

26 subsections (1) and (5) of section 18, subsection (1) of section
27 19, and section 20 of chapter 2003-368, Laws of Florida, as
28 amended by chapters 2013-266 and 2007-287, Laws of Florida, are
29 amended, and a new subsection (6) is added to section 3 of that
30 chapter, to read:

31 Section 2. Legislative Findings.

32 (2) It is declared as a matter of legislative
33 determination that the extensive growth of population and
34 attendant commerce throughout Osceola County and surrounding
35 counties has caused affected general purpose local governments
36 within Osceola County to recognize the need to consider,
37 advance, and develop a regional approach to the governmental
38 delivery and provision of potable water, wastewater, nonpotable
39 water, and reclaimed water facilities and services, the
40 protection of the environment, and the use of valuable water
41 resources.

42 (3) Each of the affected general purpose local governments
43 within Osceola County and surrounding counties must meet the
44 comprehensive planning requirements of chapter 163, Florida
45 Statutes, which mandate that local governments coordinate their
46 plans for future growth with available resources of funding and
47 availability of infrastructure. The provision of potable and
48 nonpotable water and wastewater services and facilities is a
49 major factor in such infrastructure coordination. A focused
50 regional approach to local governmental ownership and provision

51 of potable and nonpotable water and wastewater utility
52 facilities is desirable and will readily allow Osceola County
53 and the City of Kissimmee, and certain adjacent areas upon
54 approval of any affected general purpose local government, to
55 more effectively meet their statutory mandate with respect to
56 the utilities element of their respective comprehensive plans.

57 (4) The Authority was created and established by the
58 Legislature in 2003. It was, and continues to be, ~~is~~ the intent
59 of the Legislature to create and foster an independent special
60 district in Osceola County that, with the concurrence and
61 approval of affected general purpose local governments, can
62 address and carry out the provision of potable and nonpotable
63 water and wastewater services and facilities in certain areas of
64 Osceola County and certain adjacent areas upon the approval of
65 any affected general purpose local government, as hereinafter
66 provided, to provide economies of scale; eliminate duplicative
67 functions and expenditures; protect the local and regional
68 environment; more efficiently use, preserve, address, protect,
69 and have standing in all respects to use, preserve, address, and
70 protect, valuable local and regional water resources; and
71 advance regional and comprehensive planning.

72 Section 3. Definitions. When used in this act, unless a
73 different meaning appears clearly from the context:

74 (6) "Partial term" means, in relation to the designated 3-
75 year term of a member on the Board of Supervisors, any term in

76 | which a person appointed to the Board of Supervisors serves or
77 | takes office as a result of resignation, removal, or vacancy,
78 | and serves or fulfills less than the 3-year term of office. For
79 | the purposes of determining term limitations, however, service
80 | of 548 days or more of any partial term shall be construed as
81 | service of a full term.

82 | ~~(7)-(6)~~ "Pledged funds" means:

83 | (a) The revenues, fees, charges, special assessments, and
84 | other moneys received by the Authority or its designee relating
85 | to its ownership or operation of the Authority facilities, or
86 | some portion thereof.

87 | (b) Until applied in accordance with the terms of the
88 | financing documents, all moneys in the funds, accounts, and sub-
89 | accounts established thereby, including investments therein.

90 | (c) Such other property, assets, and moneys of the
91 | Authority as shall be pledged pursuant to the financing
92 | documents, in each case to the extent provided by the Board of
93 | Supervisors pursuant to the financing documents. The funds
94 | pledged to one series of obligations may be different than the
95 | funds pledged to other series of obligations. Pledged funds
96 | shall not include any ad valorem tax revenues or general fund
97 | account of the Authority unless first approved by a vote of the
98 | electors within the service area of the Authority.

99 | ~~(8)-(7)~~ "Project" means any structure, property, or
100 | facility which the Authority, from time to time, may determine

101 to construct or acquire as part of its Authority facilities,
102 together with all improvements, equipment, structures, and other
103 facilities necessary or appropriate in connection therewith.
104 This term is to be broadly construed so as to include the lawful
105 undertaking which will accrue, or is reasonably expected to
106 accrue, to the benefit of the Authority facilities, including
107 joint ventures and acquisitions of partial interests or
108 contractual rights. "Project" shall include, but not be limited
109 to, acquisition or transfer of any water or wastewater utility
110 system, water or wastewater utility assets, or securing the
111 right to provide any water or wastewater utility service as
112 provided for in one or more interlocal agreements between the
113 Osceola County Board of County Commissioners and the City
114 Commission of the City of Kissimmee or any other governmental
115 body. "Project" may also include working capital, as well as any
116 costs or judgments associated with litigation.

117 (9)~~(8)~~ "Ratepayer" means any natural person who pays
118 rates, fees, or charges on a recurring basis to the Authority,
119 or who is an official, officer, member, or employee of any
120 entity, public or private, that pays rates, fees, or charges on
121 a recurring basis to the Authority.

122 (10)~~(9)~~ "Service area" means the geographic boundaries
123 within which the Authority provides, or is otherwise authorized
124 pursuant to the provisions of this act to provide, water or
125 wastewater services or facilities.

126 Section 4. District Establishment and Creation.

127 (2) The District boundary shall embrace and include:

128 (a) The territory within Osceola County consisting of the
 129 incorporated area of the City of Kissimmee and including those
 130 areas served or provided with water and wastewater service by
 131 the City of Kissimmee on June 26, 2003 ~~the effective date~~
 132 hereof.

133 (b) All unincorporated areas within Osceola County, less
 134 and except any areas included within the Reedy Creek Improvement
 135 District, on June 26, 2003, ~~the effective date hereof~~, and less
 136 and except the territory within Osceola County consisting of the
 137 incorporated area of the City of St. Cloud, and including those
 138 unincorporated areas authorized by law to be served or provided
 139 with water and wastewater service by the City of St. Cloud on
 140 June 26, 2003 ~~the effective date hereof~~. This act shall not be
 141 construed to prohibit or inhibit the City of St. Cloud from
 142 lawfully extending, expanding, or providing authorized municipal
 143 services and facilities as provided for in section 180.02(3),
 144 Florida Statutes. The Authority shall be estopped in any future
 145 proceeding conducted pursuant to section 180.03 or section
 146 180.04, Florida Statutes, by the City of St. Cloud, or any
 147 action arising therefrom, from asserting or claiming the
 148 willingness and ability to provide potable water or wastewater
 149 service to:

150 1. All lands in Osceola County, Florida, lying in Section
151 8, Township 25 South, Range 31 East.

152 2. All lands in Osceola County, Florida, lying in Section
153 5, Township 25 South, Range 31 East lying easterly of the
154 eastern boundary of Fells Cove Subdivision, according to the
155 plat recorded in the Public Records of Osceola County, Florida,
156 (including specifically the Floridian R.V. Park).

157 3. All lands in Osceola County, Florida lying within
158 Florida Turnpike right-of-way in the Northwest quarter (NW1/4)
159 Section 36, Township 27 South, Range 30 East (Canoe Creek DOT
160 facility).

161
162 The District boundary may be expanded to include any service
163 area within the boundaries of an affected general purpose local
164 government upon the adoption of a resolution by the governing
165 body of the affected general purpose local government
166 authorizing the Authority to provide its service and facilities
167 therein.

168 Section 6. Governing Body.

169 (1) The governing body of the Authority shall consist of
170 voting ~~five permanent~~ members, appointed as provided herein, ~~and~~
171 ~~one or more interlocal members, as may be appointed,~~ acting as
172 the Board of Supervisors, each of whom shall serve a term of 3
173 years commencing on October 1, provided the procedure for
174 appointment of the voting members of the Board of Supervisors

175 and their respective ~~initial~~ terms of office shall be as
 176 follows:

177 (a) Board Supervisor No. 1 and Board Supervisor No. 2
 178 shall serve purposefully staggered 3-year ~~for initial~~ terms ~~of~~
 179 ~~approximately 2 years,~~ ending on September 30, 2005, and each 3
 180 years thereafter. Board Supervisor No. 1 shall be appointed by
 181 the Osceola County Board of County Commissioners. Board
 182 Supervisor No. 2 shall be appointed by the City Commission of
 183 the City of Kissimmee.

184 (b) Board Supervisor No. 3 and Board Supervisor No. 4
 185 shall serve purposefully staggered 3-year ~~initial~~ terms ~~of~~
 186 ~~approximately 3 years,~~ ending on September 30, 2006, and each 3
 187 years thereafter. Board Supervisor No. 3 shall be appointed by
 188 the Osceola Board of County Commissioners. Board Supervisor No.
 189 4 shall be appointed by the City Commission of the City of
 190 Kissimmee.

191 (c) Board Supervisor No. 5 shall serve a purposefully
 192 staggered 3-year ~~an initial~~ term ~~of approximately 4 years,~~
 193 ending September 30, 2018 ~~2007~~. Board Supervisor No. 5 shall be
 194 ~~collectively~~ appointed by ~~joint resolution of the~~ Polk ~~Osceola~~
 195 County Board of County Commissioners for so long as an
 196 interlocal agreement between Polk County and the Authority
 197 authorizing the Authority to provide its potable or nonpotable
 198 water or wastewater management or delivery services or programs
 199 to retail customers within Polk County remains in place and is

200 ~~effective and the City Commission of the City of Kissimmee and~~
201 ~~shall serve as the Chairperson of the Board of Supervisors.~~

202 (d) By resolution, ~~one~~ additional members of the Board of
203 Supervisors ~~Supervisor~~ may be appointed by Polk County or an
204 ~~each~~ additional general-purpose local government that has
205 adopted a resolution authorizing the Authority to provide
206 services and facilities within a service area within its
207 boundaries and that has entered into an interlocal agreement
208 with the Authority authorizing the Authority to provide its
209 potable or nonpotable water or wastewater management or delivery
210 services or programs to retail customers within such service
211 area, provided such interlocal agreement expressly provides for
212 the appointment of such interlocal voting member of the Board of
213 Supervisors. Such appointment shall be effective only for so
214 long as the interlocal agreement is effective. Any interlocal
215 voting member appointed to the Board of Supervisors shall serve
216 an initial term of not more than 3 years, ending on September 30
217 of the final year of the term. The final year of any such term
218 shall be determined such that successive terms are staggered so
219 no more than a minimum of members of the Board of Supervisors
220 are ever due to be appointed in any year.

221 (2) All members of the Board of Supervisors shall be
222 ratepayers and qualified electors of Osceola County or of the
223 service area ~~adjacent to Osceola County~~ in which the District
224 has been authorized to operate. Each of the general purpose

225 | local governments responsible for appointing members shall
226 | consider but is not required to appoint members with business,
227 | real estate development, engineering, accounting, financial,
228 | scientific, utility, governmental, or public service
229 | backgrounds.

230 | (3) Board members shall not be appointed to or serve ~~no~~
231 | more than three ~~3~~ consecutive 3-year terms, not including any
232 | partial initial term which may be held or is served for fewer
233 | than 548 days ~~as provided for herein~~.

234 | (5) The Board of Supervisors shall annually elect a
235 | Chairperson, Vice Chairperson, Secretary, and such other
236 | officers of the Authority as may be hereafter designated and
237 | authorized by the Board of Supervisors, each of whom shall serve
238 | for 1 year commencing as soon as practicable after October 1 and
239 | until his or her successor is chosen. The Chairperson, Vice
240 | Chairperson, and Secretary shall conduct the meetings of the
241 | Authority and perform such other functions as herein provided.
242 | The Chairperson, ~~and~~ Vice Chairperson, and any other duly
243 | appointed person shall take such actions and have all such
244 | powers and sign all documents on behalf of the Authority in
245 | furtherance of this act or as may be approved by resolution of
246 | the Board of Supervisors adopted at a duly called meeting. The
247 | Vice Chairperson, in the Chairperson's absence, shall preside at
248 | all meetings. The Secretary, or his or her designee, shall keep
249 | minutes of all meetings, proceedings, and acts of the Board of

250 Supervisors, but such minutes need not be verbatim. Copies of
251 all minutes of the meetings of the Authority shall promptly be
252 sent by the Secretary, or his or her designee, to all members of
253 the Board of Supervisors and to each general purpose local
254 government located within the District or the service area. The
255 Secretary may also attest to the execution of documents. The
256 Secretary shall have such other powers as may be approved by
257 resolution of the Board of Supervisors adopted at a duly called
258 meeting.

259 (7) The members of the Board of Supervisors shall receive
260 as compensation for their services a stipend fee of \$150 ~~\$100~~
261 per duly called meeting attended, not to exceed 3 meetings per
262 month. Such ~~The~~ amount ~~of compensation~~ shall be adjusted and
263 increased annually by \$10, unless such increase is deferred in
264 any year by unanimous vote of the Board of Supervisors based
265 ~~upon the index provided in section 287.017(2), Florida Statutes,~~
266 ~~or its successor in function.~~ In addition, each member of the
267 Board of Supervisors shall be reimbursed for expenses as
268 provided in section 112.061, Florida Statutes, or otherwise
269 approved by the Board of Supervisors for travel on Authority
270 business outside of the boundaries of the District or service
271 area of the District.

272 Section 8. Meetings; Notice. The Board of Supervisors
273 shall hold meetings pursuant to section 189.015, ~~sections~~
274 ~~189.416 and 189.417~~, Florida Statutes.

275 Section 9. Reports; Budgets; Audits. The District shall
 276 prepare and submit reports, budgets, and audits as provided in
 277 section 189.016, ~~sections 189.415 and 189.418,~~ Florida Statutes.

278 Section 10. District Powers, Functions, and Duties.

279 (1) The Authority shall have all powers to carry out the
 280 purposes of this act and the functions and duties provided for
 281 herein, including the following powers which shall be in
 282 addition to and supplementing any other privileges, benefits,
 283 and powers granted by this act or general law:

284 (m) To contract with private or public entities or persons
 285 to obtain, provide, treat, distribute, or receive potable and
 286 nonpotable water or to provide or receive wastewater disposal,
 287 collection, or treatment; and, to additionally enjoy all powers
 288 necessary to contract by interlocal agreement with the state or
 289 any general or special purpose local government to manage,
 290 treat, store, or provide for surface run-off or stormwater
 291 management, detention, retention, recovery, protection, use, or
 292 any similar activity which makes available, protects, conserves,
 293 or otherwise uses nonpotable water, including, but not limited
 294 to, the establishment or assistance in the operation of any
 295 reservoir or stormwater utility program, special or non-ad
 296 valorem assessment program, or the imposition, levy, billing,
 297 collection, and enforcement of payment for such projects or
 298 services for any associated rates, fees, or charges therefor.

299 Section 12. Adoption of Rates, Fees, and Charges.

300 (4) In the event the Authority acquires, purchases,
301 assumes, or accepts ownership of any publicly or privately owned
302 water or wastewater facilities or systems, the Authority may
303 agree to set, freeze, and not increase any rates, fees, or
304 charges to any affected class or customers of the acquired
305 facilities for up to 4 full calendar years following such
306 acquisition, and in exchange for such value and concessions as
307 the Board deems reasonable and appropriate. Provided, however,
308 the Board shall not set and freeze such rates, fees, and charges
309 for amounts less than similar rates, fees, and charges for
310 amounts less than similar rates, fees, and charges then charged
311 or imposed upon other Authority customers. ~~Except as required by~~
312 ~~any covenant to timely meet, perform, or repay any obligations~~
313 ~~under any financing documents or as described in subsections (7)~~
314 ~~and (8), no rates, fees, or charges shall be increased or~~
315 ~~adopted for 2 years after the effective date of this act, unless~~
316 ~~the Authority causes a rate consultant to review its rates,~~
317 ~~fees, charges, gross revenue, operating expenses, and methods of~~
318 ~~operation and determines that such increase is either predicated~~
319 ~~upon implementing an identified capital improvement plan or~~
320 ~~meeting state or federal conservation or water demand management~~
321 ~~requirements.~~

322 Section 13. System Development Charges; Impact Fees.

323 (6) Nothing in this act shall be construed to invalidate
324 any system development charges, impact fees, or other capital

325 contribution charges previously levied or collected by Osceola
 326 County, ~~or~~ the City of Kissimmee, or any other local government
 327 or under any implied authority to levy and collect such charges;
 328 such charges being in the nature of impact fees are hereby
 329 ratified and confirmed.

330 Section 18. Planning Requirements.

331 (1) At least once every 4 years after 2018, ~~Within 3 years~~
 332 ~~after the effective date of this act,~~ the Board of Supervisors
 333 shall adopt or update a master plan which, among other things:

334 (a) Identifies current customers, projects, and future
 335 customers.

336 (b) Profiles customers (residential and non-residential,
 337 e.g. commercial, industrial).

338 (c) Reviews and generally inventories all existing
 339 infrastructure and treatment facilities within the boundaries of
 340 or served by the District.

341 (d) Identifies a capital improvement program for the
 342 Authority.

343 (e) Reviews all current permits and existing regulations
 344 to projected regulations.

345 (f) Identifies and evaluates potential acquisitions or
 346 service expansions.

347 (g) Evaluates Authority staffing.

348 (h) Provides for detailed mapping of Authority facilities.

349 (i) Provides for hydraulic analysis of Authority
350 facilities, both existing and proposed.

351 (j) Evaluates present and future sources of raw water and
352 treatment requirements for those sources in terms of capacity,
353 reliability, and economy.

354 (k) Provides for an analysis of all available wastewater
355 alternatives, including surface water discharge, wetlands
356 discharge, percolation facilities, spray irrigation, and deep
357 well injection.

358 (l) Identifies reclaimed water storage alternatives and
359 wet weather backup alternatives.

360 (m) Identifies current and potential high volume users of
361 reclaimed water.

362

363 ~~Thereafter,~~ The Board of Supervisors shall review and, if
364 necessary, amend the master plan periodically, but no less often
365 than every 4 years.

366 (5) The Authority shall comply with the provisions of part
367 VI of chapter 189, sections 189.415 and 189.4155, Florida
368 Statutes.

369 Section 19. Merger; Dissolution.

370 (1) In no event shall a merger involving the Authority be
371 permitted unless otherwise approved by resolution of all
372 affected general purpose local governments. ~~Upon the effective~~
373 ~~date of this act, any governmental utility authority created by~~

374 ~~interlocal agreement between Osceola County and the City of~~
375 ~~Kissimmee as a separate legal authority pursuant to section~~
376 ~~163.01(7)(g), Florida Statutes, may be merged into the Authority~~
377 ~~and this act shall be the surviving charter for the Authority in~~
378 ~~all respects.~~

379 Section 20. Effect of Incorporation or Presence of Another
380 Special District. To the maximum extent permitted by law, the
381 subsequent incorporation or annexation of any area included
382 within the boundaries of the District or service area after June
383 26, 2003, or the presence or creation of any special district
384 within the boundaries of the District or service area, shall not
385 impair or alter the authority, power, obligations, or purpose of
386 the Authority or its successor in providing water and wastewater
387 services and facilities within any portion of the District's
388 boundaries or authorized service area ~~now~~ included within
389 Osceola County, any municipality, or special district or
390 subsequently included within any county, municipality, or
391 special district. Nothing herein shall be construed to limit or
392 affect the powers of any municipal services benefit unit or
393 dependent special district established by any charter county.

394 Section 2. This act shall take effect upon becoming a law.