



26 re-created and the charter for the district is reenacted and re-  
 27 created to read:

28 Section 1. Ratification; short title.—The Immokalee Water  
 29 and Sewer District, re-created by chapter 98-495, Laws of  
 30 Florida, as amended, is hereby ratified, confirmed, and  
 31 approved. The status of the district is an independent special  
 32 district and body politic of the state. This act shall be known  
 33 as the "Immokalee Water and Sewer District Act."

34 Section 2. Boundaries.—There is hereby created in Collier  
 35 County a special taxing district to be known as the Immokalee  
 36 Water and Sewer District, herein referred to as the "district."  
 37 The district will include all that portion of Immokalee in said  
 38 county more particularly described as follows:

39  
 40 Sections 1 through 36 of Township 46 South, Range 28  
 41 East; together with Sections 1 through 6 of Township  
 42 47 South, Range 28 East; together with Sections 1  
 43 through 36 of Township 46 South, Range 29 East;  
 44 together with Sections 1 through 12, Sections 15  
 45 through 21 and that part of Section 13 lying  
 46 Northeasterly of a diagonal line from the Northwest  
 47 Corner to the Southeast Corner of said Section 13,  
 48 Township 47 South, Range 29 East; together with  
 49 Sections 6, 7, 18, 19, 30 and 31 of Township 46 South,  
 50 Range 30 East; together with Sections 6, 7, 18, and

51 that part of Section 19 lying Northeasterly of a  
 52 diagonal line from the Northwest corner to the  
 53 Southeast corner of said Section 19, Township 47  
 54 South, Range 30 East. All the lands described being in  
 55 Collier County, Florida.

56  
 57 Section 3. Definitions.—As used in this act, and unless  
 58 the context otherwise indicates:

59 (1) "Board" means the Board of Commissioners of the  
 60 Immokalee Water and Sewer District.

61 (2) "Bonds" mean bonds or revenue certificates or other  
 62 financial obligations of the district which are part or all of  
 63 an issue of such obligations issued pursuant to this act.

64 (3) "Cost" shall have the same meaning as provided in s.  
 65 153.52(6), Florida Statutes.

66 (4) "County" means Collier County.

67 (5) "District" means the Immokalee Water and Sewer  
 68 District.

69 (6) "Sewage" means the water-carried wastes created in and  
 70 carried or to be carried away from residences, hotels, schools,  
 71 hospitals, industrial establishments, commercial establishments,  
 72 or any other private or public building, together with such  
 73 surface or groundwater or household and industrial wastes as may  
 74 be present.

75 (7) "Sewage disposal system" means any plant, system,

76 facility, or property used or useful or having the present  
 77 capacity for future use in connection with the collection,  
 78 treatment, purification, or disposal of sewage, including  
 79 industrial wastes resulting from any processes of industry,  
 80 manufacture, trade, or business or from the development of any  
 81 natural resources, or any integral part thereof, including, but  
 82 not limited to, treatment plants, pumping stations, intercepting  
 83 sewers, trunk sewers, pressure lines, mains, and all necessary  
 84 appurtenances and equipment, and all property, rights,  
 85 easements, and franchises relating thereto and deemed necessary  
 86 or convenient by the district for the operation thereof.

87 (8) "Sewer" or "sewers" means any mains, pipes, and  
 88 laterals for the reception of sewage and carrying such sewage to  
 89 an outfall or some part of a sewage disposal system, including  
 90 pumping stations where deemed necessary by the district. The  
 91 term "sewer" or "sewers" shall also include in its meaning the  
 92 term "sewerage."

93 (9) "Sewer system" means both sewers and sewage disposal  
 94 systems and all property, rights, easements, and franchises  
 95 relating thereto.

96 (10) "System" means a water system or sewer system or any  
 97 combination thereof.

98 (11) "Water systems" or "waterworks" means all plants,  
 99 systems, facilities, or properties used or useful or having the  
 100 present capacity for future use in connection with the supply,

101 transportation, or distribution of water, and any integral part  
 102 thereof, including, but not limited to, water supply systems,  
 103 water distribution systems, reservoirs, wells, intakes, mains,  
 104 laterals, aqueducts, pumping stations, standpipes, filtration  
 105 plants, purification plants, hydrants, meters, valves, and all  
 106 necessary appurtenances and equipment, and all properties,  
 107 rights, easements, and franchises relating thereto and deemed  
 108 necessary or convenient by the district for the operation  
 109 thereof.

110 Section 4. Purpose of the district.-The purpose of the  
 111 district is to acquire, purchase, lease, construct, improve,  
 112 extend, operate, maintain, and finance any water system or  
 113 systems or parts thereof, or any sewer system or systems or  
 114 parts thereof serving such unincorporated areas and other  
 115 customers and users as the district may determine. The district  
 116 may acquire a supply of water either within or without the  
 117 county. The district may own and operate water and sewer systems  
 118 in unincorporated territory and may also sell and transport  
 119 water to other systems, whether publicly or privately owned, and  
 120 other users and consumers, provided the district shall not  
 121 acquire, construct, or own any water distribution system in any  
 122 other area except as stated herein.

123 Section 5. Governing body.-

124 (1) The governing body of the district shall be the Board  
 125 of Commissioners of the Immokalee Water and Sewer District,

126 consisting of seven members, each of whom shall be a registered  
127 voter, resident of the district, and citizen of the United  
128 States. Members of the board shall be appointed by the Governor  
129 for terms of 4 years and serve until the member's successor is  
130 appointed. Appointments to fill vacancies on the board shall be  
131 for the unexpired term only. Four members physically present at  
132 a meeting constitutes a quorum for the transaction of business  
133 and a majority vote of members either physically present or  
134 present via electronic means is required for board action. Each  
135 commissioner shall, before he or she enters upon his or her  
136 duties as commissioner, execute to the Governor a good and  
137 sufficient bond in the sum of \$1,000 with a qualified corporate  
138 surety conditioned to faithfully perform the duties of such  
139 commissioner and to account for all funds to come into his or  
140 her hands as such commissioner. All premiums payable for such  
141 bonds shall be paid from the funds of the district.

142 (2) If at any time a commissioner misses 4 consecutive  
143 regularly scheduled monthly meetings, the board shall review the  
144 absences. The board may declare the position vacant by majority  
145 vote of the board. The board shall then inform the Governor of  
146 the vacancy and request the Governor to appoint a new  
147 commissioner to fill the vacancy for the unexpired term.

148 (3) Notwithstanding subsection (1), if the Governor, by  
149 virtue of Section 1, Article IV of the State Constitution;  
150 chapter 252, Florida Statutes; and any other applicable laws,

151 issues an executive order that declares a natural emergency or  
152 pandemic that includes Collier County, the district may conduct  
153 a meeting by means of communications media technology (CMT) or  
154 to provide public access to a meeting by the use of CMT, and the  
155 requirement for a physically present quorum shall be waived  
156 during the duration of the executive order.

157 Section 6. Organization.—The board shall organize by  
158 electing from its members a chair, a vice chair, a secretary,  
159 and a treasurer. The members of the board shall serve 4-year  
160 terms. Members of the board may each be paid a salary or  
161 honorarium to be determined by at least a majority plus one vote  
162 of the board. The salary or honorarium may not exceed \$250 per  
163 month for each member. Special notice of any meeting at which  
164 the board will consider a salary change for a board member must  
165 be published at least once at least 14 days before the meeting  
166 is to be held in a newspaper of general circulation in the  
167 county in which the district is located. Board members may not  
168 be paid for any unexcused absences from a regularly scheduled  
169 board meeting. The board shall adopt policies by resolution  
170 defining excused and unexcused absences. Board members shall be  
171 reimbursed for travel and per diem pursuant to s. 112.061,  
172 Florida Statutes.

173 Section 7. Funds.—Funds of the district may not be used  
174 for any purpose other than for the administration of the affairs  
175 and business of the district and the construction, care,

176 maintenance, upkeep, operation, and repair of sewers and sewer  
 177 and water systems in the district, as the board may determine to  
 178 be in the best interests of the district and the inhabitants  
 179 thereof. All funds of the district disbursed over the sum of  
 180 \$5,000, shall be made pursuant to signed warrants or checks or  
 181 by credit card, as long as the district does not incur any  
 182 interest fees due to such payments or the annual cumulative  
 183 credit card transaction fees do not exceed the annual credit  
 184 card rebate, or other electronic means approved by the chair or  
 185 vice chair and by the treasurer or the secretary of the board.

186 Section 8. Powers of board.—The Board of Commissioners of  
 187 the Immokalee Water and Sewer District is authorized and  
 188 empowered to:

189 (1) Make rules and regulations for its own government and  
 190 proceedings and to adopt an official seal for the district.

191 (2) Employ a director, engineers, attorneys, accountants,  
 192 financial or other experts, and such other agents and employees  
 193 as said district board may require or deem necessary to  
 194 effectuate the purposes of this act, or to contract for any such  
 195 services, provided that the board may authorize its director, to  
 196 hire, discipline, and terminate employees, and give salary  
 197 raises to employees, subject to review and approval by the  
 198 board. The director shall serve as the district's clerk.

199 (3) Construct, install, erect, and acquire, and to  
 200 operate, maintain, improve, extend, or enlarge and reconstruct a



201 water system or a sewer system or both within said district and  
 202 the environs thereof and to have the exclusive control and  
 203 jurisdiction thereof, and to issue its general obligation bonds,  
 204 revenue bonds, or assessment bonds, or any combination of the  
 205 foregoing, to pay all or part of the cost of such construction,  
 206 reconstruction, erection, acquisition, or installation of such  
 207 water system, sewer system, or both, provided that the total  
 208 amount of all general obligation indebtedness issued pursuant to  
 209 this law shall not exceed 15 percent of the assessed value of  
 210 the taxable property in the district at the time of the creation  
 211 of such district, to be ascertained by the assessed valuations  
 212 for county taxes in effect at the time of the creation of such  
 213 district.

214 (4) Regulate the use of sewers and the supply of water  
 215 within the district; prohibit the use and maintenance of  
 216 outhouses, privies, septic tanks, or other unsanitary structures  
 217 or appliances; and regulate the use of sewers and the wastewater  
 218 collection system within the district by instituting,  
 219 maintaining, and enforcing a grease management program for the  
 220 district's commercial and industrial customers.

221 (5) Fix and collect rates, fees, and other charges to  
 222 persons or property or both for the use of the facilities and  
 223 services provided by any water system or sewer system or both  
 224 and to fix and collect charges for making connections with any  
 225 such water system or sewer system and to provide for reasonable

226 penalties on any users or property for any such rates, fees, or  
227 charges that are delinquent. The district has the authority to  
228 write off any customer debt that is older than 2 years old and  
229 has been determined by the district to be uncollectable.

230 (6) Acquire in the name of the district, by purchase,  
231 gift, or the exercise of the right of eminent domain, such lands  
232 and rights and interest therein, including lands under water and  
233 riparian rights and to acquire such personal property as it may  
234 deem necessary in connection with the construction,  
235 reconstruction, improvement, extension, installation, erection,  
236 or operation and maintenance of any water system or sewer system  
237 or both, and any administrative facilities, and to hold and  
238 dispose of all real and personal property under its control;  
239 however, nothing contained herein shall authorize the power of  
240 eminent domain to be exercised beyond the limits of the  
241 district.

242 (7) Exercise exclusive jurisdiction, control, and  
243 supervision over any water system or sewer system or both, or  
244 any part thereof, owned, operated, and maintained by the  
245 district, and to make and enforce such rules and regulations for  
246 the maintenance and operation of any water system or sewer  
247 system or both as may be, in the judgment of the district board,  
248 necessary or desirable for the efficient operation of any such  
249 systems or improvements in accomplishing the purposes of this  
250 act.

251       (8) Restrain, enjoin, or otherwise prevent the violation  
 252 of this act or of any resolution, rule, or regulation adopted  
 253 pursuant to the powers granted by this act.

254       (9) Join with any other district or districts,  
 255 municipalities, towns, counties, or other political  
 256 subdivisions, public agencies, or authorities in the exercise of  
 257 common powers.

258       (10) Contract with other district or districts,  
 259 municipalities, towns, counties, or other public subdivisions,  
 260 public agencies, or other private or public corporations or  
 261 persons to provide or receive a water supply or for sewage  
 262 disposal, collection, or treatment.

263       (11) Prescribe methods of pretreatment of industrial  
 264 wastes not amenable to treatment with domestic sewage before  
 265 accepting such wastes for treatment and to refuse to accept such  
 266 industrial wastes when not sufficiently pretreated as may be  
 267 prescribed, and by proper resolution to prescribe penalties for  
 268 the refusal of any person or corporation to so pretreat such  
 269 industrial wastes.

270       (12) Require and enforce the use of its facilities  
 271 whenever and wherever they are accessible.

272       (13) Sell or otherwise dispose of the effluent, sludge, or  
 273 other byproducts as a result of sewage treatment.

274       (14) Accomplish construction in accordance with ss.  
 275 255.103, 255.20, and 287.055, Florida Statutes. The district

276 must advertise for construction bids and let contracts for all  
 277 or any part or parts of the construction of any water system or  
 278 sewer system or both to the lowest responsible bidder or bidders  
 279 or rejecting any and all bids at its discretion. The requirement  
 280 to advertise and receive bids does not apply to the purchase of  
 281 supplies, material, and equipment, as well as expenditures for  
 282 construction work when:

283 (a) The amount does not exceed \$10,000 total cost of each  
 284 transaction; or

285 (b) The director determines in writing that an immediate  
 286 danger to the public health, safety, or welfare or other  
 287 substantial loss to the district requires emergency action, the  
 288 district may proceed with the purchase and expenditure for  
 289 construction work necessitated by the immediate danger. The  
 290 director shall report such emergency expenditures to the board  
 291 at the next board meeting.

292 (15) Construct and operate connecting, intercepting, or  
 293 outlet sewers and sewer mains and pipes and water mains,  
 294 conduits, or pipelines in, along, or under any streets, alleys,  
 295 highways, or other public places or ways within the state or any  
 296 municipality or political subdivision necessary for the purposes  
 297 of the district.

298 (16) Subject to such provisions and restrictions as may be  
 299 provided in the resolution authorizing or securing any bonds or  
 300 other obligations issued under this act, enter into contracts

301 with the federal government or any agency or instrumentality  
302 thereof, or with any county, municipality, district, authority,  
303 or political subdivision, private corporation, partnership,  
304 association, or individual providing for or relating to the  
305 treatment, collection, and disposal of sewage, or the treatment,  
306 supply, and distribution of water and any other matters relevant  
307 thereto or otherwise necessary to effect the purposes of this  
308 act, and to receive and accept from any federal agency, grants  
309 or loans for or in aid of the planning, construction,  
310 reconstruction, or financing of any water system or sewer system  
311 or both and to receive and accept aid or contributions or loans,  
312 from any other source, of money, property, labor, or other  
313 things of value, to be held, used, and applied only for the  
314 purpose for which such grants, contributions, or loans may be  
315 made.

316 Section 9. Assessable improvements; levy and payment of  
317 special assessments.—The district may provide for the  
318 construction or reconstruction of assessable improvements as  
319 defined in s. 153.52(7), Florida Statutes, and for the levying  
320 of special assessments upon benefited property for the payment  
321 thereof, under the provisions of this section.

322 (1)(a) The initial proceeding under this section shall be  
323 the passage of a resolution by the district board, ordering the  
324 construction or reconstruction of such assessable improvements;  
325 indicating the location by terminal points and routes; and

326 giving a description of the improvements by its material,  
327 nature, character, and size or giving two or more descriptions  
328 with the directions that the material, nature, character, and  
329 size and subsequently determine in conformity with one of such  
330 descriptions. Sewer or water improvements need not be continuous  
331 and may be in more than one locality or street. The resolution  
332 ordering any such improvement may give any short and convenient  
333 designation to each improvement ordered thereby, and the  
334 property against which assessments are to be made for the cost  
335 of such improvement may be designated as an assessment district,  
336 followed by a letter or number or name to distinguish it from  
337 other assessment districts, after which it shall be sufficient  
338 to refer to such improvement and property by such designation in  
339 all proceedings and assessments, except in the notices required  
340 by this section.

341 (b) A fund for the payment of bonds shall be created under  
342 this subsection, if assessment bonds are issued.

343 (2) (a) As soon as possible after the passage of such  
344 resolution, the engineer for the district shall prepare in  
345 duplicate plans and specifications for each improvement ordered  
346 thereby and an estimate of the cost thereof. Such cost shall  
347 include, in addition to the items of cost as defined in this  
348 act, the cost of relaying streets and sidewalks necessarily torn  
349 up or damaged and the following items of incidental expenses:

350 1. Printing and publishing notices and proceedings.

351 2. Costs of abstracts of title.

352 3. Any other expense necessary or proper in conducting the  
353 proceedings and work provided for in this section, including the  
354 estimated amount of discount, if any, upon the sale of  
355 assessment bonds or any other obligations issued hereunder for  
356 which such special assessments are to be pledged. If the  
357 resolution provides alternative descriptions of material,  
358 nature, character, and size, such estimate shall include an  
359 estimate of the cost of the improvement of each such  
360 description.

361 (b) The engineer shall also prepare in duplicate a  
362 tentative apportionment of the estimated total cost of the  
363 improvement as between the district and each lot or parcel of  
364 land subject to special assessment under the resolution, such  
365 apportionment to be made in accordance with the provisions of  
366 the resolution and in relation to apportionment of cost provided  
367 herein for the preliminary assessment roll. Such tentative  
368 apportionment of total estimated cost may not be held to limit  
369 or restrict the duties of the engineer in the preparation of  
370 such preliminary assessment roll. One of the duplicates of such  
371 plans, specifications, and estimates and such tentative  
372 apportionment shall be filed with the district clerk and the  
373 other duplicate shall be retained by the engineer in the  
374 engineer's files, all thereof to remain open to public  
375 inspection.

376       (3) The district clerk upon the filing with him or her of  
377 such plans, specifications, estimates, and tentative  
378 apportionment of cost shall publish once in a newspaper  
379 published in the county and circulating in the district, or  
380 posted as provided in s. 153.56, Florida Statutes, if there is  
381 no such newspaper, a notice stating that at a meeting of the  
382 district board on a certain day and hour, at least 15 days after  
383 such publication or posting, the district board will hear  
384 objections of all interested persons to the confirmation of such  
385 resolution, which notice shall state in brief and general terms,  
386 a description of the proposed assessable improvements with the  
387 location thereof, and shall also state that plans,  
388 specifications, estimates, and tentative apportionment of cost  
389 thereof are on file with the district clerk. The district clerk  
390 shall keep a record in which shall be inscribed, at the request  
391 of any person, firm, or corporation having or claiming to have  
392 any interest in any lot or parcel of land, the name and post  
393 office address of such person, firm, or corporation, together  
394 with a brief description or designation of such lot or parcel.  
395 The duty of the district clerk shall be to mail a copy of such  
396 notice to such person, firm, or corporation at such address, at  
397 least 10 days before the time for the hearing as stated in such  
398 notice. The failure of the district clerk to keep such record or  
399 to inscribe any name or address or to mail any such notice does  
400 not constitute a valid objection to holding the hearing as



401 provided in this section or to any other action taken under the  
402 authority of this section.

403 (4) At the time named in such notice, or to which an  
404 adjournment may be taken by the district board, the district  
405 board shall receive any objections of interested persons and may  
406 then or thereafter repeal or confirm such resolution with such  
407 amendments, if any, as may be desired by the district board and  
408 which do not cause any additional property to be specially  
409 assessed.

410 (5) All objections to any such resolution on the grounds  
411 that it contains items which cannot be properly assessed against  
412 property, or that it is, for any default or defect in the  
413 passage or character of the resolution or the plans or  
414 specifications or estimate, void or voidable in whole or in  
415 part, or that it exceeds the power of the district board, shall  
416 be made in writing in person or by attorney and filed with the  
417 district clerk at or before the time or adjourned time of such  
418 hearing. Any objections against the making of any assessable  
419 improvements not so made shall be considered as waived, and if  
420 any objection is made and overruled or is not sustained, the  
421 confirmation of the resolution shall be the final adjudication  
422 of the issues presented unless proper steps are taken in a court  
423 of competent jurisdiction to secure relief within 20 days.

424 (6) Whenever any resolution providing for the construction  
425 or reconstruction of assessable improvements and for the levying

426 of special assessments upon benefited property for the payment  
427 thereof have been confirmed, as provided in this section, or at  
428 any time thereafter, the district board may issue assessment  
429 bonds payable out of such assessments when collected in  
430 accordance with s. 153.63, Florida Statutes.

431 (7) After the passage of the resolution authorizing the  
432 construction or reconstruction of assessable improvements has  
433 been confirmed as provided in subsection (4), the district may  
434 publish at least once in a newspaper published in the county and  
435 circulating in the district, or post in the manner provided in  
436 s. 153.56, Florida Statutes, if there is no such newspaper, a  
437 notice calling for sealed bids to be received by the district  
438 board on a date at least 15 days after the first publication for  
439 the construction of the work, unless in the initial resolution  
440 the district board has declared its intention to have the work  
441 done by district forces without contract. The notice shall refer  
442 in general terms to the extent and nature of the improvement or  
443 improvements and may identify the same by the short designation  
444 indicated in the initial resolution and by reference to the  
445 plans and specifications on file. If the initial resolution has  
446 given two or more alternative descriptions of the assessable  
447 improvements as to its material, nature, character, and size  
448 and, if the district board has not theretofore determined upon a  
449 definite description, the notice shall call for bids upon each  
450 of such descriptions. Bids may be requested for the work as a

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451 whole or for any part thereof separately and bids may be asked  
452 for any one or more of such assessable improvements authorized  
453 by the same or different resolutions, but any bid covering work  
454 upon more than one improvement shall be in such form as to  
455 permit a separation of cost as to each improvement. The notice  
456 shall require bidders to file with their bids either a certified  
457 check drawn upon an incorporated bank or trust company in such  
458 amount or percentage of their respective bids as the district  
459 board deems advisable or a bid bond in like amount with  
460 corporate surety satisfactory to the district board to ensure  
461 the execution of a contract to carry out the work in accordance  
462 with such plans and specifications and ensure the filing, at the  
463 making of such contract, of a bond in the amount of the contract  
464 price with corporate surety satisfactory to the district  
465 conditioned for the performance of the work in accordance with  
466 such contract. The district board shall have the right to reject  
467 any or all bids and, if all bids are rejected, the district  
468 board may readvertise or may determine to do the work by the  
469 district forces without contract.

470 (8) Promptly after the completion of the work, the  
471 engineer for the district, who is hereby designated as the  
472 official of the district to make the preliminary assessment of  
473 benefits from assessable improvements, shall prepare a  
474 preliminary assessment roll and file the same with the district  
475 clerk, which roll shall contain the following:

476        (a) A description of abutting lots and parcels of land or  
 477 lands within the district which will benefit from such  
 478 assessable improvements and the amount of such benefits to each  
 479 such lot or parcel of land. Such lots and parcels shall include  
 480 the property of the county and any school district or other  
 481 political subdivision. There shall also be given the name of the  
 482 owner of record of each lot or parcel where practicable, and in  
 483 all cases there shall be given a statement of the number of feet  
 484 of property so abutting, which number of feet shall be known as  
 485 the frontage.

486        (b) The total cost of the improvement and the amount of  
 487 incidental expense.

488        (9) The preliminary roll shall be advisory only and shall  
 489 be subject to the action of the district board as hereinafter  
 490 provided. Upon filing with the district clerk of the preliminary  
 491 assessment roll, the district clerk shall publish at least once  
 492 in a newspaper published in the county, and circulating in the  
 493 district or, if there is no such newspaper, post in the manner  
 494 provided in s. 153.56, Florida Statutes, a notice stating that  
 495 at a meeting of the district board to be held on a certain day  
 496 and hour, at least 15 days after the date of such publication or  
 497 posting, which meeting may be a regular, adjourned, or special  
 498 meeting, all interested persons may appear and file written  
 499 objections to the confirmation of such roll. Such notice shall  
 500 state the class of the assessable improvements and the location

501 thereof by terminal points and route.  
 502 (10) At the time and place stated in such notice, the  
 503 district board shall meet and receive the objections in writing  
 504 of all interested persons as stated in such notice. The district  
 505 board may adjourn the hearing from time to time. After the  
 506 completion thereof, the district board shall either annul,  
 507 sustain, or modify in whole or in part the preliminary  
 508 assessment as indicated on such roll, either by confirming the  
 509 preliminary assessment against any or all lots or parcels  
 510 described therein or by canceling, increasing, or reducing the  
 511 same, according to the special benefits which the district board  
 512 decided each such lot or parcel has received or will receive on  
 513 account of such improvement. If any property which may be  
 514 chargeable under this section has been omitted from the  
 515 preliminary roll or if the preliminary assessment was not made  
 516 against it, the board may place on such roll an apportionment to  
 517 such property. The district board may not confirm any assessment  
 518 in excess of the special benefits to the property assessed, and  
 519 the assessments so confirmed shall be in proportion to the  
 520 special benefits. Immediately after such confirmation, such  
 521 assessment roll shall be delivered to the district clerk. The  
 522 assessment so made shall be final and conclusive as to each lot  
 523 or parcel assessed unless proper steps are taken within 30 days  
 524 in a court of competent jurisdiction to secure relief. If the  
 525 assessment against any property is sustained or reduced or

526 abated by the court, the district clerk shall note that fact on  
527 the assessment roll opposite the description of the affected  
528 property. The amount of the special assessment against any lot  
529 or parcel which may be reduced or abated by the court, unless  
530 the assessment upon the entire district is reduced or abated, or  
531 the amount by which such assessment is so reduced, may by  
532 resolution of the district board be made chargeable against the  
533 district at large, or, at the discretion of the district board,  
534 a new assessment roll may be prepared and confirmed in the  
535 manner hereinabove provided for the preparation and confirmation  
536 of the original assessment roll.

537 (11) (a) Any assessment may be paid at the office of the  
538 district clerk within 60 days after the confirmation thereof,  
539 without interest. Thereafter, all assessments shall be payable  
540 in equal installments, with interest at a rate not exceeding 8  
541 percent per annum from the expiration of said 60 days in each of  
542 the succeeding number of years which the district board shall  
543 determine by resolution, not exceeding 20; however, the district  
544 board may provide that any assessment may be paid at any time  
545 before due, together with interest accrued thereon to the date  
546 of payment, if such prior payment is permitted by the  
547 proceedings authorizing any assessment bonds or other  
548 obligations for the payment of which such special assessments  
549 have been pledged.

550 (b) All such special assessments shall be collected by the

551 tax collector of the county in which the district is located at  
552 the same time as the ad valorem taxes of the district and  
553 general county taxes are collected by the tax collector of such  
554 county, and the district shall certify to the county tax  
555 collector in each year a list of all such special assessments  
556 and a description of and name of the owners of the properties  
557 against which such special assessments have been levied and the  
558 amounts due thereon in such year, and interest thereon, and any  
559 deficiencies for prior years.

560 (c) All assessments shall constitute a lien upon the  
561 property so assessed from the date of confirmation of the  
562 resolution ordering the improvement, of the same nature and to  
563 the same extent as the lien for general county taxes falling due  
564 in the same year or years in which such assessments or  
565 installments thereof fall due, and any assessment or installment  
566 not paid when due shall be collectible with such interest and  
567 with a reasonable attorney fee and costs, but without penalties,  
568 by the district by proceedings in a court of equity to foreclose  
569 the lien of assessments as a lien for mortgages is or may be  
570 foreclosed under the laws of the state, provided that any such  
571 proceedings to foreclose shall embrace all installments of  
572 principal remaining unpaid with accrued interest thereon, which  
573 installments shall, by virtue of the institution of such  
574 proceedings, immediately become due and payable.

575 (d) Nevertheless, if, before any sale of the property

576 under decree of foreclosure in such proceedings, payment is made  
577 of the installment or installments which are shown to be due  
578 under the provisions of the resolution passed pursuant to  
579 subsection (10) and by this subsection, and all costs including  
580 interest and attorney fees, such payment shall have the effect  
581 of restoring the remaining installments to their original  
582 maturities as provided by the resolution passed pursuant to this  
583 subsection and the proceedings shall be dismissed.

584 (e) It shall be the duty of the district to enforce the  
585 prompt collection of assessments by the means herein provided,  
586 and such duty may be enforced at the suit of any holder of bonds  
587 issued under this act in a court of competent jurisdiction by  
588 mandamus or other appropriate proceedings or action.

589 (f) No later than 30 days after the annual installments  
590 are due and payable, it shall be the duty of the district board  
591 to direct the attorney or attorneys whom the district board  
592 shall then designate, to institute action within 2 months after  
593 such direction to enforce the collection of all special  
594 assessments for assessable improvements made under this section  
595 and remaining due and unpaid at the time of such direction. Such  
596 action shall be prosecuted in the manner and under the  
597 conditions in and under which mortgages are foreclosed under  
598 general law.

599 (g) It shall be lawful to join in one action the  
600 collection of assessments against any or all property assessed



601 by virtue of the same assessment roll unless the court deems  
602 such joinder prejudicial to the interest of any defendant. The  
603 court shall allow a reasonable attorney fee for the attorney or  
604 attorneys of the district, and the same shall be collectible as  
605 a part of or in addition to the costs of the action.

606 (h) At the sale pursuant to decree in any such action, the  
607 district may be a purchaser to the same extent as an individual  
608 person or corporation, except that the part of the purchase  
609 price represented by the assessments sued upon and the interest  
610 thereon need not be paid in cash. Property so acquired by a  
611 district may be sold or otherwise disposed of, the proceeds of  
612 such disposition to be placed in the fund provided by paragraph  
613 (1)(b) of this section; however, a sale or other disposition  
614 thereof may not be made unless the notice calling for bids  
615 therefor to be received at a stated time and place have been  
616 published in a newspaper published in the county and circulating  
617 in the district, or posted in the manner provided in s. 153.56,  
618 Florida Statutes, if there is no such newspaper, at least 20  
619 days before such disposition.

620 (12) All assessments and charges made under this section  
621 for the payment of all or any part of the cost of any assessable  
622 improvements for which assessment bonds have been issued under  
623 this act, or which have been pledged as additional security for  
624 any other bonds or obligations issued under this act, shall be  
625 used only for the payment of principal of or interest on such

626 assessment bonds or other bonds or obligations.

627 (13) The county in which the district is located and each  
 628 school district and other political subdivision wholly or partly  
 629 within the district shall possess the same power and be subject  
 630 to the same duties and liabilities in respect of assessment  
 631 under this section affecting the real estate of such county,  
 632 school district, or other political subdivision which private  
 633 owners of real estate possess or are subject to hereunder, and  
 634 such real estate of any such county, school district, and  
 635 political subdivision shall be subject to liens for said  
 636 assessments in all cases in which the same property would be  
 637 subject to such liens had it at the time the lien attached been  
 638 owned by a private owner.

639 Section 10. Water rates and service charges.—The board of  
 640 commissioners may fix and revise from time to time rates and  
 641 charges for water furnished by any waterworks facilities and  
 642 sewer service charges for the services furnished by any sewerage  
 643 facilities, and charge and collect the same. Any such rates and  
 644 charges shall be so fixed and revised as to provide funds, with  
 645 other funds available for such purpose, sufficient at all times  
 646 to:

647 (1) Pay the cost of maintaining, repairing, and operating  
 648 the waterworks and sewerage facilities of the district and to  
 649 provide reserves therefor and for replacements and depreciation  
 650 and necessary extensions and enlargements.

651 (2) Pay the principal of and the interest on all  
652 outstanding bonds for the payment of which such rates and  
653 charges are pledged as the same become due and provide reserves  
654 therefor. Said bonds shall bear interest at a rate pursuant to  
655 applicable general law, and be sold at public sale. However, in  
656 the event an offer of an issue of bonds at public sale does not  
657 produce a bid or in the event all bids received are rejected,  
658 the board is authorized to negotiate for the sale of such bonds  
659 under such rates and terms as are acceptable. However, such  
660 bonds may not be sold or delivered at a higher net interest cost  
661 rate than contained in any bids rejected at the public sale  
662 thereof, or at the rate contained in the notice of public sale  
663 if no bids were received at such public sale.

664 (3) Provide a margin of safety for making such payments  
665 and providing such reserves. Such rates and charges may not be  
666 subject to supervision or regulation by any commission, board,  
667 bureau, or agency of the state or any political subdivision of  
668 the state. Such rates and charges shall be just and equitable  
669 and the sewer service charges may be based or computed either  
670 upon the quantity of water used or upon the number and size of  
671 sewer connections or upon the number and kind of plumbing  
672 fixtures in use on the premises connected with the sewerage  
673 facilities or upon the number of persons residing or working in  
674 or otherwise connected with such premises or upon the type or  
675 character of such premises or upon any other factor affecting

676 the use of the facilities furnished or upon any combination of  
677 the foregoing factors. In cases in which the character of the  
678 sewage from any manufacturing or industrial plant, building, or  
679 premises is such that it imposes an unreasonable burden upon any  
680 sewerage facility, an additional charge may be made therefor, or  
681 the board may, if it deems advisable, compel such manufacturing  
682 or industrial plant, building, or premises to treat such sewage  
683 in a manner specified by the board before discharging the sewage  
684 into any sewer lines owned or maintained by the district.

685 Section 11. Collection of rates and charges.—The board of  
686 commissioners may provide in the resolution authorizing rates,  
687 fees, and charges, the issuance of bonds under this act, or in  
688 any trust agreement securing such bonds that any sewer service  
689 shall be included in bills rendered for water used on the  
690 premises and that if any water rates or sewer service charges  
691 are not paid within 30 days after the rendition of any such  
692 bills, the district shall discontinue furnishing water to such  
693 premises and may disconnect the same from the waterworks  
694 facilities. Any such resolution or trust agreement may include  
695 any or all of the following, and may require the board to adopt  
696 such resolutions or to take such other lawful action as is  
697 necessary to effectuate such provisions, and the board is hereby  
698 authorized to adopt such resolutions and to take such other  
699 action:

700 (1) That the district may require the owner, tenant, or

701 occupant of each lot or parcel of land within the district who  
702 is obligated to pay water rates or sewer charges to the district  
703 to make a reasonable deposit with the district in advance to  
704 ensure the payment of such rates or charges and to be subject to  
705 application to the payment thereof, if and when delinquent.

706 (2) That if any water rates or sewer charges payable to  
707 the district are not paid within 30 days after the same become  
708 due and payable, the district may at the expiration of such 30-  
709 day period disconnect the premises from the waterworks or  
710 sewerage facilities; and the district may proceed to recover the  
711 amount of any such delinquent rates or charges, with interest,  
712 in an action as provided by law.

713 (3) That if any sewer service charges for the use of any  
714 sewerage facilities by or in connection with any premises not  
715 served by any waterworks facilities of the district are not paid  
716 within 30 days after the same become due and payable, the owner,  
717 tenant, or occupant of such premises shall cease to dispose of  
718 sewage or industrial wastes originating from or on such premises  
719 by discharge thereof directly or indirectly into the sewerage  
720 facilities of the district until such sewer service charges,  
721 with interest, are paid; that if such owner, tenant, or occupant  
722 does not cease such disposal at the expiration of the 30-day  
723 period, it shall be the duty of any public or private  
724 corporation, board, body, or person supplying water to or  
725 selling water for use on such premises to cease supplying water

726 to or selling water for use on such premises within 5 days after  
727 the receipt of notice of such delinquency from the district; and  
728 that if such corporation, board, body, or person does not, at  
729 the expiration of the 5-day period, cease supplying water to or  
730 selling water for use on such premises, then the district may,  
731 unless it has theretofore contracted to the contrary, shut off  
732 the supply of water to such premises. Section 153.67, Florida  
733 Statutes, is applicable to any unpaid fees owed to the district.

734 Section 12. Connection with sewer system.—Upon the  
735 construction of sewerage facilities under this act, the owner,  
736 tenant, or occupant of each lot or parcel of land within the  
737 district which abuts upon a street or other public way  
738 containing a sanitary sewer as a part of such sewerage facility  
739 or a sanitary sewer served or which may be served by such  
740 sewerage facilities and upon which lot or parcel a building has  
741 been constructed for residential, commercial, or industrial use,  
742 shall, if so required by the district's regulations and rules or  
743 a resolution of the board, connect with such building such  
744 sanitary sewer, and shall cease to use any other method for the  
745 disposal of sewage wastes or other polluting matter. All such  
746 connections shall be made in accordance with rules and  
747 regulations and may provide for a charge for making any such  
748 connection in such reasonable amount as the board may fix and  
749 establish. This act being necessary for the welfare of the  
750 inhabitants of the county shall be liberally construed to effect

751 the purpose thereof.

752 Section 13. Declaration of policy.—The undertakings  
753 enumerated in this act constitute a proper public purpose for  
754 the benefit and welfare of the inhabitants of the district and  
755 it is hereby found and declared that in the construction,  
756 acquisition, improvement, maintenance, operation, extension, and  
757 improvement of any or all of its systems, the district will be  
758 exercising a proper governmental function.

759 Section 14. Audits.—The accounts and records of the board  
760 shall be post audited annually, at the expense of the board, in  
761 accordance with ss. 218.39 and 218.391, Florida Statutes.

762 Section 15. Immunity.—

763 (1) The district and its officers, agents, and employees  
764 shall have the same immunity from tort liability as other  
765 agencies and subdivisions of the state. Chapter 768, Florida  
766 Statutes, applies to all claims asserted against the district.

767 (2) The district commissioners and all officers, agents,  
768 and employees of the district shall have the same immunity and  
769 exemption from personal liability as provided in chapter 768,  
770 Florida Statutes.

771 (3) In accordance with chapter 768, Florida Statutes, the  
772 district shall defend all claims against the district  
773 commissioners and officers, agents, and employees of the  
774 district which arise within the scope of employment or purposes  
775 of the district and shall pay all judgments against such

776 persons, except where such persons acted in bad faith or with  
777 malicious purpose or in a manner exhibiting wanton and willful  
778 disregard of human rights, safety, or property.

779 Section 16. Planning and public business.—Requirements for  
780 financial disclosure, meeting notices, reporting, public records  
781 maintenance, and planning shall be provided in chapters 189 and  
782 286, Florida Statutes.

783 Section 17. Dissolution.—The district shall exist until  
784 the Legislature approves a special act providing for its  
785 dissolution, and such special act is contingent upon approval at  
786 referendum by the electors of the district.

787 Section 18. Exemption.—Since the exercise of the powers  
788 conferred by this act constitutes action by a political  
789 subdivision performing essential public functions and since the  
790 property of each district constitutes public property used for  
791 public purposes, all assets and properties of the district,  
792 including property acquired through the foreclosure of any tax  
793 or assessment lien, are exempt from all taxes imposed by the  
794 state or any political subdivision, agency, or instrumentality  
795 of the state.

796 Section 4. Contracts.—All contracts, obligations, rules,  
797 resolutions, or policies of any nature existing on effective  
798 date of this charter shall remain in full force and effect, and  
799 this act shall in no way affect the validity of such contracts,  
800 obligations, rules, resolutions, or policies.



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801           Section 5. This act does not affect the terms of office of  
802 the present district board nor does it affect the terms and  
803 conditions of employment of any employee of the district.

804           Section 6. Liberal construction.—This act shall be  
805 liberally construed in order to effectively carry out the  
806 purposes of this act in the interest of the public health,  
807 welfare, and safety of the citizens served by the district.

808           Section 7. Conflict.—In the event of a conflict of any  
809 provision of this act with the provisions of any other act, the  
810 provisions of this act shall control to the extent of such  
811 conflict.

812           Section 8. Chapters 1998-495, 2005-298, 2015-205, and  
813 2021-263, Laws of Florida, are repealed.

814           Section 9. This act shall take effect upon becoming a law.