or abated by  
 917 the court, the vice chair shall note that fact on the assessment  
 918 roll opposite the description of the property affected thereby  
 919 and notify the county property appraiser and the tax collector  
 920 in writing. The amount of the non-ad valorem assessment against  
 921 any lot or parcel which may be abated by the court, unless the  
 922 assessment upon the entire district be abated, or the amount by  
 923 which such assessment is so reduced, may by resolution of the  
 924 board be made chargeable against the district at large, or, at  
 925 the discretion of the board, a new assessment roll may be  
 926 prepared and confirmed in the manner hereinabove provided for  
 927 the preparation and confirmation of the original assessment  
 928 roll. The board may by resolution grant a discount equal to all  
 929 or a part of the payee's proportionate share of the cost of the  
 930 project consisting of bond financing costs, such as capitalized  
 931 interest, funded reserves, and bond discount included in the  
 932 estimated cost of the project, upon payment in full of any  
 933 assessment during such period prior to the time such financing  
 934 costs are incurred as may be specified by the board.

935 (8) The non-ad valorem assessments shall be payable at the  
 936 time and in the manner stipulated in the resolution providing  
 937 for the improvement; shall remain liens, coequal with the lien  
 938 of all state, county, district, and municipal taxes, superior in  
 939 dignity to all other liens, titles, and claims, until paid;  
 940 shall bear interest, at a rate not to exceed the percentage  
 941 authorized by section 170.09, Florida Statutes, for municipal  
 942 special assessments or, if bonds are issued pursuant to this  
 943 chapter, at a rate not to exceed 1 percent above the rate of

944 interest at which the bonds authorized pursuant to this act and  
945 used for the improvement are sold, from the date of the  
946 acceptance of the improvement; and may, by the resolution  
947 aforesaid and only for capital outlay projects, be made payable  
948 in equal installments over a period not to exceed 20 years, to  
949 which, if not paid when due, there shall be added a penalty at  
950 the rate of 1 percent per month, until paid. However, the  
951 assessments may be paid without interest at any time within 30  
952 days after the improvement is completed and a resolution  
953 accepting the same has been adopted by the board.

954 (9) The non-ad valorem assessments approved by the board  
955 may be levied, assessed, and collected pursuant to section  
956 197.3632, Florida Statutes. The collection and enforcement of  
957 the non-ad valorem assessment levied by the district shall be at  
958 the same time and in like manner as county taxes.

959 (10) All assessments shall constitute a lien upon the  
960 property so assessed from the date of confirmation of the  
961 resolution ordering the improvement of the same nature and to  
962 the same extent as the lien for general county, municipal, or  
963 district taxes falling due in the same year or years in which  
964 such assessments or installments thereof fall due, and any  
965 assessment or installment not paid when due shall be collected  
966 with such interest and with reasonable attorney's fees and  
967 costs, but without penalties, by the district by proceedings in  
968 a court of equity to foreclose the lien of assessment as a lien  
969 for mortgages is or may be foreclosed under the laws of the  
970 state, provided that any such proceedings to foreclose shall  
971 embrace all installments of principal remaining unpaid with

972 accrued interest thereon, which installments shall, by virtue of  
973 the institution of such proceedings immediately become due and  
974 payable. Nevertheless, if, prior to any sale of the property  
975 under decree of foreclosure in such proceedings, payment be made  
976 of the installment or installments which are shown to be due  
977 under the provisions of the resolution passed pursuant to this  
978 section, and all costs including attorney's fees, such payment  
979 shall have the effect of restoring the remaining installments to  
980 their original maturities and the proceedings shall be  
981 dismissed. It shall be the duty of the district to enforce the  
982 prompt collection of assessments by the means herein provided,  
983 and such duty may be enforced at the suit of any holder of bonds  
984 issued under this act in a court of competent jurisdiction by  
985 mandamus or other appropriate proceedings or action. Not later  
986 than 30 days after the annual installments are due and payable,  
987 it shall be the duty of the board to direct the attorney or  
988 attorneys whom the board shall then designate to institute  
989 actions within 3 months after such direction to enforce the  
990 collection of all non-ad valorem assessments for improvements  
991 made under this section and remaining due and unpaid at the time  
992 of such direction. Such action shall be prosecuted in the manner  
993 and under the conditions in and under which mortgages are  
994 foreclosed under the laws of the state. It shall be lawful to  
995 join in one action the collection of assessments against any or  
996 all property assessed by virtue of the same assessment roll  
997 unless the court shall deem such joinder prejudicial to the  
998 interest of any defendant. The court shall allow reasonable  
999 attorney's fees for the attorney or attorneys of the district,

1000 and the same shall be collectible as a part of or in addition to  
 1001 the costs of the action. At the sale pursuant to decree in any  
 1002 such action, the district may be a purchaser to the same extent  
 1003 as an individual person or corporation, except that the part of  
 1004 the purchase price represented by the assessments sued upon and  
 1005 the interest thereon need not be paid in cash. Property so  
 1006 acquired by the district may be sold or otherwise disposed of,  
 1007 the proceeds of such disposition to be placed in the fund  
 1008 provided by subsection (11). However, no sale or other  
 1009 disposition thereof shall be made unless the notice calling for  
 1010 bids therefor to be received at a stated time and place shall  
 1011 have been published in a newspaper of general circulation in the  
 1012 district once in each of 4 successive weeks prior to such  
 1013 disposition.

1014 (11) All assessments and charges made under the provisions  
 1015 of this section for the payment of all or any part of the cost  
 1016 of any improvements for which assessment bonds shall have been  
 1017 issued under the provisions of this act are hereby pledged to  
 1018 the payment of the principal of and the interest on such  
 1019 assessment bonds and shall, when collected, be placed in a  
 1020 separate fund, properly designated, which fund shall be used for  
 1021 no other purpose than the payment of such principal and  
 1022 interest.

1023 (12) The counties in which the district is located and  
 1024 each school district and other political subdivision wholly or  
 1025 partly within the district shall be subject to the same duties  
 1026 and liabilities in respect of assessment under this section  
 1027 affecting the real estate of such counties, school districts, or

1028 other political subdivisions which private owners of real estate  
 1029 are subject to hereunder, and such real estate of any such  
 1030 counties, school districts, and political subdivision shall be  
 1031 subject to liens for said assessments in all cases where the  
 1032 same property would be subject had it at the time the lien  
 1033 attached been owned by a private owner, except that no such lien  
 1034 may be foreclosed unless and until said real estate is conveyed  
 1035 to a person or entity which is not a political subdivision.

1036 Section 10. The board shall cause to be made at least once  
 1037 each year a comprehensive report of its water system, wastewater  
 1038 reuse system, and wastewater system including all matters  
 1039 relating to rates, revenues, expenses of maintenance, repair,  
 1040 and operation and renewals and capital replacements, principal  
 1041 and interest requirements, and the status of all funds and  
 1042 accounts. Copies of such general report shall be filed with the  
 1043 vice chair and shall be open to public inspection.

1044 Section 11. Any holder of bonds issued under the  
 1045 provisions of this act, or of any of the coupons appertaining  
 1046 thereto, except as to the extent that the rights herein granted  
 1047 may be restricted by the resolution authorizing the issuance of  
 1048 such bonds, may, either at law or in equity, by suit, mandamus,  
 1049 or other proceeding, protect and enforce any and all rights  
 1050 under the laws of the state or granted hereunder or under such  
 1051 resolutions, and may enforce and compel the performance of all  
 1052 duties required by this act and by such resolutions to be  
 1053 performed by the district or by the board or by any officer or  
 1054 officers or employees thereof, including the fixing and charging  
 1055 and collecting of rates, fees, and charges for the services and

1056 facilities furnished by the water system, wastewater reuse  
1057 system, or wastewater system and the due and proper collection  
1058 of any non-ad valorem assessments pledged therefor.

1059 Section 12. (1) As the exercise of the powers conferred  
1060 by this act constitutes the performance of essential public  
1061 functions and as the systems constructed under the provisions of  
1062 this act constitute public property used for public purposes,  
1063 such district and the property thereof, including all revenues,  
1064 moneys, or other assets of any type or character, shall not be  
1065 subject to taxation by the state or any political subdivision,  
1066 agency, instrumentality, or municipality thereof, and it is  
1067 hereby expressly found determined and declared that all of the  
1068 lands and real estate in said district will be benefited by the  
1069 construction or acquisition of the systems, and additions,  
1070 extensions, and improvements thereto, provided for in this act.

1071 (2) All bonds or other obligations issued under this act  
1072 shall be exempt from all taxation by the state or any county,  
1073 municipality, or political subdivision thereof; however, the  
1074 exemption does not apply to any tax imposed by chapter 220,  
1075 Florida Statutes, on interest, income, or profits on debt  
1076 obligations owned by corporations. Such bonds or other  
1077 obligations shall be and constitute securities eligible for  
1078 deposit as collateral to secure any state, county, municipal, or  
1079 other public funds, and shall also be and constitute legal  
1080 investments for any banks, savings banks, trust funds,  
1081 executors, administrators, state, county, municipal, or other  
1082 public funds, or any other fiduciary funds.

1083        Section 13. In any case in which the character or  
1084 condition of the sewage from or originating in any manufacturing  
1085 or industrial plant or building or premises is such that it  
1086 imposes an unreasonable burden upon the wastewater system, an  
1087 additional charge may be made therefor or the board may, if it  
1088 deems it advisable, compel such manufacturing or industrial  
1089 plant, building, or premises to treat such wastewater in such  
1090 manner as shall be specified by the board before discharging  
1091 such wastewater into any wastewater lines owned, maintained, or  
1092 operated by the district.

1093        Section 14. The district is authorized to enter into any  
1094 agreement for the delivery of any revenue bonds, assessment  
1095 bonds, or any combination thereof, at one time or from time to  
1096 time as full or partial payment for any work done by any  
1097 contractor who may have been awarded a contract for the  
1098 construction of all or any part of any system. However, any such  
1099 bonds so delivered for payment of services shall have been  
1100 authorized and issued pursuant to the provisions of this act and  
1101 shall otherwise conform to the provisions thereof.

1102        Section 15. (1) All contracts for the purchase of  
1103 commodities or contractual services in excess of \$25,000 let,  
1104 awarded, or entered into by the district for the construction,  
1105 reconstruction, or addition to any system shall be publicly  
1106 advertised and bid. The board shall adopt procedures for public  
1107 advertisement and call for sealed bids, which procedures may  
1108 vary the frequency and length of publication based on the amount  
1109 of the procurement.

1110        (2) Such advertisement for bids, in addition to the other  
1111 necessary and pertinent matter, shall state in general terms the  
1112 nature and description of the improvement or improvements to be  
1113 undertaken and shall state that detailed plans and  
1114 specifications for such work are on file in the office of the  
1115 vice chair or will be mailed upon request to interested parties.  
1116 The award shall be made to the responsible and competent bidder  
1117 or bidders who shall offer to undertake the improvements at the  
1118 lowest cost to the district and such bidder or bidders shall be  
1119 required to file bond for the full and faithful performance of  
1120 such work and the execution of any such contract in such amount  
1121 as the board shall determine. No criteria may be used in  
1122 determining the acceptability of the bid that was not set forth  
1123 in the invitation to bid. The contract shall be awarded with  
1124 reasonable promptness by written notice to the qualified and  
1125 responsive bidder that submits the lowest responsive bid.

1126        (3) When the board determines that the use of competitive  
1127 sealed bidding is not practicable, commodities or contractual  
1128 services shall be procured by competitive sealed proposals. A  
1129 request for proposals which includes a statement of the  
1130 commodities or contractual services sought and all contractual  
1131 terms and conditions applicable to the procurement, including  
1132 the criteria, which shall include, but not be limited to, price,  
1133 to be used in determining acceptability of the proposal shall be  
1134 issued. To ensure full understanding of and responsiveness to  
1135 the solicitation requirement, discussions may be conducted with  
1136 qualified offerors. The offerors shall be accorded fair and  
1137 equal treatment prior to the submittal dates specified in the

1138 request for proposals with respect to any opportunity for  
1139 discussion and revision of proposals. The award shall be made to  
1140 the responsible offeror whose proposal is determined in writing  
1141 to be the most advantageous to the district, taking into  
1142 consideration the price and the other criteria set forth in the  
1143 request for proposals.

1144 (4) If the chair of the board, or his or her designee,  
1145 determines in writing that an immediate danger to the public  
1146 health, safety, or welfare or other substantial loss to the  
1147 district requires emergency action, the provisions of this  
1148 section requiring competitive bidding or proposals shall be  
1149 waived. After the chair or his or her designee makes such a  
1150 written determination, the district may proceed with the  
1151 procurement of commodities or contractual services necessitated  
1152 by the immediate danger, without competition. However, such  
1153 emergency procurement shall be made with such competition as is  
1154 practicable under the circumstances. Commodities or contractual  
1155 services available only from a single source may be excepted  
1156 from the bid requirements if it is determined that such  
1157 commodities or services are available only from a single source  
1158 and such determination is documented and approved by the board.  
1159 Nothing in this section shall be deemed to prevent the district  
1160 from hiring or retaining such consulting engineers, or other  
1161 professionals or other technicians as it shall determine, in its  
1162 discretion, consistent with the requirements of section 287.055,  
1163 Florida Statutes, or for undertaking any construction work with  
1164 its own resources and without any such public advertisement.

1165        Section 16. The same rates, fees, charges, and non-ad  
 1166 valorem assessments shall be fixed, levied, and collected on the  
 1167 property, officers, and employees of the counties, or any school  
 1168 district, or other political subdivision included within the  
 1169 district, as are fixed, levied, and collected on all other  
 1170 properties or persons in the district as provided in this act.

1171        Section 17. Any county, municipality, or other political  
 1172 subdivision is authorized to sell, lease, grant, or convey any  
 1173 real or personal property to the district and any such sale,  
 1174 grant, lease, or conveyance may be made without formal  
 1175 consideration. The district is authorized to classify as surplus  
 1176 any of its property and dispose of such property consistent with  
 1177 the provisions of sections 274.05 and 274.06, Florida Statutes.

1178        Section 18. No system or portion thereof shall be  
 1179 constructed within the district unless the board shall give its  
 1180 consent thereto and approve the plans and specifications  
 1181 therefor, subject, however, to the terms and provisions of any  
 1182 resolution authorizing any bonds and agreements with  
 1183 bondholders.

1184        Section 19. The board shall have no power to mortgage,  
 1185 pledge, encumber, sell, or otherwise convey all or any part of  
 1186 its systems except as otherwise provided in this act, except  
 1187 that the board may dispose of any part of such system or systems  
 1188 as may be no longer necessary for the purposes of the district.  
 1189 The provisions of this section shall be deemed to constitute a  
 1190 contract with all bondholders. All district property shall be  
 1191 exempt from levy and sale by virtue of an execution and no  
 1192 execution or other judicial process shall issue against such

1193 property, nor shall any judgment against the district be a  
 1194 charge or lien on its property, provided that nothing herein  
 1195 contained shall apply to or limit the rights of bondholders to  
 1196 pursue any remedy for the enforcement of any lien or pledge  
 1197 given by the district on revenues derived from the operation of  
 1198 any system.

1199 Section 20. The state does hereby pledge to and covenant  
 1200 and agree with the holders of any bonds issued pursuant to this  
 1201 act that the state will not limit or alter the rights hereby  
 1202 vested in the district to acquire, construct, maintain,  
 1203 reconstruct, and operate its systems and to fix, establish,  
 1204 charge, and collect its service charges therefor, and to fulfill  
 1205 the terms of any agreement made with the holders of such bonds  
 1206 or other obligations, and will not in any way impair the rights  
 1207 or remedies of such holders, until the bonds, together with  
 1208 interest thereon, with interest on any unpaid installments of  
 1209 interest, and all costs and expenses in connection with any  
 1210 action or proceeding by or on behalf of such holders, are fully  
 1211 met and discharged.

1212 Section 21. The provisions of this act shall be deemed to  
 1213 constitute a contract with the holders of any bonds issued  
 1214 hereunder and shall be liberally construed to effect its  
 1215 purposes and shall be deemed cumulative and supplemental to all  
 1216 other laws.

1217 Section 22. If any section or provision of this act is  
 1218 held to be invalid or inoperative, then the same shall be deemed  
 1219 severable from and shall not affect the validity of any of the  
 1220 other provisions hereof.

1221 Section 23. The district may assume the operation of any  
 1222 system which substantially fails to meet its financial  
 1223 responsibilities or operating standards pursuant to this act or  
 1224 other laws and regulations of the state, if the board determines  
 1225 that such action is in the public interest and the system owner  
 1226 conveys ownership to the district.

1227 Section 24. The board may lease or license the use of any  
 1228 real or personal property of the district upon such terms,  
 1229 conditions, and for such consideration as the board deems  
 1230 appropriate. However, no such lease or license shall be for a  
 1231 period exceeding 20 years in duration, unless renewed, and  
 1232 provided that the lease or license shall be restricted to permit  
 1233 the grantee to use such property during the term of the lease or  
 1234 license only for civic or public purposes or purposes not in  
 1235 conflict with this act or general law.

1236 Section 25. The district may, in addition to other  
 1237 provisions of this act providing for the accrual of interest,  
 1238 assess an interest charge on contractual obligations owed the  
 1239 district. Such interest shall accrue at an annual percentage  
 1240 rate as provided in chapter 687, Florida Statutes, or as  
 1241 otherwise provided by contract. Such accrued interest charges,  
 1242 if payment thereof becomes delinquent, may be recovered in the  
 1243 same manner as provided in this act for other delinquent rates,  
 1244 fees, charges, or penalties.

1245 Section 26. The members of the board of supervisors shall  
 1246 be subject to recall as provided by general law for elected  
 1247 officers of municipalities.

1248        Section 27. Any person who shall steal or damage district  
 1249 property, or tamper with or alter district property or threaten  
 1250 or cause actual harm to public health commits a criminal offense  
 1251 and misdemeanor within the meaning of section 775.08, Florida  
 1252 Statutes, unless such offense is of a higher degree in general  
 1253 law, and shall be punishable as provided by law.

1254        Section 28. All contracts, obligations, rules,  
 1255 regulations, or policies of any nature existing on the date of  
 1256 enactment of this act shall remain in full force and effect and  
 1257 this act shall in no way affect the validity of such contracts,  
 1258 obligations, rules, regulations, or policies.

1259        Section 29. This act shall not affect the terms of office  
 1260 of the present district board, nor shall it affect the terms and  
 1261 conditions of employment of any employees of the district.

1262        Section 4. Chapter 96-499, Laws of Florida, is repealed.

1263        Section 5. It is declared to be the intent of the  
 1264 Legislature that if any section, subsection, sentence, clause,  
 1265 phrase, or portion of this act is, for any reason, held invalid  
 1266 or unconstitutional by a court of competent jurisdiction, such  
 1267 portion shall be deemed to be a separate, distinct, and  
 1268 independent provision and such holdings shall not affect the  
 1269 validity of the remaining portions of this act.

1270        Section 6. This act shall be construed as a remedial act  
 1271 and the provisions of this act shall be liberally construed in  
 1272 order to effectively carry out the purpose of this act in the  
 1273 interest of the public health, welfare, and safety of the  
 1274 citizens served by the district.

1275        Section 7. This act shall take effect upon becoming a law.