

By Senator Carlton

23-1501-04

See HB 1381

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

1 bonds, or assessment bonds; providing for the
2 rights, remedies, and security of any of the
3 holders of said bonds; providing penalties;
4 repealing chapters 59-931, 67-811, 71-480,
5 85-406, 86-420, 89-400, 90-408, 91-357, 92-271,
6 94-437, and 96-499, Laws of Florida, relating
7 to the Englewood Water District; providing an
8 effective date.

9

10 Be It Enacted by the Legislature of the State of Florida:

11

12 Section 1. Pursuant to section 189.429, Florida
13 Statutes, this act constitutes the codification of all special
14 acts relating to the Englewood Water District. It is the
15 intent of the Legislature in enacting this law to provide a
16 single, comprehensive special act charter for the district
17 including all current legislative authority granted to the
18 district by its several legislative enactments and any
19 additional authority granted by this act. It is further the
20 intent of this act to preserve all district authority in
21 addition to any authority contained in the Florida Statutes,
22 as amended from time to time.

23

24 Section 2. Chapters 59-931, 67-811, 71-480, 85-406,
25 86-420, 89-400, 90-408, 91-357, 92-271, 94-437, and 96-499,
26 Laws of Florida, relating to the Englewood Water District, are
27 codified, amended, reenacted, and repealed as herein provided.

28

29 Section 3. The charter for the Englewood Water
30 District is re-created and reenacted to read:

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

1
2 Sections 8, 9, 10, 11, 12, 13, 14, 15, 16, 21,
3 22, 23, 24, 25, 26, 27, 35, and 36, that part
4 of sections 4 and 5, lying and being west of
5 the west boundary of Lemon Bay, township 40
6 south; range 19 east; and sections 16, 17, 18,
7 19, 20, 21, 28, 29, 30, 31, 32 and 33, township
8 40 south, range 20 east, all being in Sarasota
9 County, State of Florida.

10
11 Sections 1, 2, 12 and 13, Township 41 South,
12 Range 19 East; Sections 4, 5, 6, 7, 8, 9, 16,
13 17, and 18, that part of Section 21 lying and
14 being north of the north bank of Buck Creek,
15 and that portion of Section 20 lying and being
16 east of the east boundary of Lemon Bay,
17 Township 41 South, Range 20 East, all lying and
18 being in Charlotte County, State of Florida.

19
20 That portion of Section 3, Township 40 South,
21 Range 19 East lying west of S.R. 776 (Englewood
22 Road), and those portions of Sections 4 and 5,
23 Township 40 South, Range 19 East, lying and
24 being east of the west boundary of Lemon Bay,
25 all being south of the east-west line
26 prescribed by Colonial Road, all being in
27 Sarasota County, Florida.

28 (2) The Englewood Water District is hereby declared to
29 be a body corporate and politic under the corporate name and
30 style of "Englewood Water District" with power to contract, to
31 sue and be sued in its corporate name, and with the other

1 powers and duties hereinafter set forth, as well as all other
2 powers and exemptions given by general law.

3 Section 2. As used in this act, unless the context
4 otherwise requires:

5 (1) "District" means the Englewood Water District
6 created by this act.

7 (2) "Water system" means and includes any plants,
8 systems, facilities, or property and additions, extensions,
9 and improvements thereto at any future time constructed or
10 acquired as a part thereof, useful or necessary or having the
11 present capacity for future use in connection with the
12 development of sources, treatment for purification, and
13 distribution of water for domestic, commercial, or industrial
14 use and without limiting the generality of the foregoing shall
15 include dams, reservoirs, storage tanks, mains, lines, valves,
16 pumping stations, laterals, and pipes for the purpose of
17 carrying water to the premises connected with such system and
18 shall include all real and personal property and any interest
19 therein, rights, easements, and franchises of any nature
20 whatsoever relating to such system and necessary or convenient
21 for the operation thereof.

22 (3) "Wastewater system" means and includes any plant,
23 system, facility, or property and additions, extensions, and
24 improvements thereto at any future time constructed or
25 acquired as a part thereof, useful or necessary or having the
26 present capacity for future use in connection with the
27 collections, treatment, purification, or disposal of
28 wastewater or sewerage of any nature or originating from any
29 source, including industrial wastes resulting from any
30 processes of any industry, manufacture, trade, or business or
31 from the development of any natural resources, and without

1 limiting the generality of the foregoing definition shall
2 embrace treatment plants, pumping stations, lift stations,
3 valves, force mains, intercepting sewers, laterals, pressure
4 lines, mains, and all necessary appurtenances and equipment,
5 and all wastewater mains and laterals for the reception and
6 collection of wastewater or sewerage on premises connected
7 therewith, and shall include all real and personal property
8 and any interest therein, rights, easements, and franchises of
9 any nature whatsoever relating to any such system and
10 necessary or convenient for the operation thereof.

11 (4) "Wastewater reuse system" means and includes any
12 plant, system, facility, or property and additions,
13 extensions, and improvements thereto at any future time
14 constructed or acquired as a part thereof, useful or necessary
15 or having the present capacity for future use in connection
16 with the collection, treatment, purification, disposal, or
17 distribution of wastewater or stormwater originating from any
18 source, for the purpose of reuse and without limiting the
19 generality of the foregoing definition shall embrace treatment
20 plants, dams, reservoirs, storage tanks, pumping stations,
21 lift stations, valves, force mains, laterals, pressure lines,
22 mains, and all necessary appurtenances and equipment, and
23 shall include all real and personal property and any interest
24 therein, rights, easements, and franchises of any nature
25 whatsoever relating to any such system and necessary or
26 convenient for the operation thereof. Water which has received
27 at least secondary treatment and stormwater may be referred to
28 as reclaimed wastewater and may be reused for such beneficial
29 purposes, including, but not limited to, landscape or
30 agricultural irrigation, aesthetic uses such as ponds or

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1 fountains, groundwater recharge, industrial uses,
2 environmental enhancement, or fire protection.

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

6 (6) "Cost" means, as applied to the acquisition and
7 construction of a water system, wastewater reuse system, or a
8 wastewater system or extensions, additions, or improvements
9 thereto, the cost of construction or reconstruction,
10 acquisition, or purchase, the cost of all labor, materials,
11 machinery, and equipment, the cost of all lands and interest
12 therein, an office and administration building for the
13 district, property, rights, easements, and franchises of any
14 nature whatsoever, financing charges, interest prior to and
15 during construction and for 1 year after completion of
16 construction or acquisition of such water system, wastewater
17 reuse system, or wastewater system or extensions, additions,
18 or improvements thereto, bond discount, fees and expenses of
19 financial advisors or fiscal agents, cost of plans and
20 specifications, surveys and estimates of costs and revenues,
21 cost of engineering and legal services, and all other expenses
22 necessary or incidental in determining feasibility or
23 practicality of such construction, reconstruction, or
24 acquisition, administrative expenses, and such other expenses
25 as may be necessary or incidental to the construction or
26 acquisition or improvement of such water system, wastewater
27 reuse system, or wastewater system authorized by this act and
28 the financing thereof, and the reimbursement of any expenses
29 incurred by the district in connection with any of the
30 foregoing items of cost.

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1 (7) "Revenue bonds" means bonds or other obligations
2 secured by and payable as to principal and interest from the
3 revenues derived from rates, fees, and charges collected by
4 the district from the users of the facilities of the water
5 system, wastewater reuse system, or wastewater system, or any
6 combination thereof, and which may or may not be additionally
7 secured by a pledge of the proceeds of non-ad valorem
8 assessments levied against property benefiting from assessable
9 improvements.

10 (8) "Board" means the board of supervisors of the
11 district.

12 Section 3. The district shall be governed and its
13 affairs administered by the board of supervisors consisting of
14 five members.

15 (1)(a) By a majority vote, the Englewood Water
16 District Board of Supervisors shall adopt a preliminary
17 resolution dividing the district into five separate and
18 distinct sections of approximately equal populations, drawn
19 along Charlotte County and/or Sarasota County precinct lines,
20 if feasible. These divisions shall be known as the "Englewood
21 Water District Supervisor Election Districts" which shall be
22 numbered 1 through 5.

23 (b) After the initial adoption by the board of the
24 proposed Englewood Water District Supervisor Election
25 Districts, the district shall hold a public hearing at which
26 all residents of the district or other interested parties
27 shall have an opportunity to be heard concerning the proposed
28 Englewood Water District Supervisor Election Districts. Notice
29 of such public hearing setting forth the five proposed
30 Englewood Water District Supervisor Election Districts shall
31 be given by one publication in a newspaper published in

1 Charlotte County, and in one publication in a newspaper
2 published in Sarasota County, and such notice shall also be
3 posted in five public places in the district, at least 30 days
4 prior to the date of such hearing, which may be adjourned from
5 time to time.

6 (c) After such hearing, such preliminary resolution
7 dividing the district into five separate and distinct
8 sections, known as the Englewood Water District Supervisor
9 Election Districts, either as initially adopted or as modified
10 or amended, shall be finally adopted. A map of the Englewood
11 Water District Supervisor Election Districts shall be kept on
12 file in the office of the administrator of the district and
13 shall be open to public inspection during normal business
14 hours.

15 (d) The Englewood Water District Supervisor Election
16 Districts shall be revised every 10 years in the same manner
17 as they were originally established as hereinabove
18 established. If the boundaries of the district are modified,
19 the election districts shall be modified as necessary in the
20 same manner established above in adequate time for the new
21 election districts to be utilized during the next general
22 election.

23 (2)(a) On the first Tuesday after the first Monday in
24 November 2002, and every 4th year thereafter, two supervisors,
25 one residing in Englewood Water District Board of Supervisors
26 Election District 5 and one residing in Englewood Water
27 District Board of Supervisors Election District 4, shall be
28 elected by the qualified electors of the Englewood Water
29 District for terms of 4 years each.

30 (b) On the first Tuesday after the first Monday in
31 November 2004, and every 4th year thereafter, three

1 supervisors, one residing in Englewood Water District Board of
2 Supervisors Election District 3, one residing in Englewood
3 Water District Board of Supervisors Election District 2, and
4 one residing in Englewood Water District Board of Supervisors
5 Election District 1, shall be elected by the qualified
6 electors of the Englewood Water District for terms of 4 years
7 each.

8 (c) The results of such election shall be declared by
9 resolution adopted by the board. Each elected member of the
10 Board shall assume office 10 days following the member's
11 election. Each supervisor shall duly file his or her oath of
12 office and a bond in such amount as the board shall determine
13 for the faithful performance of his or her duties prior to
14 taking office and the cost thereof shall be paid by the
15 district.

16 (3) In the event no person has been elected at the
17 general election to fill an office which was required to be
18 filled at such election, the members of the board shall,
19 within 60 days following the date of the election, by a
20 majority vote of all members then in office, appoint a person
21 from the appropriate Englewood Water District Supervisors
22 Election District, to serve for each office not otherwise
23 filled by said election, to serve until the next general
24 election, at which election the qualified electors of the
25 district shall elect a supervisor to serve the remaining
26 unexpired term, if any, of such supervisors so appointed.

27 (a) In the event any supervisor shall resign, die, or
28 be removed from the district, or the office of such supervisor
29 shall for any reason become vacant, the remaining members of
30 the board may, by a majority vote of all members then in
31 office, appoint a successor to such supervisor, from the

1 appropriate Englewood Water District Supervisors Election
2 District, to serve until the next general election, at which
3 election the qualified electors of the district shall elect a
4 supervisor to serve for the remaining unexpired term, if any,
5 of such supervisor whose office became vacant as aforesaid.

6 (b) A notice of the election shall be given at least
7 once at least 14 days prior thereto by one publication in a
8 newspaper published in Charlotte County, and in one
9 publication in a newspaper published in Sarasota County, and
10 such notice shall also be posted during the 14-day period in
11 five public places in the district.

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

13 (5)(a) Elections for the purpose of electing
14 supervisors to the board shall conform to the Florida Election
15 code, chapters 97-106, Florida Statutes, as pertains to
16 independent special districts as set forth in section 189.405,
17 Florida Statutes.

18 1. The results of the election shall be jointly
19 canvassed by the county canvassing boards of the Counties of
20 Charlotte and Sarasota and the results of such joint canvass
21 shall be reported in accordance with general law.

22 2. Supervisors shall be qualified electors with legal
23 residence in the appropriate Englewood Water District Board of
24 Supervisors Election District, who are freeholders. The office
25 of any supervisor who ceases to be a qualified elector with
26 legal residence in the appropriate election district and a
27 freeholder in the district during his or her term of office
28 shall become vacant.

29 (b) The board shall be vested with all administrative
30 power and authority of the district and shall have and
31 exercise all powers conferred upon such district by the terms

1 of this act. Members of the board may each be paid a salary or
2 honorarium to be determined by at least a majority plus one
3 vote of the board, which salary or honorarium may not exceed
4 \$500 per month for each member. Special notice of any meeting
5 at which the board will consider a salary change for a board
6 member shall be published at least once, at least 14 days
7 prior to the meeting, in a newspaper of general circulation in
8 the county in which the district is located. Separate
9 compensation for the board member serving as treasurer may be
10 authorized by like vote so long as total compensation for the
11 board member does not exceed \$500 per month. Said salary or
12 honorarium shall be adjusted in accordance with section
13 191.005(4), Florida Statutes. Said board members shall also be
14 reimbursed for moneys expended in the performance of their
15 official duties consistent with the provisions of section
16 112.061, Florida Statutes.

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

19 1. The chair and vice chair shall be elected at an
20 annual meeting to be held in January of each year, and shall
21 serve in said capacities until the next annual meeting; said
22 officers may be removed at any time during their tenure, with
23 or without cause, by a majority vote of all members of said
24 board. Upon the expiration of the terms of office of any of
25 said officers for any reason whatsoever, the board shall elect
26 new officers to fill the positions thus vacated.

27 2. The board shall hold such meetings as the business
28 affairs of the district may require, and all such meetings
29 shall be noticed and open to the public as provided by law.
30 Such meetings shall be held within the territorial limits of
31 the district or may be held outside the district in

1 conjunction with other boards, commissions, agencies, bodies,
2 or persons for the purpose of holding discussions or for the
3 exchange of information. However, no formal action may be
4 taken by the passage of any resolution, rule, or order at
5 meetings held outside the district other than that action
6 which is required for the ordinary conduct of such meetings.

7 3. A majority of the board shall constitute a quorum
8 at any meeting thereof and all actions of the board shall be
9 upon an affirmative vote of the majority of board members
10 present at any such meeting, provided that no action of the
11 board may pass with less than three affirmative votes.
12 However, any resolution authorizing the issuance of bonds or
13 other obligations, or the levy on non-ad valorem assessments,
14 or the fixing of rates and charges for the services and
15 facilities of the systems of the district shall not be adopted
16 except upon the affirmative vote of a majority of all the
17 members of the board then in office. Actions of the board
18 shall be evidenced by resolutions voted upon and adopted by
19 the board, which may be finally adopted at the same meeting at
20 which they are introduced and need not be published or posted,
21 except resolutions authorizing the issuance of bonds or other
22 obligations shall be advertised in accordance with the
23 provisions of this section and a public hearing shall be held
24 prior to the adoption of such resolutions. Resolutions
25 providing solely for the refunding of any already existing
26 bonds or other obligations need not be so advertised.

27 4. Written minutes of each board meeting shall be kept
28 and there shall be recorded therein a report of all that
29 transpired at any such meeting. The minutes shall be signed by
30 the vice chair of the board and kept permanently in books
31 provided for that purpose.

1 5. The board shall cause to be kept complete and
2 accurate books of accounting in standard bookkeeping and
3 accounting procedures. Annually, the board shall make a true
4 and complete accounting of all moneys received and expended by
5 said board and said accounting shall list the assets and
6 liabilities of the district. Said accounting shall be based
7 upon an audit prepared by a certified public accountant, and
8 shall be in writing with sufficient copies thereof made to
9 furnish to any inhabitants of the district requesting same.

10 6. All contracts of the district shall be signed by
11 the chair of the board of supervisors, and the seal of the
12 board shall be affixed thereto, attested by the secretary to
13 the board who shall be official custodian of such seal. The
14 board, by resolution, may delegate authority to sign contracts
15 to the administrator of the district. Any bonds issued by the
16 district under the provisions of this act shall be signed in
17 the same manner as a contract. However, only one manual
18 signature shall be required on any bonds and the seal of the
19 district may be imprinted or reproduced thereon.

20 7. Every board member and every officer of the
21 district shall be indemnified by the district against all
22 expenses and liabilities, including counsel fees, reasonably
23 incurred by or imposed upon the member or officer in
24 connection with any proceeding or any settlement of any
25 proceeding to which he or she may be a party or in which he or
26 she may become involved by reason of his or her being or
27 having been a board member or officer of the district, whether
28 or not he or she is a board member or officer at the time such
29 expenses are incurred. In the event of a settlement, the
30 indemnification shall apply only when the board approves such
31 settlement and reimbursement as being for the best interests

1 of the district. The right of indemnification authorized by
2 this subparagraph shall be in addition to and not exclusive of
3 all other rights to which a board member or officer may be
4 entitled. This subparagraph shall not apply to a board member
5 or officer who is adjudged guilty of willful misfeasance or
6 malfeasance in the performance of his or her duties.

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

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

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

17 (2) To employ such consulting and other engineers,
18 technicians, construction and accounting experts, financial
19 advisors or fiscal agents, attorneys, and such other agents
20 and employees as the board may require or deem necessary to
21 effectuate the purposes of this act and to take such steps as
22 are necessary to be taken to provide coverage by the old age
23 and survivors insurance system embodied in the federal Social
24 Security Act to employees of the Englewood Water District on
25 as broad a basis as permitted under the federal Social
26 Security Act and the laws of Florida and may provide a pension
27 or retirement plan for its employees. Notwithstanding the
28 prohibition against extra compensation set forth in section
29 215.425, Florida Statutes, the board may provide for an extra
30 compensation program, including a lump-sum bonus payment
31 program, to reward outstanding employees whose performance

1 exceeds standards, if the program provides that a bonus
2 payment may not be included in an employee's regular base rate
3 of pay and may not be carried forward in subsequent years.

4 (3) To construct, install, erect, acquire and operate,
5 maintain, improve, extend, or enlarge and reconstruct a water
6 system, wastewater system, or wastewater reuse system or any
7 combination thereof within or without said district for the
8 furnishing of water service, wastewater service, or wastewater
9 reuse service or any combination of such services to the
10 inhabitants of the district, and to have the exclusive control
11 and jurisdiction thereof, and to issue its revenue bonds,
12 assessment bonds, or other obligations, or any combination
13 thereof to pay all or part of the cost of such construction,
14 reconstruction, erection, acquisition, or installation of such
15 systems. The purchase or sale of a water, wastewater, or
16 wastewater reuse system shall be accomplished in accordance
17 with section 189.423, Florida Statutes.

18 (4) To regulate the disposal of wastewater, reuse of
19 wastewater, and supply of water within the district and to
20 prohibit the use and maintenance of outhouses, privies, septic
21 tanks, or other unsanitary structures or appliances, in
22 accordance with the general laws of the state.

23 (5) To fix and collect rates, fees, capital
24 contributions, and other charges for the use of the facilities
25 and services provided by any system, and to fix and collect
26 charges for making connections and reconnections with any such
27 system, and to provide for reasonable charges and penalties to
28 any users of property for any such rates, fees, or charges
29 that are delinquent.

30 (6) To acquire in the name of the district by
31 purchase, gift, or the exercise of eminent domain pursuant to

1 chapter 73 or chapter 74, Florida Statutes, such lands and
2 rights and interest therein, both within and without the
3 district, including land under water and riparian rights and
4 to acquire such personal property as may be deemed necessary
5 in connection with the construction, reconstruction,
6 improvement, extensions, installation, erection, or operation
7 and maintenance of any system, and to hold and dispose of all
8 real and personal property under its control.

9 (7) To receive grants, either separately or in
10 conjunction with any municipality, governmental agency, or
11 governmental entity, either in the nature of public works or
12 public improvement grants or loans from any governmental
13 agency, department, bureau, or individual for the purpose of
14 installing, constructing, erecting, acquiring, operating, or
15 maintaining a system or other things necessary or incidental
16 thereto.

17 (8) To exercise exclusive jurisdiction, control, and
18 supervision over any system owned, operated, and maintained by
19 the district and to make and enforce such rules and
20 regulations for the maintenance and operation of any system as
21 may be, in the judgment of the board, necessary or desirable
22 for the efficient operation of any such systems or
23 improvements in accomplishing the purposes of this act.

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

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

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1 (11) To contract with municipalities or other private
2 or public corporations or persons to provide or receive a
3 water supply or for wastewater disposal, collection, or
4 treatment, or for wastewater reuse.

5 (12) To prescribe methods of pretreatment of
6 industrial wastes not amenable to treatment with domestic
7 wastewater before accepting those wastes for treatment and to
8 refuse to accept such industrial wastes when not sufficiently
9 pretreated as may be prescribed, and by proper resolution to
10 prescribe penalties for the refusal of any person or
11 corporation to so pretreat such industrial wastes.

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

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

19 (15) To accomplish construction by holding hearings,
20 advertising for construction bids, and letting contracts for
21 all or any part or parts of the construction of any system in
22 accordance with the provisions of section 15.

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

25 (17) To enter on any lands, water, or premises, public
26 or private, located within or without the district or either
27 of the Counties of Charlotte or Sarasota to make surveys,
28 borings, soundings, or examinations for the purposes of this
29 act.

30 (18) To construct and operate connecting,
31 intercepting, or outlet wastewater or reclaimed wastewater

1 mains and pipes and water mains, conduits or pipelines in,
2 along, or under any streets, alleys, highways, or other public
3 places or ways within the state or any municipality or
4 political subdivision.

5 (19) Subject to such provisions and restrictions as
6 may be set forth in the resolution authorizing or securing any
7 bonds or other obligations issued under the provisions of this
8 act, to enter into contracts with the Government of the United
9 States or any agency or instrumentality thereof, or with any
10 other county, municipality, district, authority or political
11 subdivision, private corporation, partnership, association, or
12 individual providing for or relating to the treatment,
13 collection, and disposal of wastewater or the treatment,
14 supply, and distribution of water or reclaimed wastewater and
15 any other matters relevant thereto or otherwise necessary to
16 effect the purposes of this act and to receive and accept from
17 any federal agency grants for or in aid of the planning,
18 construction, reconstruction, or financing of any system and
19 to receive and accept aid or contributions from any other
20 source of either money, property, labor, or other things of
21 value to be held, used, and applied only for the purpose for
22 which such grants and contributions may be made.

23 (20) To acquire, purchase, or buy real estate within
24 or without the district to be used in the development,
25 installation, construction, improvement, maintenance,
26 operation, or servicing of any system of the district, by
27 installment contract, agreement for deed, or note and
28 mortgage, provided that said contract, agreement for deed, or
29 mortgage does not constitute a lien or encumbrance upon any
30 real property other than that being purchased thereby.

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

3 (22) To require the owner, tenant, or occupant of each
4 lot or parcel of land within the district who is obligated to
5 pay the rates, fees, or charges for the services furnished by
6 any facility owned or operated by the district under the
7 provisions of this act to make a reasonable deposit with the
8 district in advance to ensure the payment of such rates, fees,
9 or charges. If such rates, fees, or charges become delinquent,
10 the district may apply the deposit to the payment or partial
11 payment thereof, including accrued interest, shutoff charges,
12 and penalties, if any.

13 (23) To invest and reinvest the surplus public funds
14 of the district consistent with the requirements of section
15 218.415 Florida Statutes, and other applicable state or
16 federal law.

17 Section 5. (1) The board for and on behalf of the
18 district is authorized to provide from time to time for the
19 issuance of revenue bonds to finance or refinance all or part
20 of the costs of additions, extensions, and improvements to, or
21 the acquisition of, any system. The principal of and interest
22 on any such revenue bonds shall be payable from the rates,
23 fees, charges, or other revenues derived from the operation of
24 any such system or systems in the manner provided in this act
25 and the resolution authorizing such bonds and pledging such
26 revenues. The proceeds of non-ad valorem assessments levied as
27 provided in this act may be pledged as additional security for
28 said revenue bonds. It is the express intent of this act that
29 the district shall be authorized to finance the purposes
30 provided in this act by the issuance of revenue bonds or
31 special assessment bonds separately for all or any part of the

1 cost thereof, or to issue revenue bonds additionally secured
2 by the non-ad valorem assessments for all or any part of such
3 cost, so that the district shall have complete flexibility as
4 to the types of bonds to be issued and the security for the
5 holders of such bonds. The revenue bonds of the district shall
6 be issued in such denominations and mature on such dates and
7 in such amounts, and may be subject to optional and mandatory
8 redemption, all as shall be determined by resolutions adopted
9 by the board on behalf of the district. Bonds of said district
10 may bear interest at a fixed or floating or adjustable rate
11 and may be issued as interest-bearing, interest-accruing bonds
12 or zero coupon bonds at such rate or rates not exceeding the
13 maximum rate permitted by general law, all as shall be
14 determined by resolutions of the board on behalf of the
15 district. Principal and interest shall be payable in the
16 manner determined by the board. The bonds shall be signed by
17 the chair or vice chair of the board, attested with the seal
18 of said district and by the signature of the chair of the
19 board of supervisors. In case any officer whose signature or a
20 facsimile of whose signature shall appear on the bonds shall
21 cease to be such officer before the delivery of such bonds,
22 such signature or facsimile shall nevertheless be valid and
23 sufficient for all intents and purposes the same as if he or
24 she had remained in office until such delivery. The board may
25 sell such bonds in such manner not inconsistent with general
26 law, either at public or private sale, and for such price, as
27 it may determine to be for the best interests of the district.

28 (2) The proceeds of the sale of any such bonds shall
29 be used to finance or refinance all or part of the costs of
30 the construction or acquisition of additions, extensions, and
31 improvements of any water system, wastewater reuse system, or

1 wastewater system or any combination thereof, to fund reserves
2 and renewal and replacement funds, and to pay the costs of
3 issuing such bonds. The funds derived from the sale of the
4 bonds shall be disbursed in such manner and under such
5 restrictions as the board may provide in the authorizing
6 resolution. Revenue bonds may be issued under the provisions
7 of this act without any other proceeding or happening of any
8 other condition or thing than those proceedings, conditions,
9 or things which are specifically required by this act and by
10 general law.

11 (3) A resolution providing for the issuance of revenue
12 bonds may also contain such limitations upon the issuance of
13 additional revenue bonds secured on a parity with the bonds
14 theretofore issued, as the board may deem proper, and such
15 additional bonds shall be issued under such restrictions and
16 limitations as may be prescribed by such authorizing
17 resolution.

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

21 (5) Revenue bonds issued under the provisions of this
22 act shall not constitute a general obligation debt of the
23 district within the meaning of any constitutional or statutory
24 debt limitation, but such bonds shall be payable solely from
25 the revenues and/or non-ad valorem assessments, if any,
26 pledged therefor, and that the full faith and credit of the
27 district is not pledged to the payment of the principal of or
28 interest on such bonds.

29 (6) In connection with the sale and issuance of bonds,
30 the district may enter into any contracts which the board
31 determines to be necessary or appropriate to achieve a

1 desirable effective interest rate in connection with the bonds
2 by means of, but not limited to, contracts commonly known as
3 investment contracts, funding agreements, interest rate swap
4 agreements, currency swap agreements, forward payment
5 conversion agreements, futures, or contracts providing for
6 payments based on levels of or changes in interest rates, or
7 contracts to exchange cash flows or a series of payments, or
8 contracts, including, without limitation, options, puts, or
9 calls to hedge payment, rate, spread, or similar exposure.
10 Such contracts or arrangements may also be entered into by the
11 district in connection with, or incidental to, entering into
12 any agreement which secures bonds or provides liquidity
13 therefor. Such contracts and arrangements shall be made upon
14 the terms and conditions established by the board, after
15 giving due consideration for the credit worthiness of the
16 counterparties, where applicable, including any rating by a
17 nationally recognized rating service or any other criteria as
18 may be appropriate.

19 (7) In connection with the sale and issuance of the
20 bonds, or entering into any of the contracts or arrangements
21 referred to in the paragraph above, the district may enter
22 into such credit enhancement or liquidity agreements, with
23 such payment, interest rate, security, default, remedy, and
24 any other terms and conditions as the board shall determine.

25 (8) Notwithstanding any provisions of state law
26 relating to the investment or reinvestment of surplus funds of
27 any governmental unit, proceeds of the bonds and any money set
28 aside or pledged to secure payment of the principal of,
29 premium, if any, and interest on the bonds, or any of the
30 contracts entered into pursuant to this section, may be

31

1 invested in securities or obligations described in the
2 resolution providing for the issuance of bonds.

3 Section 6. (1) The board shall, by resolution prior
4 to the issuance of any revenue bonds, fix the initial schedule
5 of rates, fees, or other charges for the use of and the
6 services and facilities to be furnished by any such water
7 system, wastewater reuse system, or wastewater system, or any
8 combination thereof, to be paid by the owner, tenant, or
9 occupant of each lot or parcel of land which may be connected
10 with or used by any such system or systems of the district.
11 After the system or systems shall have been in operation the
12 district board may revise the schedule of rates, fees, and
13 charges from time to time. However, such rates, fees, and
14 charges shall be so fixed and revised so as to provide sums
15 which, with other funds for such purposes, shall be sufficient
16 at all times to pay:

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

19 (b) The expenses of maintaining and repairing such
20 systems, including reserves for such purposes and for capital
21 replacements, depreciation, and necessary extensions or
22 improvements and administrative expenses.

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

25 (2) Such rates, fees, and charges shall be just and
26 equitable and uniform for users of the same class and where
27 appropriate may be based or computed either upon the quantity
28 of water or wastewater consumed or produced, or upon the
29 number and size of wastewater connections or upon the number
30 and kind of plumbing fixtures in use in the premises or upon
31 the number or average number of persons residing or working in

1 or otherwise using the facilities of such system or upon any
2 other factor affecting the use of the facilities or services
3 furnished or upon any combination of the foregoing factors as
4 may be determined by the board on any other equitable basis.
5 All rates, fees, and charges established pursuant to this act
6 shall be set in accordance with the total cost of service
7 which is required to provide service to the customers. The
8 water system, wastewater reuse system, and wastewater system
9 shall be accounted for as separate and as distinct systems.
10 However, the district shall set rates consistent with the
11 guidelines adopted by the American Water Works Association for
12 government-owned utilities. The district may, by resolution,
13 consolidate any one or more systems, provided such
14 consolidation shall not impair the rights of any existing
15 bondholders of the district.

16 (3) No rates, fees, or charges shall be fixed under
17 the foregoing provisions of this section until a public
18 hearing at which all the users of the proposed system or
19 owners, tenants, or occupants served or to be served thereby
20 and all others interested shall have an opportunity to be
21 heard concerning the proposed rates, fees, and charges. After
22 the initial adoption by the board of the resolution setting
23 forth the preliminary schedule or schedules fixing and
24 classifying such rates, fees, and charges, notice of such
25 public hearing setting forth the proposed schedule or
26 schedules of rates, fees, and charges shall be given by one
27 publication in a newspaper published in Charlotte County and
28 in a newspaper published in Sarasota County and such notice
29 shall also be posted in five public places in the district, at
30 least 10 days prior to the date of such hearing, which may be
31 adjourned from time to time. After such hearing, such

1 preliminary schedule or schedules, either as initially
2 adopted, or as modified or amended, may be finally adopted. A
3 copy of the schedule or schedules of such rates, fees, or
4 charges finally fixed in such resolution shall be kept on file
5 in the office of the district and shall be open at all times
6 to public inspection. The rates, fees, or charges so fixed for
7 any class of users or property served shall be extended to
8 cover any additional properties thereafter served which shall
9 fall in the same class, without the necessity of any hearing
10 or notice. Any change or revision of such rates, fees, or
11 charges may be made in the same manner as such rates, fees, or
12 charges were originally established as provided herein,
13 provided that if such changes or revisions be made
14 substantially pro rata as to all classes of service no hearing
15 or notice shall be required.

16 Section 7. In addition to the other provisions and
17 requirements of this act, any resolution authorizing the
18 issuance of bonds may contain any other provisions deemed
19 necessary or in the best interest of the district and the
20 board is authorized to provide and may covenant and agree with
21 the several holders of such bonds to include, but without
22 limitation as to any other provisions, any of the following:

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

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

30 (3) The assumption of payment or discharge of any
31 indebtedness, lien, or other claim relating to any part of any

1 such system or any combination thereof, or any other
2 obligations having or which may have a lien on any part of any
3 such system or systems.

4 (4) Limitations on the powers of the district to
5 construct, acquire, or operate, or permit the construction,
6 acquisition, or operation of any plants, structures,
7 facilities, or properties which may compete or tend to compete
8 with any other system of the district.

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

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

13 (7) Terms and conditions for modification or amendment
14 of any provisions or covenants in any such bond resolution
15 authorizing the issuance of such bonds.

16 (8) Provisions and limitations on the appointment of a
17 trustee, paying agent, registrar, or escrow agent for
18 bondholders.

19 (9) Provisions as to the appointment of a receiver of
20 any system on default of principal of or interest on any such
21 bonds or the breach of any covenant or condition of such
22 authorizing resolution or the provisions and requirements of
23 this act.

24 (10) Provisions as to the execution and entering into
25 of trust agreements, if deemed necessary by the board,
26 regarding the disposition of revenues or bond proceeds for the
27 payment of the cost of the acquisition and construction of the
28 system or any part thereof, or for any other purposes
29 necessary to secure any such revenue bonds.

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

1 (12) Any other matters necessary to secure such bonds
2 and the payment of the principal and interest thereof. All
3 such provisions of the bond resolution and all such covenants
4 and agreements in addition to the other provisions and
5 requirements of this act shall constitute valid and legally
6 binding contracts between the district and several holders of
7 any such bonds regardless of the time of issuance of such
8 bonds, and shall be enforceable by any such holder or holders
9 by mandamus or other appropriate action, suit, or proceeding
10 in law or in equity in any court of competent jurisdiction.

11 Section 8. (1) When the fees, rates, or charges for
12 the services and facilities of any system are not paid when
13 due and are in default for 10 days or more, following written
14 notice to such delinquent customer, the district may
15 discontinue and shut off the supply of the services and
16 facilities of such systems, to the person, firm, corporation,
17 or other body, public or private, so supplied with such
18 services or facilities, until such fees, rates, or charges,
19 including interest, penalties, and charges for the shutting
20 off and discontinuance or the restoration of such services or
21 facilities are fully paid. Such delinquent fees, rates, or
22 charges, together with interest, penalties, and charges for
23 the shutting off and discontinuance or the restoration of such
24 services or facilities, and reasonable attorney's fees, costs
25 and other expenses, may be recovered by the board in a court
26 of competent jurisdiction.

27 (2) In the event that the fees, rates, or charges for
28 the services and the facilities of any system shall not be
29 paid as and when due, the unpaid balance thereof and all
30 interest accruing thereon shall, to the extent permitted by
31 law, be a lien on any parcel or property affected thereby.

1 Such liens shall be superior and paramount to the interest on
2 such parcel or property of any owner, lessee, tenant,
3 mortgagee, or other person except the lien on county or
4 district taxes and shall be on a parity with the lien on any
5 such county or district taxes. In the event that any such
6 service charge shall not be paid as and when due and shall be
7 in default for 30 days or more, the unpaid balance thereof and
8 all interest accrued or penalties thereon, together with
9 attorney's fees and costs, may be recovered by the district in
10 a civil action, and any such lien and accrued interest and
11 penalties may be foreclosed or otherwise enforced by the
12 district by action or suit in equity as for the foreclosure of
13 a mortgage on real property in the manner provided by general
14 law.

15 Section 9. (1) The district may provide for the levy
16 of non-ad valorem assessments under this act on the lands and
17 real estate benefited by the construction of any system, or
18 extensions or improvements thereof, or any part thereof.
19 Non-ad valorem assessments may be levied only on benefited
20 real property at a rate of assessment based on the special
21 benefit accruing to such property from such improvements. The
22 district may use any assessment apportionment methodology that
23 meets the "fair apportionment" standards.

24 (2) The board may determine to make any improvements
25 authorized by this act and defray the whole or any part of the
26 expense thereof by non-ad valorem assessments. The board shall
27 so declare by resolution stating the nature of the proposed
28 improvement, designating the location of wastewater
29 facilities, the location of water mains, water laterals, and
30 other water distribution facilities, or the location of the
31 wastewater reuse facilities, and the part or portion of the

1 expense thereof to be paid by non-ad valorem assessments, the
2 manner in which said assessments shall be made, when said
3 assessments are to be paid, and what part, if any, shall be
4 apportioned to be paid from the general funds of the district.
5 Said resolution shall also designate the lands upon which the
6 non-ad valorem assessments shall be levied, and in describing
7 said lands it shall be sufficient to describe them as "all
8 lots and lands adjoining and contiguous or bounding and
9 abutting upon such improvements or specially benefited thereby
10 and further designated by the assessment plat hereinafter
11 provided for." Such resolution shall also state the total
12 estimated cost of the improvement. Such estimated cost may
13 include the cost of construction or reconstruction, the cost
14 of all labor and materials, the cost of all lands, property,
15 rights, easements, and franchises acquired, financing charges,
16 interest prior to and during construction and for 1 year after
17 completion of construction, discount on the sale of assessment
18 bonds, cost of plans and specifications, surveys of estimates
19 of costs and of revenues, cost of engineering and legal
20 services, and all other expenses necessary or incident to
21 determining the feasibility or practicability of such
22 construction or reconstruction, administrative expense, and
23 such other expense as may be necessary or incident to the
24 financing herein authorized.

25 (3) At the time of the adoption of the resolution
26 provided for in subsection (2), there shall be on file at the
27 district's offices an assessment plat showing the area to be
28 assessed, with plans and specifications, and an estimate of
29 the cost of the proposed improvement, which assessment plat,
30 plans, and specifications and estimate shall be open to the
31 inspection of the public.

1 (4) Upon adoption of the resolution provided for in
2 subsection (2), or completion of the preliminary assessment
3 roll provided for in subsection (5), whichever is later, the
4 vice chair of the board shall publish notice of the resolution
5 once in a newspaper published in each of the Counties of
6 Charlotte and Sarasota. The notice shall state in brief and
7 general terms a description of the proposed improvements with
8 the location thereof, and that the plans, specifications, and
9 estimates are available to the public at the district's
10 offices. The notice shall also state the date and time of the
11 hearing to hear objections provided for in subsection (7),
12 which hearing shall be no earlier than 15 days after
13 publication of said notice. Such publication shall be verified
14 by the affidavit of the publisher and filed with the secretary
15 to the board.

16 (5) Upon the adoption of the resolution provided for
17 in subsection (2), the board shall cause to be made a
18 preliminary assessment roll in accordance with the method of
19 assessment provided for in said resolution, said assessment
20 roll shall show the lots and lands assessed and the amount of
21 the benefit to and the assessment against each lot or parcel
22 of land, and, if said assessment is to be paid in
23 installments, the number of annual installments in which the
24 assessment is divided shall also be entered and shown upon
25 said assessment roll.

26 (6) Upon the completion of said preliminary assessment
27 roll, the board shall by resolution fix a time and place at
28 which the owners of the property to be assessed or any other
29 persons interested therein may appear before said board and be
30 heard as to the propriety and advisability of making such
31 improvements, as to the cost thereof, as to the manner of

1 payment therefor, and as to the amount thereof to be assessed
2 against each property so improved. Ten days' notice in writing
3 of such time and place shall be given to such property owners.
4 The notice shall include the amount of the assessment and
5 shall be served by mailing a copy by first class mail to each
6 of such property owners at his or her last known address, the
7 names and addresses of such property owners to be obtained
8 from the records of the property appraiser, and proof of such
9 mailing to be made by the affidavit of the secretary to the
10 board, or by the engineer.

11 (7) At the time and place named in the notice provided
12 for in subsection (4), the board shall meet and hear testimony
13 from affected property owners as to the propriety and
14 advisability of making the improvements and funding them with
15 non-ad valorem assessments on property. Following the
16 testimony, the board shall make a final decision on whether to
17 levy the non-ad valorem assessments, adjusting assessments as
18 may be warranted by information received at or prior to the
19 hearing. If any property which may be chargeable under this
20 section shall have been omitted from the preliminary roll or
21 if the prima facie assessment shall not have been made against
22 it, the board may place on such roll an apportionment to such
23 property. The owners of any property so added to the
24 assessment roll shall be mailed a copy of the notice provided
25 for in subsection (6) by first class mail and granted 15 days
26 from such date of mailing to file any objections with the
27 board. When so approved by resolution of the board, a final
28 assessment roll shall be filed with the vice chair of the
29 board, and such assessments shall stand confirmed and remain
30 legal, valid, and binding first liens upon the property
31 against which such assessments are made until paid. The

1 assessment so made shall be final and conclusive as to each
2 lot or parcel assessed unless proper steps be taken within 30
3 days after the filing of the final assessment roll in a court
4 of competent jurisdiction to secure relief. If the assessment
5 against any property shall be sustained or reduced or abated
6 by the court, the vice chair shall note that fact on the
7 assessment roll opposite the description of the property
8 affected thereby and notify the county property appraiser and
9 the tax collector in writing. The amount of the non-ad valorem
10 assessment against any lot or parcel which may be abated by
11 the court, unless the assessment upon the entire district be
12 abated, or the amount by which such assessment is so reduced,
13 may by resolution of the board be made chargeable against the
14 district at large, or, at the discretion of the board, a new
15 assessment roll may be prepared and confirmed in the manner
16 hereinabove provided for the preparation and confirmation of
17 the original assessment roll. The board may by resolution
18 grant a discount equal to all or a part of the payee's
19 proportionate share of the cost of the project consisting of
20 bond financing costs, such as capitalized interest, funded
21 reserves, and bond discount included in the estimated cost of
22 the project, upon payment in full of any assessment during
23 such period prior to the time such financing costs are
24 incurred as may be specified by the board.

25 (8) The non-ad valorem assessments shall be payable at
26 the time and in the manner stipulated in the resolution
27 providing for the improvement; shall remain liens, coequal
28 with the lien of all state, county, district, and municipal
29 taxes, superior in dignity to all other liens, titles, and
30 claims, until paid; shall bear interest, at a rate not to
31 exceed the percentage authorized by section 170.09, Florida

1 Statutes, for municipal special assessments or, if bonds are
2 issued pursuant to this chapter, at a rate not to exceed 1
3 percent above the rate of interest at which the bonds
4 authorized pursuant to this act and used for the improvement
5 are sold, from the date of the acceptance of the improvement;
6 and may, by the resolution aforesaid and only for capital
7 outlay projects, be made payable in equal installments over a
8 period not to exceed 20 years, to which, if not paid when due,
9 there shall be added a penalty at the rate of 1 percent per
10 month, until paid. However, the assessments may be paid
11 without interest at any time within 30 days after the
12 improvement is completed and a resolution accepting the same
13 has been adopted by the board.

14 (9) The non-ad valorem assessments approved by the
15 board may be levied, assessed, and collected pursuant to
16 section 197.3632, Florida Statutes. The collection and
17 enforcement of the non-ad valorem assessment levied by the
18 district shall be at the same time and in like manner as
19 county taxes.

20 (10) All assessments shall constitute a lien upon the
21 property so assessed from the date of confirmation of the
22 resolution ordering the improvement of the same nature and to
23 the same extent as the lien for general county, municipal, or
24 district taxes falling due in the same year or years in which
25 such assessments or installments thereof fall due, and any
26 assessment or installment not paid when due shall be collected
27 with such interest and with reasonable attorney's fees and
28 costs, but without penalties, by the district by proceedings
29 in a court of equity to foreclose the lien of assessment as a
30 lien for mortgages is or may be foreclosed under the laws of
31 the state, provided that any such proceedings to foreclose

1 shall embrace all installments of principal remaining unpaid
2 with accrued interest thereon, which installments shall, by
3 virtue of the institution of such proceedings immediately
4 become due and payable. Nevertheless, if, prior to any sale of
5 the property under decree of foreclosure in such proceedings,
6 payment be made of the installment or installments which are
7 shown to be due under the provisions of the resolution passed
8 pursuant to this section, and all costs including attorney's
9 fees, such payment shall have the effect of restoring the
10 remaining installments to their original maturities and the
11 proceedings shall be dismissed. It shall be the duty of the
12 district to enforce the prompt collection of assessments by
13 the means herein provided, and such duty may be enforced at
14 the suit of any holder of bonds issued under this act in a
15 court of competent jurisdiction by mandamus or other
16 appropriate proceedings or action. Not later than 30 days
17 after the annual installments are due and payable, it shall be
18 the duty of the board to direct the attorney or attorneys whom
19 the board shall then designate to institute actions within 3
20 months after such direction to enforce the collection of all
21 non-ad valorem assessments for improvements made under this
22 section and remaining due and unpaid at the time of such
23 direction. Such action shall be prosecuted in the manner and
24 under the conditions in and under which mortgages are
25 foreclosed under the laws of the state. It shall be lawful to
26 join in one action the collection of assessments against any
27 or all property assessed by virtue of the same assessment roll
28 unless the court shall deem such joinder prejudicial to the
29 interest of any defendant. The court shall allow reasonable
30 attorney's fees for the attorney or attorneys of the district,
31 and the same shall be collectible as a part of or in addition

1 to the costs of the action. At the sale pursuant to decree in
2 any such action, the district may be a purchaser to the same
3 extent as an individual person or corporation, except that the
4 part of the purchase price represented by the assessments sued
5 upon and the interest thereon need not be paid in cash.
6 Property so acquired by the district may be sold or otherwise
7 disposed of, the proceeds of such disposition to be placed in
8 the fund provided by subsection (11). However, no sale or
9 other disposition thereof shall be made unless the notice
10 calling for bids therefor to be received at a stated time and
11 place shall have been published in a newspaper of general
12 circulation in the district once in each of 4 successive weeks
13 prior to such disposition.

14 (11) All assessments and charges made under the
15 provisions of this section for the payment of all or any part
16 of the cost of any improvements for which assessment bonds
17 shall have been issued under the provisions of this act are
18 hereby pledged to the payment of the principal of and the
19 interest on such assessment bonds and shall, when collected,
20 be placed in a separate fund, properly designated, which fund
21 shall be used for no other purpose than the payment of such
22 principal and interest.

23 (12) The counties in which the district is located and
24 each school district and other political subdivision wholly or
25 partly within the district shall be subject to the same duties
26 and liabilities in respect of assessment under this section
27 affecting the real estate of such counties, school districts,
28 or other political subdivisions which private owners of real
29 estate are subject to hereunder, and such real estate of any
30 such counties, school districts, and political subdivision
31 shall be subject to liens for said assessments in all cases

1 where the same property would be subject had it at the time
2 the lien attached been owned by a private owner, except that
3 no such lien may be foreclosed unless and until said real
4 estate is conveyed to a person or entity which is not a
5 political subdivision.

6 Section 10. The board shall cause to be made at least
7 once each year a comprehensive report of its water system,
8 wastewater reuse system, and wastewater system including all
9 matters relating to rates, revenues, expenses of maintenance,
10 repair, and operation and renewals and capital replacements,
11 principal and interest requirements, and the status of all
12 funds and accounts. Copies of such general report shall be
13 filed with the vice chair and shall be open to public
14 inspection.

15 Section 11. Any holder of bonds issued under the
16 provisions of this act, or of any of the coupons appertaining
17 thereto, except as to the extent that the rights herein
18 granted may be restricted by the resolution authorizing the
19 issuance of such bonds, may, either at law or in equity, by
20 suit, mandamus, or other proceeding, protect and enforce any
21 and all rights under the laws of the state or granted
22 hereunder or under such resolutions, and may enforce and
23 compel the performance of all duties required by this act and
24 by such resolutions to be performed by the district or by the
25 board or by any officer or officers or employees thereof,
26 including the fixing and charging and collecting of rates,
27 fees, and charges for the services and facilities furnished by
28 the water system, wastewater reuse system, or wastewater
29 system and the due and proper collection of any non-ad valorem
30 assessments pledged therefor.

31

1 Section 12. (1) As the exercise of the powers
2 conferred by this act constitutes the performance of essential
3 public functions and as the systems constructed under the
4 provisions of this act constitute public property used for
5 public purposes, such district and the property thereof,
6 including all revenues, moneys, or other assets of any type or
7 character, shall not be subject to taxation by the state or
8 any political subdivision, agency, instrumentality, or
9 municipality thereof, and it is hereby expressly found
10 determined and declared that all of the lands and real estate
11 in said district will be benefited by the construction or
12 acquisition of the systems, and additions, extensions, and
13 improvements thereto, provided for in this act.

14 (2) All bonds or other obligations issued under this
15 act shall be exempt from all taxation by the state or any
16 county, municipality, or political subdivision thereof;
17 however, the exemption does not apply to any tax imposed by
18 chapter 220, Florida Statutes, on interest, income, or profits
19 on debt obligations owned by corporations. Such bonds or other
20 obligations shall be and constitute securities eligible for
21 deposit as collateral to secure any state, county, municipal,
22 or other public funds, and shall also be and constitute legal
23 investments for any banks, savings banks, trust funds,
24 executors, administrators, state, county, municipal, or other
25 public funds, or any other fiduciary funds.

26 Section 13. In any case in which the character or
27 condition of the sewage from or originating in any
28 manufacturing or industrial plant or building or premises is
29 such that it imposes an unreasonable burden upon the
30 wastewater system, an additional charge may be made therefor
31 or the board may, if it deems it advisable, compel such

1 manufacturing or industrial plant, building, or premises to
2 treat such wastewater in such manner as shall be specified by
3 the board before discharging such wastewater into any
4 wastewater lines owned, maintained, or operated by the
5 district.

6 Section 14. The district is authorized to enter into
7 any agreement for the delivery of any revenue bonds,
8 assessment bonds, or any combination thereof, at one time or
9 from time to time as full or partial payment for any work done
10 by any contractor who may have been awarded a contract for the
11 construction of all or any part of any system. However, any
12 such bonds so delivered for payment of services shall have
13 been authorized and issued pursuant to the provisions of this
14 act and shall otherwise conform to the provisions thereof.

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

23 (2) Such advertisement for bids, in addition to the
24 other necessary and pertinent matter, shall state in general
25 terms the nature and description of the improvement or
26 improvements to be undertaken and shall state that detailed
27 plans and specifications for such work are on file in the
28 office of the vice chair or will be mailed upon request to
29 interested parties. The award shall be made to the responsible
30 and competent bidder or bidders who shall offer to undertake
31 the improvements at the lowest cost to the district and such

1 bidder or bidders shall be required to file bond for the full
2 and faithful performance of such work and the execution of any
3 such contract in such amount as the board shall determine. No
4 criteria may be used in determining the acceptability of the
5 bid that was not set forth in the invitation to bid. The
6 contract shall be awarded with reasonable promptness by
7 written notice to the qualified and responsive bidder that
8 submits the lowest responsive bid.

9 (3) When the board determines that the use of
10 competitive sealed bidding is not practicable, commodities or
11 contractual services shall be procured by competitive sealed
12 proposals. A request for proposals which includes a statement
13 of the commodities or contractual services sought and all
14 contractual terms and conditions applicable to the
15 procurement, including the criteria, which shall include, but
16 not be limited to, price, to be used in determining
17 acceptability of the proposal shall be issued. To ensure full
18 understanding of and responsiveness to the solicitation
19 requirement, discussions may be conducted with qualified
20 offerors. The offerors shall be accorded fair and equal
21 treatment prior to the submittal dates specified in the
22 request for proposals with respect to any opportunity for
23 discussion and revision of proposals. The award shall be made
24 to the responsible offeror whose proposal is determined in
25 writing to be the most advantageous to the district, taking
26 into consideration the price and the other criteria set forth
27 in the request for proposals.

28 (4) If the chair of the board, or his or her designee,
29 determines in writing that an immediate danger to the public
30 health, safety, or welfare or other substantial loss to the
31 district requires emergency action, the provisions of this

1 section requiring competitive bidding or proposals shall be
2 waived. After the chair or his or her designee makes such a
3 written determination, the district may proceed with the
4 procurement of commodities or contractual services
5 necessitated by the immediate danger, without competition.
6 However, such emergency procurement shall be made with such
7 competition as is practicable under the circumstances.
8 Commodities or contractual services available only from a
9 single source may be excepted from the bid requirements if it
10 is determined that such commodities or services are available
11 only from a single source and such determination is documented
12 and approved by the board. Nothing in this section shall be
13 deemed to prevent the district from hiring or retaining such
14 consulting engineers, or other professionals or other
15 technicians as it shall determine, in its discretion,
16 consistent with the requirements of section 287.055, Florida
17 Statutes, or for undertaking any construction work with its
18 own resources and without any such public advertisement.

19 Section 16. The same rates, fees, charges, and non-ad
20 valorem assessments shall be fixed, levied, and collected on
21 the property, officers, and employees of the counties, or any
22 school district, or other political subdivision included
23 within the district, as are fixed, levied, and collected on
24 all other properties or persons in the district as provided in
25 this act.

26 Section 17. Any county, municipality, or other
27 political subdivision is authorized to sell, lease, grant, or
28 convey any real or personal property to the district and any
29 such sale, grant, lease, or conveyance may be made without
30 formal consideration. The district is authorized to classify
31 as surplus any of its property and dispose of such property

1 consistent with the provisions of sections 274.05 and 274.06,
2 Florida Statutes.

3 Section 18. No system or portion thereof shall be
4 constructed within the district unless the board shall give
5 its consent thereto and approve the plans and specifications
6 therefor, subject, however, to the terms and provisions of any
7 resolution authorizing any bonds and agreements with
8 bondholders.

9 Section 19. The board shall have no power to mortgage,
10 pledge, encumber, sell, or otherwise convey all or any part of
11 its systems except as otherwise provided in this act, except
12 that the board may dispose of any part of such system or
13 systems as may be no longer necessary for the purposes of the
14 district. The provisions of this section shall be deemed to
15 constitute a contract with all bondholders. All district
16 property shall be exempt from levy and sale by virtue of an
17 execution and no execution or other judicial process shall
18 issue against such property, nor shall any judgment against
19 the district be a charge or lien on its property, provided
20 that nothing herein contained shall apply to or limit the
21 rights of bondholders to pursue any remedy for the enforcement
22 of any lien or pledge given by the district on revenues
23 derived from the operation of any system.

24 Section 20. The state does hereby pledge to and
25 covenant and agree with the holders of any bonds issued
26 pursuant to this act that the state will not limit or alter
27 the rights hereby vested in the district to acquire,
28 construct, maintain, reconstruct, and operate its systems and
29 to fix, establish, charge, and collect its service charges
30 therefor, and to fulfill the terms of any agreement made with
31 the holders of such bonds or other obligations, and will not

1 in any way impair the rights or remedies of such holders,
2 until the bonds, together with interest thereon, with interest
3 on any unpaid installments of interest, and all costs and
4 expenses in connection with any action or proceeding by or on
5 behalf of such holders, are fully met and discharged.

6 Section 21. The provisions of this act shall be deemed
7 to constitute a contract with the holders of any bonds issued
8 hereunder and shall be liberally construed to effect its
9 purposes and shall be deemed cumulative and supplemental to
10 all other laws.

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

15 Section 23. The district may assume the operation of
16 any system which substantially fails to meet its financial
17 responsibilities or operating standards pursuant to this act
18 or other laws and regulations of the state, if the board
19 determines that such action is in the public interest and the
20 system owner conveys ownership to the district.

21 Section 24. The board may lease or license the use of
22 any real or personal property of the district upon such terms,
23 conditions, and for such consideration as the board deems
24 appropriate. However, no such lease or license shall be for a
25 period exceeding 20 years in duration, unless renewed, and
26 provided that the lease or license shall be restricted to
27 permit the grantee to use such property during the term of the
28 lease or license only for civic or public purposes or purposes
29 not in conflict with this act or general law.

30 Section 25. The district may, in addition to other
31 provisions of this act providing for the accrual of interest,

1 assess an interest charge on contractual obligations owed the
2 district. Such interest shall accrue at an annual percentage
3 rate as provided in chapter 687, Florida Statutes, or as
4 otherwise provided by contract. Such accrued interest charges,
5 if payment thereof becomes delinquent, may be recovered in the
6 same manner as provided in this act for other delinquent
7 rates, fees, charges, or penalties.

8 Section 26. The members of the board of supervisors
9 shall be subject to recall as provided by general law for
10 elected officers of municipalities.

11 Section 27. Any person who shall steal or damage
12 district property, or tamper with or alter district property
13 or threaten or cause actual harm to public health commits a
14 criminal offense and misdemeanor within the meaning of section
15 775.08, Florida Statutes, unless such offense is of a higher
16 degree in general law, and shall be punishable as provided by
17 law.

18 Section 28. All contracts, obligations, rules,
19 regulations, or policies of any nature existing on the date of
20 enactment of this act shall remain in full force and effect
21 and this act shall in no way affect the validity of such
22 contracts, obligations, rules, regulations, or policies.

23 Section 29. This act shall not affect the terms of
24 office of the present district board, nor shall it affect the
25 terms and conditions of employment of any employees of the
26 district.

27 Section 4. Chapters 59-931, 67-811, 71-480, 85-406,
28 86-420, 89-400, 90-408, 91-357, 92-271, 94-437, and 96-499,
29 Laws of Florida, are repealed.

30 Section 5. It is declared to be the intent of the
31 Legislature that if any section, subsection, sentence, clause,

1 phrase, or portion of this act is, for any reason, held
2 invalid or unconstitutional by a court of competent
3 jurisdiction, such portion shall be deemed to be a separate,
4 distinct, and independent provision and such holdings shall
5 not affect the validity of the remaining portions of this act.

6 Section 6. This act shall be construed as a remedial
7 act and the provisions of this act shall be liberally
8 construed in order to effectively carry out the purpose of
9 this act in the interest of the public health, welfare, and
10 safety of the citizens served by the district.

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

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