

1                                   A bill to be entitled  
 2           An act relating to the Loxahatchee River Environmental  
 3           Control District, Martin and Palm Beach Counties;  
 4           providing legislative intent; codifying, amending,  
 5           repealing, and reenacting special acts relating to the  
 6           district; providing purpose and construction;  
 7           providing severability; providing an effective date.  
 8

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

11           Section 1. Pursuant to section 189.019, Florida Statutes,  
 12 this act constitutes the codification of all special acts  
 13 relating to the Loxahatchee River Environmental Control  
 14 District. It is the intent of the Legislature in enacting this  
 15 law to provide a single, comprehensive special act charter for  
 16 the district, including all current legislative enactments and  
 17 any additional authority granted by this act.

18           Section 2. Chapters 2002-358 and 2007-281, Laws of  
 19 Florida, relating to the Loxahatchee River Environmental Control  
 20 District are codified, reenacted, amended, and repealed as  
 21 herein provided.

22           Section 3. The Loxahatchee River Environmental Control  
 23 District is re-created, and the charter for the district is re-  
 24 created and reenacted to read:

25           Section 1. The Loxahatchee River Environmental Control

26 | District, re-created by chapter 2002-358, Laws of Florida, as  
27 | amended, is hereby ratified, confirmed, and approved. The status  
28 | of the district is a multicounty independent special district of  
29 | the state with a popularly elected Governing Board. This act may  
30 | be known and cited as the "Loxahatchee River Environmental  
31 | Control District Act."

32 | Section 2. It is hereby declared to be the intent of the  
33 | Legislature that the best interests of public health, safety,  
34 | and welfare of the area within the boundaries of the Loxahatchee  
35 | River Environmental Control District necessitates the formation  
36 | of a separate local agency of government with powers designed to  
37 | meet the particular needs of said area. It is further the intent  
38 | of the Legislature that such needs be met in such a way as to  
39 | cause minimum damage to the area's resources and environment and  
40 | prevent additional environmental problems from being created, as  
41 | well as providing solutions to existing problems. Maximum use of  
42 | existing systems shall be made whenever feasible and consistent  
43 | with the purpose of this act. It is also the intent of the  
44 | Legislature that current and long-range planning shall be  
45 | carried out so that required services are made available at the  
46 | lowest possible cost as the characteristics of the area change.

47 | Section 3. The Loxahatchee River Environmental Control  
48 | District, herein referred to as the "district," shall embrace  
49 | and include the following described lands in Palm Beach and  
50 | Martin Counties, which include the Towns of Jupiter, Jupiter

51 Inlet Colony, and Juno Beach and the Village of Tequesta:  
 52  
 53 Beginning at the intersection of the waters of the  
 54 Atlantic Ocean with the South line of the Blowing  
 55 Rocks Preserve; thence proceed Westerly along the  
 56 Westerly extension of said South line to the Easterly  
 57 right-of-way line of the Intracoastal Waterway; thence  
 58 Northerly, along said Easterly right-of-way line to an  
 59 intersection with the Easterly extension of the  
 60 Northerly Boundary line of the Jonathan Dickinson  
 61 State Park; thence Westerly along said Easterly  
 62 extension and along said Northerly boundary line to  
 63 the Northeast corner of Section 33, Township 39 South,  
 64 Range 42 East, Martin County, Florida; run West along  
 65 the North section line to the Northwest corner of the  
 66 Northeast Quarter; run south along the quarter line  
 67 1650 feet more or less to a point; run East 1320 feet;  
 68 run South 990 feet to the South line of the Northeast  
 69 Quarter; run West 1320 feet to the Southwest corner of  
 70 the Northeast Quarter; run South to South section  
 71 line; run West 660 feet along South section line; run  
 72 North 2640 feet to North line of Southwest Quarter;  
 73 run West along quarter line of 1980 feet more or less  
 74 to the Northwest corner of the Southwest Quarter and  
 75 West line of Section 33; run South along said line

76 | 2640 feet more or less to the Southwest section  
 77 | corner; thence Westerly along said Northerly Boundary  
 78 | of Jonathan Dickinson State Park and the South line of  
 79 | Section 32 of said Township to the Southwest corner of  
 80 | said Section 32; thence Southerly, along said Boundary  
 81 | and along the West line of Section 5 and Section 8 of  
 82 | Township 40 South, Range 42 East, to the Southwest  
 83 | corner of said Section 8; thence Westerly, along the  
 84 | North line of Section 18, Township 40 South, Range 42  
 85 | East to the Northwest corner of said Section 18;  
 86 | thence Southerly along the line between Range 41 East  
 87 | and Range 42 East, to the Southwest corner of Section  
 88 | 19, Township 41 South, Range 42 East, Palm Beach  
 89 | County, Florida; thence Easterly along the South line  
 90 | of Sections 19, 20, 21, 22, 23, and 24 of Township 41  
 91 | South, Range 42 East to the Southeast corner of said  
 92 | Section 24; thence continue Easterly along the South  
 93 | line of Section 19, Township 41 South, Range 43 East  
 94 | to the Southwest corner of Section 20, Township 41  
 95 | South, Range 43 East; thence Northerly, along the West  
 96 | line of said Section 20 and the West line of Section  
 97 | 17, to the Northwest corner of the Southwest one  
 98 | quarter of said Section 17; thence Easterly, along the  
 99 | North line of the Southwest one quarter of said  
 100 | Section 17 to an intersection with the Westerly right-

101 of-way line of the Intracoastal Waterway; thence  
 102 Southerly along said right-of-way line to the South  
 103 line of said Section 20; thence Easterly along the  
 104 South line of said Section 20 and along the South line  
 105 of fractional Section 21 of said Township to the  
 106 waters of the Atlantic Ocean; thence Northerly along  
 107 said waters to the Point of Beginning.

108  
 109 The territorial limits of the Loxahatchee River  
 110 Environmental Control District shall also include the  
 111 following described lands:

112  
 113 Beginning at the intersection of the waters of the  
 114 Atlantic Ocean with the South line of fractional  
 115 Section 28, Township 41 South, Range 43 East; thence  
 116 proceed Westerly along the Westerly extension of said  
 117 South line to the Easterly right-of-way line of State  
 118 Road A-1-A (aka Ocean Drive); thence proceed Southerly  
 119 along the Southerly extension of said Easterly right-  
 120 of-way line of State Road A-1-A to an intersection  
 121 with the Easterly right-of-way line of U.S. Highway  
 122 One; thence proceed Westerly to the Westerly right-of-  
 123 way line of U.S. Highway One; thence proceed Northerly  
 124 along said Westerly right-of-way line of U.S. Highway  
 125 One to an intersection with the South line of said

126 Section 28; thence proceed Westerly along the Westerly  
127 extension of the South lines of said Section 28 and  
128 Section 29, Township 41 South, Range 43 East, to an  
129 intersection with the Westerly right-of-way line of  
130 the Intracoastal Waterway; thence Northerly along the  
131 Westerly right-of-way line of the Intracoastal  
132 Waterway to an intersection with the North line of  
133 said Section 29; thence Easterly along the Easterly  
134 extension of the North line of said Sections 29 and 28  
135 to the waters of the Atlantic Ocean; thence Southerly  
136 along said waters to the Point of Beginning.

137  
138 Section 4. The governing body of the district herein  
139 created shall consist of a Board of five members, who shall be  
140 qualified electors residing within said district. They shall be  
141 known and designated as the "Governing Board of the Loxahatchee  
142 River Environmental Control District."

143 (1) Board areas.—The Board shall divide the area of the  
144 district into five separate areas. Each area shall have  
145 approximately equal population according to the latest official  
146 decennial census. One Board member shall be elected from each  
147 numbered area by the electors in the total district. Each Board  
148 member shall be a resident of the area in which he or she is  
149 elected.

150 (2) Election code.—In accordance with section

151 189.04(3)(a), Florida Statutes, elections for the purpose of  
152 electing members to the Board shall conform to the Florida  
153 Election Code, chapters 97-106, Florida Statutes.

154 (3) Term of office.—All Governing Board members elected by  
155 qualified electors shall have terms of 4 years. Board members  
156 from areas one, two, and five are elected beginning with the  
157 2000 General Election, and Board members from areas three and  
158 four are elected beginning with the 2002 General Election, in  
159 accordance with section 100.031, Florida Statutes.

160 (4) Vacancy.—In the event of a vacancy occurring in the  
161 office of a Board member, the procedure to fill the vacancy  
162 shall conform to the Florida Election Code, chapters 97-106,  
163 Florida Statutes.

164 (5) Officers.—The Governing Board shall choose a secretary  
165 and a treasurer, and both offices may be held by the same  
166 person. The office of the treasurer and the office of secretary  
167 of the district may, however, be filled by a Board member or  
168 some other person appointed by the Governing Board. At least  
169 once each year the Board shall cause the books and accounts of  
170 the district to be thoroughly audited by a competent and  
171 reliable accountant or auditor. No person in the service of or  
172 employed by the district within 1 year prior to such audit shall  
173 be employed for said purpose.

174 (6) Board records.—The Board members shall cause true and  
175 accurate minutes and records to be kept of all business

176 transacted by them and shall keep full, true, and complete books  
177 of account. Minutes, records, and books of accounts shall at all  
178 reasonable times be open and subject to the inspection of the  
179 public, and any person desiring to do so may make or procure  
180 copies of such minutes, records, and books, or of such portions  
181 thereof as he or she may desire.

182 (7) Public meetings.—The Board shall meet at least  
183 quarterly, in public meetings, at the call of the member elected  
184 chair by the membership, or by written call of a quorum of three  
185 members.

186 (8) Quorum.—A quorum of not fewer than three Board members  
187 shall be required to hold a meeting and conduct business.

188 (9) Board action.—An affirmative vote by at least three  
189 Board members shall be required for action of the Board to  
190 become official.

191 (10) Compensation.—Members shall serve with compensation  
192 in the amount of \$100 per month per member, and shall be  
193 entitled to per diem and travel expenses as provided by section  
194 112.061, Florida Statutes.

195 (11) Indemnification.—Every Board member and every officer  
196 of the district shall be indemnified by the district against all  
197 expenses and liabilities, including counsel fees, reasonably  
198 incurred by or imposed upon him or her in connection with any  
199 proceeding or any settlement of any proceeding to which he or  
200 she may be a party or in which he or she may become involved by



201 reason of his or her being or having been a Board member or  
202 officer of the district, whether or not he or she is a Board  
203 member or officer at the time such expenses are incurred, except  
204 when the Board member or officer is adjudged guilty of willful  
205 misfeasance or malfeasance in the performance of his or her  
206 duties, provided that in the event of a settlement the  
207 indemnification shall apply only when the Board approves such  
208 settlement and reimbursement as being for the best interests of  
209 the district. The foregoing right of indemnification shall be in  
210 addition to and not exclusive of all other rights to which such  
211 Board members or officers may be entitled.

212 (12) Removal.—Any member of the Board may be removed from  
213 office by the electors of the district by the following  
214 procedure:

215 (a) A petition shall be prepared which contains a  
216 statement of the charges against the member and the signatures  
217 of at least 10 percent of the qualified electors within the  
218 district voting in the most recent district election or 5  
219 percent of the registered district voters, whichever is greater.

220 (b) The petition shall be filed with the Board which shall  
221 submit the petition to the supervisors of elections of the  
222 counties within the district for verification of signatures.  
223 Upon receipt of certification by the supervisors of elections  
224 that the petition contains at least 10 percent of qualified  
225 electors within the district voting in the most recent district

226 election, or 5 percent of the registered district voters,  
227 whichever is greater, the Board shall fix a day for holding a  
228 recall election to be held not fewer than 30 days nor more than  
229 60 days from the receipt of such certification.

230 (c) If a majority of the votes cast in a recall election  
231 is in favor of removal of a member of the Board, the member  
232 shall be deemed removed from office upon the announcement of the  
233 official canvass of the election and the vacancy shall be filled  
234 in the manner provided in subsection (4).

235 Section 5. As used in this act, and unless the context  
236 otherwise indicates:

237 (1) "Assessable improvements" means that portion or  
238 portions of the cost of a system of a local nature and of  
239 benefit to the premises or lands served thereby and  
240 particularly, with reference to a sewer and water system,  
241 including, but not limited to, laterals and mains for the  
242 production, treatment, and distribution of water; the collection  
243 and reception of sewage from premises connected therewith, local  
244 or auxiliary pumping or lift stations, treatment plants, or  
245 disposal plants, and other appurtenant facilities and equipment  
246 for the collection, treatment, and disposal of sewage; the  
247 production, treatment, and distribution of water; together with  
248 operating and incidental equipment and appurtenances necessary  
249 therefor.

250 (2) "Assessment" means fees, penalties, and other charges

251 made by the district to meet its operating cost and debt service  
252 requirements for the purpose of this act.

253 (3) "Assessment bonds" means bonds or other obligations  
254 secured by and payable from special assessments levied against  
255 benefited lands, and which may be additionally secured by a  
256 pledge of the full faith and credit of the district.

257 (4) "Board" means the Governing Board of the district  
258 herein created.

259 (5) "Cost" as applied to the acquisition and construction  
260 of a system or extensions, additions, or improvements thereto  
261 means the cost of construction or reconstruction, acquisition,  
262 or purchase; the cost of labor, materials, machinery, and  
263 equipment; the cost of all lands and interests therein, property  
264 rights, easements, and franchises of any nature whatsoever,  
265 financing charges, interest prior to and during construction and  
266 for not more than 2 years after completion of the construction  
267 or acquisition of such system or extensions, additions, or  
268 improvements thereto; the creation of initial reserve or debt  
269 service funds, and bond discount; the cost of plans and  
270 specifications, surveys, and estimates of costs and revenues;  
271 the cost of engineering, financial, and legal services; and all  
272 other expenses necessary or incidental in determining the  
273 feasibility or practicability of such construction,  
274 reconstruction, or acquisition, including administrative  
275 expenses and such other expenses as may be necessary or

276 incidental to the financing authorized by this act, and  
 277 including reimbursement of a public entity for any moneys  
 278 advanced in connection with any of the foregoing items of cost.

279 (6) "Department" means all applicable state agencies and  
 280 departments.

281 (7) "General obligation bonds" means bonds or other  
 282 obligations secured by the full faith and credit and taxing  
 283 power of the district and payable from ad valorem taxes levied  
 284 and collected on all taxable property in the district, without  
 285 limitation of rate or amount, and may be additionally secured by  
 286 the pledge of either or both the proceeds of special assessments  
 287 levied against benefited property, or revenues derived from said  
 288 water system, sewer system, or solid waste system, or  
 289 combinations of said systems.

290 (8) "Revenue bonds" means bonds or other obligations  
 291 secured by and payable from the revenues derived from rates,  
 292 fees, and charges collected by the district from the users of  
 293 the facilities of any water system, sewer system, or solid waste  
 294 system, or combinations of said systems, and which may be  
 295 additionally secured by a pledge of the proceeds of special  
 296 assessments levied against benefited property or by a pledge of  
 297 the full faith and credit of the district, or both.

298 (9) "Sewer system" means any plant, facility, or property,  
 299 and additions, extensions, and improvements thereto at any  
 300 future time constructed or acquired as part thereof, useful or

301 necessary, or having the present capacity for future use in  
302 connection with the collection, treatment, purification, or  
303 disposal of sewage of any nature or originating from any source,  
304 including industrial wastes resulting from any processes of  
305 industry, manufacture, trade, or business, or from the  
306 development of any natural resources; and without limiting the  
307 generality of the foregoing definition shall include treatment  
308 plants, pumping stations, lift stations, valves, force mains,  
309 intercepting sewers, laterals, pressure lines, mains, and all  
310 necessary appurtenances and equipment; all sewer mains and  
311 laterals for the reception and collection of sewage from  
312 premises connected therewith; and shall include all real and  
313 personal property and any interest therein, rights, easements,  
314 and franchises of nature whatsoever relating to any such sewer  
315 system and necessary or convenient for the operation thereof.

316 (10) "Storm drainage system" means any real estate,  
317 facility, or property, including pipe, ditches, pumps, or  
318 canals, siphons, or structures and appurtenances and additions,  
319 extensions, and improvements within the geographical boundaries  
320 of the territory of the district made thereto for the purpose of  
321 discharge of surface runoff or storm drainage into the  
322 Loxahatchee River or tributaries leading directly thereto.

323 (11) "System" means a water system, sewer system, or water  
324 and sewer system; a system for the collection, treatment, and  
325 disposal of solid waste; a storm and surface drainage system; or

326 | a combination thereof.

327 |       (12) "Water system" means real estate, attachments,  
328 | fixtures, impounded water, water mains, laterals, valves,  
329 | meters, plants, wells, pipes, tanks, reservoirs, systems,  
330 | facilities, or other property real or personal, used or useful  
331 | or having the present capacity for future use in connection with  
332 | the obtaining, treating, supplying, distributing, and selling of  
333 | water to the public for human consumption by business or  
334 | industry, and without limiting the generality of the foregoing  
335 | definition shall embrace all necessary appurtenances and  
336 | equipment and shall include all property, rights, easements, and  
337 | franchises relating to any such system and deemed necessary or  
338 | convenient for the operation thereof, but shall not include  
339 | property used solely for or principally in connection with the  
340 | business of bottling, selling, distributing, or furnishing  
341 | bottled water, nor water systems utilized by manufacturing  
342 | plants primarily for the purpose of providing water in  
343 | connection with its manufacturing operations.

344 |       Section 6. In order to effectuate the purposes of this  
345 | act, the district acting through the Board shall have the power  
346 | to:

347 |       (1) Employ and set the compensation of a director who  
348 | shall serve at its pleasure. Within available funds, the  
349 | director may employ and set the compensation of professional,  
350 | technical, legal, and clerical staff as may be necessary, and

351 may remove these personnel. The director, with the consent of  
352 the Board, may acquire the services of consultants and enter  
353 into contracts on behalf of the Board.

354 (2) Develop a master plan, to construct, install, erect,  
355 and acquire by purchase or condemnation in accordance with the  
356 provisions of chapters 73 and 74, Florida Statutes, and to  
357 improve, enlarge, reconstruct, maintain, repair, operate, and  
358 regulate a system.

359 (3) Construct, acquire, and operate water systems and  
360 sewer systems separately or as a system.

361 (4) Enter on any land, waters, or premises located within  
362 the district, in order to carry out the purposes of this act.

363 (5) Provide for all surveys and for preparation of plans,  
364 specifications, and estimates in connection with the  
365 construction of a system, or for studies to determine the  
366 feasibility of acquiring existing municipal or private systems.

367 (6) Enter into contracts with the government of the United  
368 States, or any other department or subdivision of the state, or  
369 with any municipality, private corporation, partnership,  
370 association, or person providing for or relating to the  
371 furnishing of water, the disposal of wastes and sewage, and for  
372 other purposes necessary and proper to effectuate this act.

373 (7) Accept from any governmental agency grants, donations,  
374 or loans to provide aid for the planning, construction,  
375 reconstruction, or financing of any system; and to accept grants

376 or donations from any other source of money, property, labor, or  
377 other things of value, to be held, used, and applied only for  
378 the purposes for which such grants or donations may be made.

379 (8) Enter into contracts with property owners or  
380 developers or building contractors who plan to erect buildings  
381 or other improvements within platted subdivisions or other  
382 property, under which such persons shall install, at their  
383 expense, laterals, lines, and equipment, intercepting trunk,  
384 main, and lateral sewers, the location, material, size, and type  
385 of which shall be installed strictly in accordance with such  
386 specifications as required by the Board who shall connect with a  
387 sanitary system constructed or owned by the authority; which  
388 such mains, laterals, lines, and equipment, intercepting trunk,  
389 main, and lateral sewers shall become the property of the  
390 district upon such terms and conditions as provided by the  
391 contract.

392 (9) Set and collect reasonable fees and other charges for  
393 the services and facilities furnished by any system owned or  
394 operated by the district, for making connections and use of  
395 same, and to enforce penalties for delinquency in the payment as  
396 hereinafter provided.

397 (a)1. The Governing Board of the district shall, in the  
398 resolution providing for the issuance of either water revenue  
399 bonds or sewer revenue bonds, or both, fix the initial schedule  
400 of rates, fees, and other charges for the use of and for the



401 services furnished or to be furnished by the facilities, to be  
402 paid by the owner, tenant, or occupant of each lot or parcel of  
403 land which may be connected with and use any such facility by or  
404 through any part of the water system of the district.

405 2. After the system or systems shall have been in  
406 operation, the Governing Board of the district may revise such  
407 schedule of rates, fees, and charges, which shall be so fixed  
408 and revised as to provide funds, with other funds available for  
409 such purposes, sufficient at all times to pay the cost of  
410 maintaining, repairing, and operating the system or systems,  
411 including the reserves for such purposes and for replacements  
412 and depreciation and necessary extensions, to pay the principal  
413 of and the interest on the water revenue bonds or sewer revenue  
414 bonds as the same shall become due and the reserve therefor, and  
415 to provide a margin of safety for making such payments. The  
416 Governing Board of the district shall charge and collect the  
417 rates, fees, and charges so fixed or revised and such rates,  
418 fees, and charges shall not be subject to supervision or  
419 regulation by any commission, board, bureau, or agency of the  
420 county or of the state or any sanitary district.

421 3. Such rates, fees, and charges shall be just and  
422 equitable and may be based or computed upon the quantity of  
423 water consumed or upon the number and size of sewer connections  
424 or upon the number and kind of plumbing fixtures in use in the  
425 premises connected with the sewer system or upon the number or

426 average number of persons residing or working in or otherwise  
427 connected with such premises or upon any other factor affecting  
428 the use of the facilities furnished or upon any combination of  
429 the foregoing factors.

430 4. In cases where the amount of water furnished to any  
431 building or premises is such that it imposes an unreasonable  
432 burden upon the water supply system, an additional charge may be  
433 made therefor or the Governing Board of the district may, if it  
434 deems advisable, compel the owners or occupants of such building  
435 or premises to reduce the amount of water consumed thereon in a  
436 manner to be specified by the Governing Board of the district or  
437 the Governing Board of the district may refuse to furnish water  
438 to such building or premises.

439 5. In cases where the character of the sewage from any  
440 manufacturing or industrial plant or any building or premises is  
441 such that it imposes an unreasonable burden upon any sewage  
442 disposal system, an additional charge may be made therefor, or  
443 the Governing Board of the district may, if it deems it  
444 advisable, compel such manufacturing or industrial plant or such  
445 building or premises to treat such sewage in such manner as  
446 shall be specified by the Governing Board of the district before  
447 discharging such sewage into any sewer lines owned or maintained  
448 by the district.

449 (b) The Governing Board of the district may charge any  
450 owner or occupant of any building or premises receiving the

451 services of the facilities herein provided such initial  
452 installation or connection charge or fee as the district may  
453 determine to be just and reasonable.

454 (c)1. No rates, fees, or charges shall be fixed under the  
455 foregoing provisions of this section until after a public  
456 hearing at which all of the users of the facilities provided by  
457 this chapter and owners, tenants, and occupants of property  
458 served or to be served thereby and all others interested shall  
459 have an opportunity to be heard concerning the proposed rates,  
460 fees, and charges. After the adoption by the Governing Board of  
461 the district of a resolution setting forth the preliminary  
462 schedule or schedules fixing and classifying such rates, fees,  
463 and charges, notice of such public hearing setting forth the  
464 schedule or schedules of rates, fees, and charges shall be given  
465 by one publication pursuant to chapter 50, Florida Statutes,  
466 each in Palm Beach County and in Martin County at least 10 days  
467 before the date fixed in said notice for the hearing, which said  
468 hearing may be adjourned from time to time. After such hearing,  
469 such preliminary schedule or schedules, either as originally  
470 adopted or as modified or amended, shall be adopted and put into  
471 effect and thereupon the resolution providing for the issuance  
472 of water revenue bonds or sewer revenue bonds may be finally  
473 adopted.

474 2. A copy of the schedule or schedules of such rates,  
475 fees, and charges finally fixed in such resolution shall be kept

476 on file in the office of the district and shall be open to  
477 inspection by all parties interested. The rates, fees, or  
478 charges so fixed for any class of users or property served shall  
479 be extended to cover any additional property thereafter served  
480 which falls within the same class without the necessity of a  
481 hearing or notice.

482 3. Any change or revision of any rates, fees, or charges  
483 may be made in the same manner as such rates, fees, or charges  
484 were originally established as hereinabove provided, but if such  
485 change or revision be made substantially pro rata as to all  
486 classes of service, no notice or hearing shall be required.

487 (d) Upon the construction of a sewage disposal system and  
488 the financing of such construction by the issuance of sewer  
489 revenue bonds under the provisions of this chapter, the owner,  
490 tenant, or occupant of each lot or parcel of land within the  
491 county which abuts upon a street or other public way containing  
492 a sanitary sewer served or which may be served by such disposal  
493 system and upon which lot or parcel a building shall have been  
494 constructed for residential, commercial, recreational, and all  
495 other uses and which lot or parcel shall not already be served  
496 by, or have available to it for service, a sanitary sewer,  
497 shall, if so required by the rules and regulations thereof,  
498 connect such building with such sanitary sewer and shall cease  
499 to use any other method for the disposal of sewage, sewage  
500 water, or other polluting matter. All such connections shall be

501 made in accordance with rules and regulations which shall be  
502 adopted from time to time by the Governing Board of the  
503 district.

504 (e) The Governing Board of the district may provide in the  
505 resolution authorizing the issuance of water revenue bonds or  
506 sewer revenue bonds under the provisions of this chapter that  
507 the charges for the services furnished by any facility  
508 constructed or reconstructed by the district under the  
509 provisions of this act shall be included in single bills to be  
510 rendered for all the services furnished to the premises, and  
511 that if the amount of such charges so included shall not be paid  
512 within 30 days from the rendition of any bill, the Governing  
513 Board of the district shall discontinue furnishing water to such  
514 premises and shall disconnect the same from the water supply  
515 system of the district. Any such resolution may include any or  
516 all of the following provisions, and may permit the Governing  
517 Board of the district to adopt such resolution or take such  
518 other lawful action as shall be necessary to effectuate such  
519 provisions, and the Governing Board of the district is hereby  
520 authorized to adopt such resolutions and to take such other  
521 action:

522 1. The district may require the owner, tenant, or occupant  
523 of each lot or parcel of land within the district who is  
524 obligated to pay the rates, fees, or charges for the services  
525 furnished by any facility purchased, constructed, or

526 reconstructed by the district under the provisions of this  
527 chapter to make a reasonable deposit with the Governing Board of  
528 the district in advance to ensure the payment of such rates,  
529 fees, or charges and to be subject to application to and payment  
530 thereof if and when delinquent.

531 2. If any rates, fees, or charges for the use and services  
532 of any sewage disposal system or sewer improvements by or in  
533 connection with any premises not served by the waterworks system  
534 of the district shall not be paid within 30 days after the same  
535 shall become due and payable, the owner, tenant, or occupant of  
536 such premises shall cease to dispose of sewage or industrial  
537 waste originating from or on said premises by discharge thereof  
538 directly or indirectly into the sewer system of the district  
539 until such rates, fees, or charges with interest shall be paid;  
540 that if such owner, tenant, or occupant shall not cease such  
541 disposal at the expiration of such 30-day period it shall be the  
542 duty of any district, private corporation, board, body, or  
543 person supplying water to or selling water for use on such  
544 premises within 5 days after the receipt of notice of such  
545 delinquency from the district; and that if such district,  
546 private corporation, board, body, or person shall not, at the  
547 expiration of such 5-day period, cease supplying water to or  
548 selling water for use on such premises, then the district may,  
549 unless it has theretofore contracted to the contrary, shut off  
550 the supply of water to such premises.

551 (f) All revenues derived from any water supply system,  
552 water system improvement, sewage disposal system, or sewer  
553 improvements for either of which a single issue of water revenue  
554 bonds or sewer revenue bonds shall be issued, except such part  
555 thereof as may be required to pay the cost of maintaining,  
556 repairing, and operating such system or systems and to provide  
557 reserves therefor as may be provided in the resolution  
558 authorizing the issuance of such water revenue bonds or sewer  
559 revenue bonds, shall be set aside at such regular intervals as  
560 may be provided in such resolution and deposited for the credit  
561 of the following separate funds for the following purposes:

562 1. Sinking fund for the payment of interest on and the  
563 principal of such water revenue bonds or sewer revenue bonds as  
564 the same shall become due, necessary charges of paying agents  
565 for the paying of such interest and principal, and any premium  
566 upon bonds retired by call or purchase before their maturity or  
567 respective maturities, including the accumulation of reserves  
568 for such purposes.

569 2. A fund for anticipated renewals and replacements and  
570 extraordinary repairs.

571 3. The use and disposition of moneys to the credit of such  
572 sinking fund shall be subject to such regulations as may be  
573 provided in the resolution authorizing the issuance of the water  
574 revenue bonds or sewer revenue bonds and, except as may  
575 otherwise be provided in such resolution, such sinking fund

576 shall be a fund for the benefit of all bonds without distinction  
577 or priority of one over the other.

578 (g) The Governing Board of the district shall, at the  
579 close of each fiscal year, make or cause to be made a  
580 comprehensive report of its operations of the water supply  
581 system or systems and sewage disposal system or systems under  
582 its control during the preceding fiscal year, including all  
583 matters relating to rates, revenues, expenses for maintenance,  
584 repair, and operation and replacements and extensions, principal  
585 and interest retirements, and the status of all funds, and there  
586 shall be set forth in such report the budget recommended by the  
587 commission for the current fiscal year. A copy of such annual  
588 report shall be filed with the district office and shall be open  
589 to the inspection of all interested persons. Any surplus of the  
590 gross revenues remaining at the end of any fiscal year after  
591 making the required deposits for the credit of the separate  
592 funds set forth above, and not appropriated in the budget for  
593 the then-current fiscal year, shall be paid into the sinking  
594 fund.

595 (h) All moneys received pursuant to the authority of this  
596 act shall be deemed to be trust funds, to be held and applied  
597 solely as provided in this act. The resolution authorizing the  
598 issuance of bonds shall provide that any officer to whom, or any  
599 bank, trust company, or other fiscal agent to which, such moneys  
600 shall be paid shall act as trustee of such moneys and shall hold



601 and apply the same for the purposes hereof, subject to such  
602 regulations as this act and such resolution may provide.

603 (i) Any holder of bonds issued under the provisions of  
604 this act or any of the coupons appertaining thereto, except to  
605 the extent the rights herein given may be restricted by the  
606 resolution authorizing the issuance of such bonds, may, either  
607 at law or in equity, by suit, mandamus, or other proceeding,  
608 protect and enforce any and all rights under the laws of Florida  
609 or granted hereunder or under such resolution, and may enforce  
610 and compel the performance of all duties required by this act or  
611 by such resolution to be performed by the district or by the  
612 Governing Board of the district, including the fixing, charging,  
613 and collecting of rates, fees, and charges for services and  
614 facilities furnished by the water supply system, water system  
615 improvement, sewage disposal system, or sewer improvements and  
616 the levying and collecting of any special assessments.

617 (j) The Governing Board of the district is hereby  
618 authorized to provide by resolution for the issuance of water  
619 revenue refunding bonds of the district for the purpose of  
620 refunding any water revenue bonds then outstanding and issued  
621 under the provisions of this act. The Governing Board of the  
622 district is further authorized to provide by resolution for the  
623 issuance of water revenue bonds of the district for combined  
624 purposes:

625 1. Paying the cost of any extension, addition, or

626 reconstruction of a water supply system or systems or water  
627 system improvements or the cost of a new water supply system or  
628 systems or water system improvements.

629 2. Refunding such water revenue bonds of the district  
630 which shall theretofore have been issued under the provisions of  
631 this act and shall then be outstanding and which then shall have  
632 matured or be subject to redemption or can be acquired for  
633 retirement. The issuance of such bonds, the maturities and other  
634 details thereof, the rights and remedies of holders thereof, and  
635 the rights, power, privileges, duties, and obligations of the  
636 district or of the Governing Board of the district with respect  
637 to the same shall be governed by the foregoing provisions of  
638 this act insofar as the same may be applicable.

639 (k) The Governing Board of the district is hereby  
640 authorized to provide by resolution for the issuance of sewer  
641 revenue refunding bonds of the district for the purpose of  
642 refunding any sewer revenue bonds then outstanding and issued  
643 under the provisions of this act. The Governing Board of the  
644 district is further authorized to provide by resolution for the  
645 issuance of sewer revenue bonds of the district for the combined  
646 purposes of:

647 1. Paying the cost of any extension, addition, or  
648 reconstruction of a sewage disposal system or systems or sewer  
649 improvements or the cost of a new sewage disposal system or  
650 systems or sewer improvements.

651       2. Refunding such sewer revenue bonds of the district  
652 which shall theretofore have been issued under the provisions of  
653 this act and shall then be outstanding and which then shall have  
654 matured or be subject to redemption or can be acquired for  
655 retirement. The issuance of such bonds, the maturities and other  
656 details thereof, the rights and remedies of holders thereof, and  
657 the rights, powers, privileges, duties, and obligations of the  
658 district or of the Governing Board of the district with respect  
659 to the same shall be governed by the foregoing provisions of  
660 this act insofar as the same may be applicable.

661       (10) Prohibit the use and maintenance of outhouses,  
662 privies, cesspools, and septic tanks, or similar devices as the  
663 Board may direct, and to compel owners of buildings, structures,  
664 and boat marinas to connect with, and use, the system or systems  
665 of the district or other private or municipal system or systems  
666 within the district.

667       (11) Contract with the government of the United States, or  
668 any other department or subdivision of the state, or with any  
669 municipality, private corporation, partnership, association, or  
670 person to receive or dispose of wastes, or to collect, treat, or  
671 dispose of sewage; to purchase or sell water or, by contract, to  
672 arrange for the collection of charges made by the Board; and to  
673 enforce payment by shutting off and discontinuing service.

674       (12) Levy special assessments against properties adjoining  
675 or in close proximity to sewer and water lines of the district,

676 which would be specifically benefited by the construction,  
677 acquisition, extension, and operation thereof which the system  
678 is designed to serve, provided that such assessments shall not  
679 exceed the cost of the assessable improvements constructed.

680 (a) The district may provide for the construction or  
681 reconstruction of a facility and for the levying of special  
682 assessments upon benefited property under the provisions of this  
683 section. The initial proceeding hereunder shall be the passage  
684 at any lawful meeting of the Governing Board of a resolution  
685 ordering the construction or reconstruction of such facility  
686 under and subject to the provisions of this section, indicating  
687 the location by terminal points and route and either giving a  
688 description of the improvement by its material, nature,  
689 character, and size or giving two or more such descriptions with  
690 the direction that the material, nature, character, and size  
691 shall be subsequently determined in conformity with one of such  
692 descriptions. Water system improvements or sewer improvements  
693 need not be continuous and may be in more than one locality or  
694 street. The resolution ordering any such improvement may give  
695 any short and convenient designation to each improvement ordered  
696 thereby, after which it shall be sufficient to refer to such  
697 improvement and property by such designation in all proceedings  
698 and assessments, except in the notices provided for in  
699 paragraphs (c) and (d).

700 (b)1. As soon as may be practicable after the passage of

701 such resolution, the engineer for the district shall prepare in  
702 duplicate plans and specifications of each improvement ordered  
703 thereby and an estimate of the cost thereof. Such cost may  
704 include, in addition to the items of cost set forth in  
705 subsection (11) of section 5 the cost of relaying streets and  
706 sidewalks necessarily torn up or damaged and shall include the  
707 following items of incidental expense:

708 a. Printing and publishing of notices and proceedings.  
709 b. Any other expense necessary or proper in conducting the  
710 proceedings and work provided for in this section.

711 2. If the resolution shall provide alternative  
712 descriptions of material, nature, character, and size, such  
713 estimate shall include an estimate of the cost of the  
714 improvement of each such description.

715 3. The engineer shall also prepare in duplicate a  
716 tentative apportionment of the estimated cost as between the  
717 district and each lot or parcel of land subject to special  
718 assessment under the resolution, such apportionment to be made  
719 in accordance with the provisions of the resolution and the  
720 provisions of paragraph (f) in relation to apportionment of cost  
721 in the preliminary assessment roll. Such tentative apportionment  
722 of estimated cost shall not be held to limit or restrict the  
723 duties of the engineer in the preparation of such preliminary  
724 assessment roll. One of the duplicates of such plans,  
725 specifications, and estimate and such tentative apportionment

726 shall be filed with the secretary of the Governing Board and the  
727 other duplicate shall be retained by the engineer in his or her  
728 files, all thereof to remain open to public inspection.

729 (c) The Governing Board, upon the filing with it of such  
730 plans, specifications, estimate, and tentative apportionment of  
731 cost, shall publish once pursuant to chapter 50, Florida  
732 Statutes, each in Palm Beach County and in Martin County a  
733 notice stating that at a regular meeting of the Governing Board  
734 on a certain day and hour, not earlier than 10 days from such  
735 publication, the Governing Board will hear objections of all  
736 interested persons to the confirmation of such resolution, which  
737 notice shall state in brief and general terms a description of  
738 the proposed improvement with the location thereof and shall  
739 also state that plans, specifications, estimate, and tentative  
740 apportionment of cost thereof are on file in the office of the  
741 district. The Governing Board shall keep a record in which shall  
742 be inscribed, at the request of any person, firm, or corporation  
743 having or claiming to have an interest in any lot or parcel of  
744 land, the name and post office address of such person, firm, or  
745 corporation, together with a brief description or designation of  
746 such lot or parcel, and it shall be the duty of the Governing  
747 Board to mail a copy of such notice to such person, firm, or  
748 corporation at such address, at least 10 days before the time  
749 for the hearing as stated in such notice, but the failure of the  
750 Governing Board to keep such record or so to inscribe any name

751 or address or to mail any such notice shall not constitute a  
752 valid objection to holding the hearing as provided in this  
753 section or to any other action taken under the authority of this  
754 section.

755 (d) At the time named in such notice, or to which an  
756 adjournment may be taken by the Governing Board, the Governing  
757 Board shall receive any objections of interested persons and may  
758 then or thereafter repeal or confirm such resolution with such  
759 amendments, if any, as may be desired by the Governing Board and  
760 which do not cause any additional property to be specially  
761 assessed.

762 (e) All objections to any such resolution on the grounds  
763 that it contains items which cannot be properly assessed against  
764 property, or that it is, for any default or defect in the  
765 passage or character of the resolution or the plans and  
766 specifications or estimate, void or voidable in whole or in  
767 part, or that it exceeds the power of the Governing Board, shall  
768 be made in writing, in person or by attorney, and filed with the  
769 Governing Board at or before the time or adjourned time of such  
770 hearing. Any objections against the making of any improvement  
771 not so made shall be considered as waived, and if an objection  
772 shall be made and overruled or shall not be sustained, the  
773 confirmation of the resolution shall be the final adjudication  
774 of the issues presented unless proper steps shall be taken in a  
775 court of competent jurisdiction to secure relief.

776        (f) Promptly after the completion of the work, the  
777 engineer for the district shall prepare a preliminary assessment  
778 roll and file same with the secretary of the Governing Board,  
779 which roll shall contain the following:

780        1. A description of the lots and parcels of land within  
781 the district, which shall include all lots and parcels which  
782 abut upon the sides of that part of any street in which a water  
783 supply system, water system improvement, or sanitary sewer,  
784 except a curb sewer, is to be constructed or reconstructed, all  
785 lots and parcels which abut upon the side or sides of any street  
786 in or along which side or sides a sanitary curb sewer shall have  
787 been constructed or reconstructed, and all lots and parcels  
788 which are served or are to be served by such water supply  
789 system, water system improvement, or sanitary sewer. Such lots  
790 and parcels shall include all property, whether publicly or  
791 privately owned. There may also be given, in the discretion of  
792 the engineer, the name of the owner of record of each lot or  
793 parcel, where practicable, and in all cases there shall be given  
794 a statement of the number of feet of property so abutting, which  
795 number of feet shall be known as frontage.

796        2. The total cost of the improvement, and the amount of  
797 incidental expense.

798        3. An apportionment as between the district and the  
799 property included in the preliminary assessment roll of the cost  
800 of each improvement, including incidental expense, to be



801 computed as follows:

802 a. To each lot or parcel of land, to the property or curb  
 803 line of which a water supply lateral or sanitary sewer lateral  
 804 shall have been laid, shall be apportioned the cost of such  
 805 lateral or laterals.

806 b. To abutting property shall be apportioned according to  
 807 frontage, or any other method being deemed equitable by the  
 808 Governing Board, all or any part of the cost of such water  
 809 system improvements or sewer improvements as may be fixed by  
 810 resolution ordering the improvements.

811 c. To the district shall be apportioned the remaining  
 812 costs of the water system improvements or sewer improvements,  
 813 unless all of such costs shall be apportioned to the abutting  
 814 property. However, in the case of lots or parcels which abut on  
 815 more than one street or which are served or are to be served by  
 816 such water system improvements or sewer improvements although  
 817 not abutting on either side of the street in which such  
 818 improvement is constructed, the apportionment shall be made  
 819 under such rules and regulations as the Governing Board shall  
 820 deem to be fair and equitable.

821 (g) The preliminary assessment roll shall be advisory only  
 822 and shall be subject to the action of the Governing Board as  
 823 hereinafter provided. Upon the filing with the Governing Board  
 824 of the preliminary assessment roll, the Governing Board shall  
 825 publish once pursuant to chapter 50, Florida Statutes, each in

826 Palm Beach County and in Martin County a notice stating that at  
827 a meeting of the Governing Board to be held on a certain day and  
828 hour, not less than 12 days from the date of such publication,  
829 which meeting may be a regular, adjourned, or special meeting,  
830 all interested persons may appear and file written objections to  
831 the confirmation of such roll. Such notice shall state the class  
832 of the improvement and the location thereof by terminal points  
833 and route. Such meeting of the commission shall be the first  
834 regular meeting following the completion of the notice  
835 hereinabove required, unless the Governing Board shall have  
836 provided for a special meeting for such purpose.

837 (h) At the time and place stated in such notice, the  
838 Governing Board shall meet and receive the objections in writing  
839 of all interested persons as stated in such notice. The  
840 Governing Board may adjourn the hearing from time to time. After  
841 completion thereof, the Governing Board shall either annul,  
842 sustain, or modify in whole or in part the prima facie  
843 assessment as indicated on such roll, either by confirming the  
844 prima facie assessment against any and all lots or parcels  
845 described therein, or by canceling, increasing, or reducing the  
846 same, according to the special benefits which the Governing  
847 Board decides each such lot or parcel has received or will  
848 receive on account of such improvement. If any property which  
849 may be chargeable under this section shall have been omitted  
850 from the preliminary roll or if the prima facie assessment shall

851 not have been made against it, the Governing Board may place on  
852 such roll an apportionment to such property. The Governing Board  
853 shall not confirm any assessment in excess of the special  
854 benefits to the property assessed, and the assessments so  
855 confirmed shall be in proportion to the special benefits.  
856 Forthwith after such confirmation, such assessment roll shall be  
857 delivered to the county property appraisers of Martin County and  
858 Palm Beach County for the properties contained within their  
859 respective counties. The assessment so made shall be final and  
860 conclusive as to each lot or parcel assessed unless proper steps  
861 be taken in a court of competent jurisdiction to secure relief.  
862 If the assessment against any property shall be sustained,  
863 reduced, or abated by the court, the property appraiser shall  
864 note that fact on the assessment roll opposite the description  
865 of the property affected thereby. The amount of the special  
866 assessment against any lot or parcel which may be abated by the  
867 court, unless the assessment upon the entire district is abated,  
868 or the amount by which such assessment is so reduced, may be, by  
869 resolution of the Governing Board, made chargeable against the  
870 district at large; or, in the discretion of the Governing Board,  
871 a new assessment roll may be prepared and confirmed in the  
872 manner hereinabove provided for the preparation and confirmation  
873 of the original assessment roll.

874 (i) Any assessment may be paid at the Office of the Martin  
875 County Tax Collector for property within Martin County or the

876 Office of the Palm Beach County Tax Collector for property  
877 within Palm Beach County within 30 days after the confirmation  
878 thereof without interest. Thereafter, all assessments shall be  
879 payable in equal annual installments, with interest not  
880 exceeding 8 percent per annum from the expiration of said 30  
881 days in each of the succeeding 40 calendar years at the time or  
882 times in each year at which general county taxes are payable,  
883 provided, however, that the Governing Board may by resolution  
884 fix a shorter period of payment for any assessment, and  
885 provided, further, that any assessment may be paid at any time  
886 before due, together with interest accrued thereon to the date  
887 of payment.

888 (j) All assessments shall constitute a lien upon the  
889 property so assessed from the date of confirmation of the  
890 resolution ordering the improvement of the same nature and to  
891 the same extent as the lien for general county taxes falling due  
892 in the same year or years in which such assessment or  
893 installments thereof fall due, and any assessment or installment  
894 not paid when due shall be collectible in the same manner and at  
895 the same time as such general taxes are or may be collectible,  
896 with the same attorney's fee, interest, and penalties and under  
897 the same provisions as to forfeiture and the right of the  
898 district to purchase the property assessed as are or may be  
899 provided by law in the case of county taxes. However, no such  
900 sale of any property for general county taxes or for any

901 installment or installments of any such assessment and no  
902 perfecting of title under any such sale shall divest the lien of  
903 any installment of such assessment not due at the time of the  
904 sale. Collection of such assessments, with such interest and  
905 with a reasonable attorney's fee and costs, but without  
906 penalties, may also be made by the district by proceedings in a  
907 court of equity to foreclose the lien of assessments as a lien  
908 for mortgages is or may be foreclosed under the laws of the  
909 state, or by an action in rem in the manner provided by law for  
910 the foreclosure and collection of ad valorem taxes, provided  
911 that any such proceedings to foreclose shall embrace all  
912 installments of principal remaining unpaid with accrued interest  
913 thereon, which installments shall, by the institution of such  
914 proceedings, immediately become and be due and payable.  
915 Nevertheless, if, prior to any sale of the property under the  
916 decree of foreclosure in such proceedings, payment be made of  
917 the installment or installments which are shown to be due under  
918 the provisions of the resolution passed pursuant to paragraph  
919 (i), with interest as required by paragraph (i) and by this  
920 paragraph and all costs including attorney's fees, such payment  
921 shall have the effect of restoring the remaining installments to  
922 their original maturities as provided by the resolution passed  
923 pursuant to paragraph (i), and the proceedings shall be  
924 dismissed. It shall be the duty of the district to enforce the  
925 prompt collection of assessments by one or the other of the

926 means herein provided, and such duty may be enforced at the suit  
 927 of any holder of bonds issued under this act in a court of  
 928 competent jurisdiction by mandamus or other appropriate  
 929 proceeding or action. Not later than 30 days after the annual  
 930 sale of property for delinquent taxes of the county, or if such  
 931 property or taxes are not sold by the county, then within 60  
 932 days after such taxes become delinquent, it shall be the duty of  
 933 the Governing Board to direct the attorney or attorneys whom the  
 934 Governing Board shall then designate to institute actions within  
 935 3 months after such direction to enforce the collection of all  
 936 special assessments for local improvements made under this  
 937 section and remaining due and unpaid at the time of such  
 938 direction, unless theretofore sold at tax sale. Such action  
 939 shall be prosecuted in the manner and under the conditions in  
 940 and under which mortgages are foreclosed under the laws of the  
 941 state. It shall be lawful to join in one action the collection  
 942 of assessments against any or all property assessed by virtue of  
 943 the same assessment roll unless the court shall deem such  
 944 joinder prejudicial to the interest of any defendant. The court  
 945 shall allow a reasonable attorney's fee for the attorney or  
 946 attorneys of the district, and the same shall be collectible as  
 947 a part of or in addition to the costs of the action. At any sale  
 948 pursuant to decree in any such action, the district may be a  
 949 purchaser to the same extent as an individual person or  
 950 corporation, except that the part of the purchase price

951 represented by the assessments sued upon and the interest  
952 thereon need not be paid in cash. Property so acquired by the  
953 district, including the certificate of sale thereof, may be sold  
954 or otherwise disposed of, for cash or upon terms, the proceeds  
955 of such disposition to be placed in the fund provided in  
956 paragraph (k). However, no sale or other disposition thereof  
957 shall be made unless notice calling for bids therefor to be  
958 received at a stated time and place shall have been published  
959 pursuant to chapter 50, Florida Statutes, each in Palm Beach  
960 County and in Martin County one time at least 1 week prior to  
961 such disposition.

962 (k) All assessments and charges made under the provisions  
963 of this section for the payment of all or any part of the cost  
964 of any sewer improvement or improvements for which bonds shall  
965 have been issued under the provisions of this act are hereby  
966 pledged to the payment of the principal of and the interest on  
967 such bonds and shall when collected be placed in a separate  
968 fund, properly designated, which fund shall be used for no other  
969 purpose than the payment of such principal and interest.

970 (l) Each school district and other political subdivision  
971 wholly or partly within the district and each public agency or  
972 instrumentality owning property within the district shall  
973 possess the same power and be subject to the same duties and  
974 liabilities with respect to assessment under this section  
975 affecting the real estate of such county, district, political

976 subdivision, or public agency or instrumentality which private  
 977 owners of real estate possess or are subject to hereunder, and  
 978 such real estate shall be subject to liens for said assessments  
 979 in all cases where the same property would be subject to had it  
 980 at the time the lien attached been owned by a private person.

981 (13) Seek injunctive relief in a court of competent  
 982 jurisdiction and to prevent the violation of this act or any  
 983 resolution, rule, or regulation adopted pursuant to the powers  
 984 granted by this act, without the necessity of showing of a  
 985 public nuisance in such legal proceeding.

986 (14) Require the pretreatment of industrial wastes when  
 987 the same are not amenable to treatment with normal domestic  
 988 sewage before accepting industrial waste for treatment and to  
 989 refuse to accept industrial wastes when not sufficiently  
 990 pretreated.

991 (15) Sell or otherwise dispose of the effluent, sludge, or  
 992 other byproducts produced by any system.

993 (16) Designate as subdistricts one or more areas of  
 994 operation which are to be served by and in which a system  
 995 constructed or acquired pursuant to this act may exclusively  
 996 operate and to designate such area or areas of operation by an  
 997 appropriate descriptive title.

998 (17) Construct, install, erect, and acquire and to  
 999 operate, maintain, improve, extend, or enlarge and reconstruct a  
 1000 system or systems within the boundaries of the district and to



1001 have the control and jurisdiction thereof; and to pay all or  
 1002 part of the cost of such construction, reconstruction, erection,  
 1003 acquisition, or installation of such utility system or combined  
 1004 utility system and additions, extensions, and improvements  
 1005 thereto, except as otherwise provided in this act.

1006 (18) Acquire by purchase, gift, or condemnation in  
 1007 accordance with the provisions of chapters 73 and 74, Florida  
 1008 Statutes, such lands and rights and interest therein, including  
 1009 lands under water and riparian rights; and to acquire such  
 1010 personal property as it may deem necessary in connection with  
 1011 the construction, reconstruction, improvement, extension,  
 1012 installation, erection, or operation and maintenance of any  
 1013 system and to hold and dispose of such real and personal  
 1014 property, including, but not limited to, systems owned and  
 1015 operated by municipalities and counties.

1016 (19) Exercise jurisdiction, control, and supervision over  
 1017 any system or any part thereof owned, operated, and maintained  
 1018 by the district; and to make and enforce such rules and  
 1019 regulations for the maintenance and operation of any system and  
 1020 improvements owned, operated, and maintained by the district as  
 1021 may be necessary for the lawful operation of any such system or  
 1022 improvements in accordance with the laws of this state and the  
 1023 regulations of state departments and agencies having  
 1024 jurisdiction over the systems as defined herein.

1025 (20) Furnish water and sewer collection services within

1026 the district, or to construct or acquire jointly with the county  
1027 or counties and municipality or municipalities located within  
1028 the district, systems or any parts or facilities hereof under  
1029 such terms and conditions as shall be agreed upon between the  
1030 district and such municipalities or counties; and to acquire,  
1031 from any municipality or county, and operate any system, or any  
1032 parts or facilities thereof, located within the boundaries of  
1033 the district or territory, either within or without such  
1034 municipality or county, except as otherwise provided in this  
1035 act.

1036 (21) Develop current and long-range plans to provide urban  
1037 water and sewage to present and future population centers within  
1038 the district at the earliest possible date.

1039 (22) Investigate complaints caused by inadequate services  
1040 or operation.

1041 (23) Utilize or expand existing systems to serve  
1042 population needs.

1043 (24) Provide necessary laboratories and facilities for  
1044 testing of operating systems, including assessment of water  
1045 quality, critical habitats, and environmental health within the  
1046 Loxahatchee River watershed.

1047 (25) Negotiate the provisions for assumption of current  
1048 indebtedness of any system or systems for which the district  
1049 assumes responsibility.

1050 (26) Levy an ad valorem tax in accordance with section 7.

1051 (27) Issue revenue bonds and general obligation bonds, for  
 1052 the purposes of this act, in the manner set forth herein:

1053 (a) The Governing Board of the district is hereby  
 1054 authorized to provide by resolution at one time or from time to  
 1055 time for the issuance of either water revenue bonds, sewer  
 1056 revenue bonds, or general obligation bonds of the district for  
 1057 the purpose of paying all or any part of the cost of any one or  
 1058 more of the following:

- 1059 1. A water supply system or systems.
- 1060 2. Extensions and additions thereto.
- 1061 3. Water system improvements.
- 1062 4. A sewage disposal system or systems.
- 1063 5. Extensions and additions thereto.
- 1064 6. Sewer improvements.

1065

1066 The bond of each issue shall be dated, shall bear interest at  
 1067 such rate or rates not exceeding 7.5 percent per annum, shall  
 1068 mature at such time or times not exceeding 50 years from their  
 1069 date or dates as may be determined by the Governing Board of the  
 1070 district, and may be made redeemable before maturity at the  
 1071 option of the district at such price or prices and under such  
 1072 terms and conditions as may be fixed by the Governing Board  
 1073 prior to the issuance of the bonds.

1074 (b) The Governing Board of the district shall determine  
 1075 the form of the bonds, including any interest coupons to be

1076 attached thereto, and the manner of the execution of the bonds  
1077 and shall fix the denomination or denominations of the bonds and  
1078 place or places of payment of principal or interest which may be  
1079 at any bank or trust company within or without the state. In  
1080 case any officer whose signature or facsimile of whose signature  
1081 appears on any bonds or coupons ceases to be such officer before  
1082 the delivery of such bonds, such signature or facsimile shall  
1083 nevertheless be valid and sufficient for all purposes as if he  
1084 or she had remained in office until such delivery.

1085 (c) All bonds issued under the provisions of this act have  
1086 and are hereby declared to have all the qualities and incidents  
1087 of negotiable instruments. Bonds may be issued in coupon or in  
1088 registered form or both as the Governing Board may determine and  
1089 provision may be made for the registration of any coupon bonds  
1090 as to principal alone and also as to both principal and interest  
1091 and for the reconversion into coupon bonds of any bonds  
1092 registered as to bond principal and interest.

1093 (d) The issuance of such bonds shall not be subject to any  
1094 limitations or conditions contained in any other statute and the  
1095 Governing Board may sell such bonds in such manner at public or  
1096 private sale and for such price as it may determine to be for  
1097 the best interests of the district, but no such sale shall be  
1098 made at a price so low as to require the payment of interest on  
1099 the money received therefor at more than 7.5 percent per annum  
1100 computed with relation to the absolute maturity of the bonds in

1101 accordance with the standard tables of bond values, excluding  
1102 from such computations the amount of any premium to be paid on  
1103 redemption of any bonds prior to maturity. Prior to the  
1104 preparation of definitive bonds, the district may, under like  
1105 restrictions, issue interim receipts and temporary bonds with or  
1106 without coupons exchangeable for definitive bonds when such  
1107 bonds have been executed and are available for delivery. The  
1108 Governing Board of the district may also provide for the  
1109 replacement of any bonds which become mutilated, destroyed, or  
1110 lost.

1111 (e) Bonds may be issued under the provisions of this  
1112 chapter without obtaining the consent of any commission, board,  
1113 bureau, or agency of the state and without the proceeding or  
1114 happening of any other condition or thing than those  
1115 proceedings, conditions, or things which are specifically  
1116 required by this act.

1117 (f) The proceeds of such bonds shall be used solely for  
1118 the payment of costs of the water supply system or systems or  
1119 the water system improvements or the sewage disposal system or  
1120 systems or the sewer improvements, for the purchase,  
1121 construction, or reconstruction of which such bonds shall have  
1122 been authorized, and shall be disbursed in such manner and under  
1123 such restrictions, if any, as the Governing Board of the  
1124 district may provide in the authorizing resolution. If the  
1125 proceeds of such bonds, by error of estimates or otherwise,

1126 shall be less than such costs, additional bonds may in like  
1127 manner be issued to provide the amount of such deficit and  
1128 unless otherwise provided in the authorizing resolution shall be  
1129 deemed to be of the same issue and shall be entitled to payment  
1130 from the same fund without preference or priority of the bonds  
1131 first issued for the same purpose. If the proceeds of the bonds  
1132 of any issue shall exceed the amount required for the purpose  
1133 for which such bonds shall have been issued, the surplus shall  
1134 be paid into the fund provided under the provisions of this  
1135 chapter for the payment of principal of and the interest on such  
1136 bonds.

1137 (g) For the payment of the principal and interest thereon  
1138 on any general obligation bonds issued for the benefit of the  
1139 district issued under the provisions of this act, the Governing  
1140 Board of the district is hereby authorized and required to levy  
1141 annually a special tax upon all taxable property within the  
1142 district over and above all other taxes authorized or limited by  
1143 law sufficient to pay such principal and interest as the same  
1144 respectively becomes due and payable, and the proceeds of all  
1145 such taxes shall, when collected, be paid into a special fund  
1146 and used for no other purpose than the payment of such principal  
1147 and interest. However, there may be pledged to the payment of  
1148 such principal and interest the proceeds of such water service  
1149 charges or sewer service charges and in the event of such pledge  
1150 the amount of the annual tax levied herein required may be

1151 reduced in any year by the amount of such proceeds actually  
1152 received in the preceding year and then remaining on deposit to  
1153 the credit of such fund for the payment of such principal and  
1154 interest.

1155 (h) Water revenue bonds may be used only in connection  
1156 with the acquisition, construction, or operation of water supply  
1157 systems or water system improvements, and sewer revenue bonds  
1158 may be used only in connection with the acquisition,  
1159 construction, and operation of sewage disposal systems and sewer  
1160 improvements. Water revenue bonds or sewer revenue bonds issued  
1161 under the provisions of this act shall not be deemed to  
1162 constitute a pledge of the faith and credit of the district but  
1163 such bonds shall be payable solely from the funds provided  
1164 therefor under the provisions of this act. All such bonds shall  
1165 contain a statement on their face substantially to the effect  
1166 that the district is not obligated to pay such bonds or the  
1167 interest thereon except from such funds and that the faith and  
1168 the credit of the district is not pledged to the payment of the  
1169 principal of or the interest on such bonds. The issuance of  
1170 water revenue bonds or sewer revenue bonds under the provisions  
1171 of this act shall not directly or indirectly or contingently  
1172 obligate the district to levy any taxes whatever therefor or to  
1173 make any appropriation for their payment except from the funds  
1174 pledged under the provisions of this act.

1175 (i)1. The resolution authorizing the issuance of water

1176 revenue bonds under the provisions of this act shall pledge the  
1177 revenues to be received but shall not convey or mortgage any  
1178 water supply system or water system improvements or any part  
1179 thereof.

1180 2. The resolution authorizing the issuance of sewer  
1181 revenue bonds under the provisions of this act shall pledge the  
1182 revenue to be received but it shall not convey or mortgage any  
1183 sewage disposal system or sewer improvements or any part  
1184 thereof.

1185 3. Either water revenue bonds or sewer revenue bonds may  
1186 contain such provisions for protecting and enforcing the rights  
1187 and remedies of the bondholders as may be reasonable and proper  
1188 and not in violation of law, including covenants setting forth  
1189 the duties of the Governing Board of the district in relation to  
1190 the purchase, construction, reconstruction, improvement,  
1191 maintenance, operation, repair, and insurance of the water  
1192 supply system or systems and the water system improvements and  
1193 the sewage disposal system or systems and the sewer improvements  
1194 and the provisions for the custody, safeguarding, and  
1195 application of all moneys, and for the employment of consulting  
1196 engineers in connection with such purchase, construction,  
1197 reconstruction, or operation. Such resolution may set forth the  
1198 rights and remedies of the bondholders and may restrict the  
1199 individual right of action by bondholders as is customary in  
1200 trust agreements or trust indentures securing bonds or



1201 debentures or corporations.

1202 4. In addition to the foregoing, such resolution may  
1203 contain such other provisions as the Governing Board of the  
1204 district may deem reasonable and proper for the security of  
1205 bondholders. Except as in this act otherwise provided, the  
1206 Governing Board of the district may provide for the payment of  
1207 the proceeds of the sale of the bonds and revenues of the water  
1208 supply system or systems and of any water system improvements or  
1209 of the sewage disposal system or systems and of any sewer  
1210 improvements to such officer, board, or depository as it may  
1211 designate for the custody thereof, and for the method of  
1212 disbursement thereof, with such safeguards and restrictions as  
1213 it may determine.

1214 (j) The resolution providing for the issuance of water  
1215 revenue bonds or sewer revenue bonds may also contain such  
1216 limitations upon the issuance of additional water revenue bonds  
1217 or sewer revenue bonds as the Governing Board of the district  
1218 may deem proper, and such additional bonds shall be issued under  
1219 such restrictions and limitations as may be prescribed by such  
1220 resolution.

1221 (k) No water revenue bonds or sewer revenue bonds shall be  
1222 issued under the authority of this act unless the Governing  
1223 Board of the district shall have theretofore found and  
1224 determined the estimated cost of the facilities or systems on  
1225 account of which such bonds are to be issued, the estimated

1226 annual revenues of such facilities or systems, and the estimated  
1227 annual cost of maintaining, repairing, and operating such  
1228 facilities or systems, nor unless it shall appear from such  
1229 estimate that the annual revenues will be sufficient to pay such  
1230 cost of maintenance, repair, and operation and the interest on  
1231 such bonds and the principal thereof as such interest and  
1232 principal shall become due.

1233 (l) If the approval of the issuance of water revenue bonds  
1234 or sewer revenue bonds at an election of the residents who are  
1235 qualified electors residing in the district shall be required by  
1236 the State Constitution, such election shall be called, noticed,  
1237 and conducted and the result thereof determined and declared as  
1238 shall have been or may be required by law for the issuance of  
1239 bonds of the district.

1240 (m) Notwithstanding the provisions of paragraphs (h), (i),  
1241 (j), and (k), the district may issue water and sewer revenue  
1242 bonds for the purpose of construction, acquisition, or  
1243 improvement of water supply systems or water system improvements  
1244 and sewage disposal systems or sewer improvements, which have  
1245 been combined by the district. Such water and sewer revenue  
1246 bonds may also be issued for the purpose of the construction,  
1247 acquisition, or improvement of such combined system, or any part  
1248 thereof, and the refunding of any outstanding bonds or  
1249 obligations theretofore issued to finance the cost of such  
1250 combined system or any part thereof.

1251 (n) In the event that the water supply system or water  
1252 system improvements and sewage disposal systems and sewer  
1253 improvements are combined into one water and sewer system, all  
1254 of the provisions of this chapter relating to water supply  
1255 systems or water system improvements and sewage disposal systems  
1256 and sewer improvements and water revenue bonds and sewer revenue  
1257 bonds shall apply to such combined systems and water and sewer  
1258 revenue bonds to the extent the same are applicable.

1259 (28) Conduct environmental education as necessary and  
1260 appropriate to minimize damage to the area's resources and  
1261 environment, to prevent additional environmental problems from  
1262 being created, and to provide education regarding solutions to  
1263 existing problems.

1264 (29) Conduct environmental enhancements as necessary and  
1265 appropriate to minimize damage to the area's resources and  
1266 environment, to prevent additional environmental problems from  
1267 being created, and to provide solutions to existing  
1268 environmental problems. As used in this subsection, the term  
1269 "environmental enhancement" means physical activities in the  
1270 waters of the state or on adjacent uplands which involve system  
1271 repair, redesign or construction, monitoring, planting,  
1272 propagating, trimming, culturing, shoreline protection, and  
1273 hydrologic or other water quality improvements. As used in this  
1274 subsection, the phrases "solutions to existing environmental  
1275 problems" and "prevent additional environmental problems" mean

1276 "environmental enhancement," as defined in this subsection,  
1277 applied to specific problems within the district. Environmental  
1278 enhancement not conducted entirely on real property owned or  
1279 controlled by the district must be coordinated through the  
1280 Loxahatchee River Management Coordinating Council.

1281 Section 7. The Board may, subject to approval as provided  
1282 in section 17, levy upon all of the taxable property in the  
1283 district a special tax not exceeding 1/4 mill on the dollar  
1284 during each year solely for the purposes authorized and  
1285 prescribed by this act. Said levy shall be made each year not  
1286 later than July 1 by resolution of the Board of a majority  
1287 thereof duly entered upon its minutes. Certified copies of such  
1288 resolution executed in the name of the Board by the chair and  
1289 secretary and under its corporate seal shall be made and  
1290 delivered to the Boards of County Commissioners of Palm Beach  
1291 and Martin Counties and to the Department of Revenue not later  
1292 than July 1 of each year. The property appraisers of the  
1293 respective counties shall assess and the collectors of the  
1294 respective counties shall collect the amount of taxes so  
1295 assessed and levied by the Board upon all of the taxable  
1296 property in the district at the rate of taxation adopted by the  
1297 Board for the year and included in the resolution, and the levy  
1298 shall be included in the warrants of property appraisers and  
1299 attached to the assessment roll of taxes for the respective  
1300 counties each year. The tax collectors shall collect such taxes

1301 so levied by the Board in the same manner as other taxes are  
 1302 collected and shall pay the same within the time and in the  
 1303 manner prescribed by law to the treasurer of the Board. All  
 1304 taxable property in the district shall be assessed in accordance  
 1305 with chapter 193, Florida Statutes. All such taxes shall be held  
 1306 by the treasurer for the credit of the Board and paid out in  
 1307 accordance with the provisions of this act.

1308 Section 8. In the event that the fees, rates, or charges  
 1309 for the services and facilities of any system are not paid when  
 1310 due:

1311 (1) The district may, if such default continues for 30  
 1312 days or more after written notice to such delinquent customer,  
 1313 discontinue and shut off the supply of the services and  
 1314 facilities of said system to the person, firms, corporation, or  
 1315 other body, public or private, so supplied with such services or  
 1316 facilities until such fees, rates, or charges, including legal  
 1317 interest, penalties, and charges for the shutting off and  
 1318 discontinuance or the restoration of such services or  
 1319 facilities, are fully paid. Such delinquent fees or charges,  
 1320 together with legal interest, penalties, and charges for the  
 1321 shutting off and discontinuance or the restoration of such  
 1322 services or facilities, and reasonable attorney's fees, costs,  
 1323 and other expenses, may be recovered by the Board in a court of  
 1324 competent jurisdiction.

1325 (2) The district shall have a lien on all lands and

1326 premises served by it for all charges, until paid, for services  
 1327 provided to such lands or premises by the district, or  
 1328 connection fees associated therewith, which lien shall be prior  
 1329 to all other liens, except that such lien shall be on parity  
 1330 with the lien of state, county, and municipal taxes, and any  
 1331 lien for charges for services created pursuant to section  
 1332 159.17, Florida Statutes. Such lien shall be perfected by the  
 1333 district by recording in the official records of the county in  
 1334 which the lands or premises are located a claim of lien in a  
 1335 form substantially as provided in section 713.08, Florida  
 1336 Statutes. A copy of the claim of lien shall be served as  
 1337 provided in section 713.18, Florida Statutes, within 10 days  
 1338 after the claim of lien is recorded. If 30 days after service  
 1339 has been made liens created under this section remain  
 1340 delinquent, such liens may be foreclosed by the district in the  
 1341 manner provided by the laws of this state for the foreclosure of  
 1342 mortgages on real property, and the district shall be entitled  
 1343 to reasonable interest, attorney's fees, and other court costs.

1344 Section 9. The district may assume the operation of any  
 1345 system which substantially fails to meet its financial  
 1346 responsibilities or operating standards pursuant to this act or  
 1347 other laws and regulations of this state.

1348 Section 10. The district may provide for the construction  
 1349 or reconstruction of assessable improvements as defined in  
 1350 section 5, and pay for the same by all financing, assessment,

1351 and taxing means permitted by law and this act.

1352 Section 11. The Board shall prepare an annual report,  
1353 audited by a qualified certified public accountant, including  
1354 all matters relating to revenues, expenses of maintenance,  
1355 repair, and operation and renewals and capital replacements,  
1356 principal and interest requirements, and the status of all funds  
1357 and accounts. The report shall be filed pursuant to sections  
1358 218.32 and 218.39, Florida Statutes, and published as required  
1359 by chapter 189, Florida Statutes.

1360 Section 12. No water system, storm drainage system, sewer  
1361 system, or other facility for the production, treatment of  
1362 sewage, and collection and discharge of storm drainage shall be  
1363 constructed within the district unless the Board gives its  
1364 consent thereto and approves the plans and specifications  
1365 therefor. Said consent and approval shall not be given unless  
1366 the location and design thereof and its equipment will permit it  
1367 to be operated in unison with the district's systems and other  
1368 existing systems and is adequate to meet the minimum standards  
1369 of such systems as provided by law and this act.

1370 Section 13. (1) The Board shall have the power to  
1371 transfer, sell, or assign any of the property of the district  
1372 which it finds is not needed to carry out the purposes of this  
1373 act to any other governmental agency at whatever terms it deems  
1374 reasonable.

1375 (2) The Board is authorized to lease or otherwise convey

1376 any temporary interests or rights in lands to which the district  
1377 has title, or to which it may hereafter acquire title, whenever  
1378 the Board determines it is in the best interest of the district  
1379 to do so, for such terms and conditions as the Board may in its  
1380 discretion determine. The power to lease or otherwise convey  
1381 granted herein specifically includes the power by the district  
1382 to enter into public or private partnerships regarding district  
1383 lands upon such terms and conditions as the Board may in its  
1384 discretion determine. Before leasing any land or any interest or  
1385 rights in and to any land, the Governing Board shall publish  
1386 once pursuant to chapter 50, Florida Statutes, each in Palm  
1387 Beach County and in Martin County a notice stating that at a  
1388 meeting of the Governing Board to be held on a certain day and  
1389 hour, not fewer than 12 days from the date of such publication,  
1390 which meeting may be a regular, adjourned, or special meeting,  
1391 all interested persons may appear and file written objections to  
1392 the confirmation of such action. The notice shall set forth a  
1393 description of the lands or interests or rights in lands offered  
1394 for lease.

1395 Section 14. The provisions of this act shall be liberally  
1396 construed to effect its purposes.

1397 Section 15. In case any one or more of the sections or  
1398 provisions of this act, or the application of such sections or  
1399 provisions to any situations, circumstances, or person, shall  
1400 for any reason be held to be unconstitutional or invalid, such



1401 unconstitutionally or invalidity shall not affect any other  
1402 sections or provisions of this act or the application of such  
1403 sections or provisions to any other situation, circumstance, or  
1404 person, and it is intended that this act shall be construed and  
1405 applied as if such section or provision so held unconstitutional  
1406 or invalid had not been included in this act.

1407 Section 16. Nothing contained in this act shall be  
1408 construed to empower the district to exercise control over the  
1409 management of waters under the authority of the South Florida  
1410 Water Management District, or over any of the works of the South  
1411 Florida Water Management District. Nothing contained herein  
1412 shall be construed to empower the district to use the power of  
1413 eminent domain against the South Florida Water Management  
1414 District, nor to empower the levy of special assessments or ad  
1415 valorem taxes against lands held by the South Florida Water  
1416 Management District.

1417 Section 17. The provisions of section 7 which authorize  
1418 the levy of ad valorem taxation shall take effect only upon  
1419 approval by a majority vote of the electors of the district as  
1420 may be required by the State Constitution. The Board shall call  
1421 and provide for the holding of a referendum at the next election  
1422 of the district or at a special election called by the Board for  
1423 that purpose at which a referendum of the qualified electors in  
1424 the district shall approve or reject the authority to levy ad  
1425 valorem taxes provided in this act, all as may be now required

1426 by the Florida Constitution; and the previous failure of the  
1427 district to previously call such referendum as required by the  
1428 former language of section 17 of chapter 71-822, Laws of  
1429 Florida, shall in no way affect the validity of the result of  
1430 such referendum to be held. If ad valorem taxation shall be  
1431 approved at said election, the Board may impose an initial tax  
1432 levy not to exceed 1/4 mill on the dollar. Any subsequent  
1433 increase in said tax levy may only be made with the approval of  
1434 the electors of said district at a special election called by  
1435 the Board and held for that purpose. Such elections shall be  
1436 held in accordance with the provisions of sections 100.211-  
1437 100.351, Florida Statutes.

1438 Section 18. The qualified electors of the district shall  
1439 have the power of initiative to propose an action to be taken by  
1440 the Board which the Board is authorized under this act to take  
1441 and the power of referendum to require reconsideration by the  
1442 Board of any action of a nature requiring full compliance with  
1443 chapter 120, Florida Statutes, the Administrative Procedure Act,  
1444 taken by the Board. If the Board fails to take the action  
1445 proposed or to repeal the action to be reconsidered, the  
1446 electors shall be entitled to approve or reject the proposed or  
1447 reconsidered action according to the following procedure:

1448 (1) A petition must be prepared and filed with the Board  
1449 within 10 days after final passage of such action which shall  
1450 contain a statement of the proposed action or of the action to

1451 be reconsidered and the signatures of at least 10 percent of the  
1452 qualified electors within the district voting in the most recent  
1453 district election, or 5 percent of the registered district  
1454 voters, whichever is greater.

1455 (2) The petition shall be filed with the Board which shall  
1456 submit the petition to the supervisors of elections of the  
1457 counties within the district for verification of signatures.  
1458 Upon receipt of certification by the supervisors of elections  
1459 that the petition contains at least 10 percent of qualified  
1460 electors within the district voting in the most recent district  
1461 election, or 5 percent of the registered district voters,  
1462 whichever is greater, the Board shall promptly consider the  
1463 proposed action or reconsider the action to be reconsidered by  
1464 voting its repeal. If the Board does not adopt the proposed  
1465 action or repeal the action to be reconsidered within 30 days  
1466 after receipt of the certification, the Board shall fix a day  
1467 for holding an election to be held not less than 60 days nor  
1468 more than 90 days from the receipt of such certification.

1469 (3) This section shall not apply to any actions of the  
1470 Board approved prior to the effective date of the 2021  
1471 amendments, nor shall the same in any manner affect obligations  
1472 and indebtedness incurred prior to the 2021 amendments. If a  
1473 majority of the votes cast in the election are in favor of the  
1474 proposed action or in favor of the repeal of the action being  
1475 reconsidered, the proposed action shall be considered adopted,

1476 or the action being reconsidered shall be considered repealed,  
1477 upon the announcement of the official canvass of the election.

1478 (4) The term "action" as used in this act shall not  
1479 include matters involving internal management or administration  
1480 of grants but does include, without limitation, any matters  
1481 arising under chapter 120, Florida Statutes.

1482 (5) Nothing in this section shall be construed to require  
1483 any person to register to vote in any election held pursuant to  
1484 this section if at the time such election is held, the person is  
1485 registered to vote in state or county elections.

1486 Section 19. The purpose of this section is to permit the  
1487 District to make suitable District land available to the public  
1488 for passive outdoor recreation and to limit its liability to  
1489 persons going thereon and to third persons who may be damaged by  
1490 the acts or omissions of persons going thereon.

1491 (1) Except as provided in subsection (2), if the District  
1492 provides the public with land for passive outdoor recreation, or  
1493 allows access to District lands for passive outdoor recreation,  
1494 or the District leases any land to any other entity for passive  
1495 outdoor recreation, or enters into a joint use agreement of any  
1496 kind, or provides access for passive outdoor recreation, the  
1497 District owes no duty of care to keep the land safe for entry or  
1498 use by others or to give warnings to persons entering or going  
1499 on such land of any hazardous conditions, structures, or  
1500 activities thereon. The District, when providing land for

1501 passive outdoor recreation, does not, by providing that land,  
1502 extend any assurance that such land is safe for any purpose,  
1503 does not incur any duty of care toward a person who goes on the  
1504 land, and is not responsible for any injury to persons or  
1505 property caused by an act or omission of a person who goes on  
1506 that land. This subsection does not apply to any commercial or  
1507 other activity from which profit is derived from the patronage  
1508 of the public on any such land or any part thereof. This section  
1509 applies to any person going on the leased land or land subject  
1510 to a joint use or similar agreement, irrespective of whether the  
1511 person goes as an invitee, licensee, or trespasser or in any  
1512 other capacity.

1513 (2) This section does not relieve the District of any  
1514 liability that would otherwise exist for gross negligence or a  
1515 deliberate, willful, or malicious injury to a person or  
1516 property. This section does not create or increase the liability  
1517 of the District or person beyond that which is authorized by  
1518 section 768.28, Florida Statutes.

1519 (3) The term "passive outdoor recreation," as used herein,  
1520 includes bicycling, hiking, walking, jogging, wildlife viewing,  
1521 outdoor photography, kayaking, canoeing, and activities similar  
1522 thereto.

1523 Section 4. Chapters 2002-358 and 2007-281, Laws of  
1524 Florida, are repealed.

1525 Section 5. If any provision of this act, or any provision

1526 | of the district's charter contained herein, is held to be  
1527 | unconstitutional, such holding shall not affect the validity of  
1528 | the remaining provisions of this act.

1529 | Section 6. This act shall take effect upon becoming a law.