

1 A bill to be entitled  
 2 An act relating to the Immokalee Water and Sewer  
 3 District, Collier County; codifying, amending,  
 4 reenacting, and repealing special acts relating to the  
 5 district; repealing chs. 98-495, 2005-298, 2015-205,  
 6 and 2021-263, Laws of Florida; codifying, amending,  
 7 repealing, and reenacting special acts relating to the  
 8 district; providing purpose and construction;  
 9 providing severability; providing an effective date.

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

12  
 13 Section 1. Pursuant to s. 189.019, Florida Statutes, this  
 14 act constitutes the codification of all special acts relating to  
 15 the Immokalee Water and Sewer District, an independent special  
 16 district in Collier County, Florida. It is the intent of the  
 17 Legislature in enacting this law to provide a single,  
 18 comprehensive special act charter for the district, including  
 19 all current legislative enactments and any additional authority  
 20 granted by this act.

21 Section 2. Chapters 98-495, 2005-298, 2015-205, and 2021-  
 22 263, Laws of Florida, are amended, codified, reenacted, and  
 23 repealed as herein provided.

24 Section 3. The charter of the Immokalee Water and Sewer  
 25 district, an independent special district in Collier County, is

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 physically present is required  
134 for board action. Each commissioner shall, before he or she  
135 enters upon his or her duties as commissioner, execute to the  
136 Governor a good and sufficient bond in the sum of \$1,000 with a  
137 qualified corporate surety conditioned to faithfully perform the  
138 duties of such commissioner and to account for all funds to come  
139 into his or her hands as such commissioner. All premiums payable  
140 for such bonds shall be paid from the funds of the district.

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

147 Section 6. Organization.—The board shall organize by  
148 electing from its members a chair, a vice chair, a secretary,  
149 and a treasurer. The members of the board shall serve 4-year  
150 terms. Members of the board may each be paid a salary or

151 honorarium to be determined by at least a majority plus one vote  
 152 of the board. The salary or honorarium may not exceed \$250 per  
 153 month for each member. Special notice of any meeting at which  
 154 the board will consider a salary change for a board member must  
 155 be published at least once at least 14 days before the meeting  
 156 is to be held in a newspaper of general circulation in the  
 157 county in which the district is located. Board members may not  
 158 be paid for any unexcused absences from a regularly scheduled  
 159 board meeting. The board shall adopt policies by resolution  
 160 defining excused and unexcused absences. Board members shall be  
 161 reimbursed for travel and per diem pursuant to s. 112.061,  
 162 Florida Statutes.

163 Section 7. Funds.—Funds of the district may not be used  
 164 for any purpose other than for the administration of the affairs  
 165 and business of the district and the construction, care,  
 166 maintenance, upkeep, operation, and repair of sewers and sewer  
 167 and water systems in the district, as the board may determine to  
 168 be in the best interests of the district and the inhabitants  
 169 thereof. All funds of the district disbursed over the sum of  
 170 \$5,000, shall be made pursuant to signed warrants or checks or  
 171 by credit card, as long as the district does not incur any  
 172 interest fees due to such payments or the annual cumulative  
 173 credit card transaction fees do not exceed the annual credit  
 174 card rebate, or other electronic means approved by the chair or  
 175 vice chair and by the treasurer or the secretary of the board.

176 Section 8. Powers of board.—The Board of Commissioners of  
 177 the Immokalee Water and Sewer District is authorized and  
 178 empowered to:

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

181 (2) Employ a director, engineers, attorneys, accountants,  
 182 financial or other experts, and such other agents and employees  
 183 as said district board may require or deem necessary to  
 184 effectuate the purposes of this act, or to contract for any such  
 185 services, provided that the board may authorize its director, to  
 186 hire, discipline, and terminate employees, and give salary  
 187 raises to employees, subject to review and approval by the  
 188 board. The director shall serve as the district's clerk.

189 (3) Construct, install, erect, and acquire, and to  
 190 operate, maintain, improve, extend, or enlarge and reconstruct a  
 191 water system or a sewer system or both within said district and  
 192 the environs thereof and to have the exclusive control and  
 193 jurisdiction thereof, and to issue its general obligation bonds,  
 194 revenue bonds, or assessment bonds, or any combination of the  
 195 foregoing, to pay all or part of the cost of such construction,  
 196 reconstruction, erection, acquisition, or installation of such  
 197 water system, sewer system, or both, provided that the total  
 198 amount of all general obligation indebtedness issued pursuant to  
 199 this law shall not exceed 15 percent of the assessed value of  
 200 the taxable property in the district at the time of the creation



201 of such district, to be ascertained by the assessed valuations  
 202 for county taxes in effect at the time of the creation of such  
 203 district.

204 (4) Regulate the use of sewers and the supply of water  
 205 within the district; prohibit the use and maintenance of  
 206 outhouses, privies, septic tanks, or other unsanitary structures  
 207 or appliances; and regulate the use of sewers and the wastewater  
 208 collection system within the district by instituting,  
 209 maintaining, and enforcing a grease management program for the  
 210 district's commercial and industrial customers.

211 (5) Fix and collect rates, fees, and other charges to  
 212 persons or property or both for the use of the facilities and  
 213 services provided by any water system or sewer system or both  
 214 and to fix and collect charges for making connections with any  
 215 such water system or sewer system and to provide for reasonable  
 216 penalties on any users or property for any such rates, fees, or  
 217 charges that are delinquent. The district has the authority to  
 218 write off any customer debt that is older than 2 years old and  
 219 has been determined by the district to be uncollectable.

220 (6) Acquire in the name of the district, by purchase,  
 221 gift, or the exercise of the right of eminent domain, such lands  
 222 and rights and interest therein, including lands under water and  
 223 riparian rights and to acquire such personal property as it may  
 224 deem necessary in connection with the construction,  
 225 reconstruction, improvement, extension, installation, erection,

226 or operation and maintenance of any water system or sewer system  
 227 or both, and any administrative facilities, and to hold and  
 228 dispose of all real and personal property under its control;  
 229 however, nothing contained herein shall authorize the power of  
 230 eminent domain to be exercised beyond the limits of the  
 231 district.

232 (7) Exercise exclusive jurisdiction, control, and  
 233 supervision over any water system or sewer system or both, or  
 234 any part thereof, owned, operated, and maintained by the  
 235 district, and to make and enforce such rules and regulations for  
 236 the maintenance and operation of any water system or sewer  
 237 system or both as may be, in the judgment of the district board,  
 238 necessary or desirable for the efficient operation of any such  
 239 systems or improvements in accomplishing the purposes of this  
 240 act.

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

244 (9) Join with any other district or districts,  
 245 municipalities, towns, counties, or other political  
 246 subdivisions, public agencies, or authorities in the exercise of  
 247 common powers.

248 (10) Contract with other district or districts,  
 249 municipalities, towns, counties, or other public subdivisions,  
 250 public agencies, or other private or public corporations or

251 persons to provide or receive a water supply or for sewage  
 252 disposal, collection, or treatment.

253 (11) Prescribe methods of pretreatment of industrial  
 254 wastes not amenable to treatment with domestic sewage before  
 255 accepting such wastes for treatment and to refuse to accept such  
 256 industrial wastes when not sufficiently pretreated as may be  
 257 prescribed, and by proper resolution to prescribe penalties for  
 258 the refusal of any person or corporation to so pretreat such  
 259 industrial wastes.

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

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

264 (14) Accomplish construction in accordance with ss.  
 265 255.103, 255.20, and 287.055, Florida Statutes. The district  
 266 must advertise for construction bids and let contracts for all  
 267 or any part or parts of the construction of any water system or  
 268 sewer system or both to the lowest responsible bidder or bidders  
 269 or rejecting any and all bids at its discretion. The requirement  
 270 to advertise and receive bids does not apply to the purchase of  
 271 supplies, material, and equipment, as well as expenditures for  
 272 construction work when:

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

275 (b) The director determines in writing that an immediate

276 danger to the public health, safety, or welfare or other  
 277 substantial loss to the district requires emergency action, the  
 278 district may proceed with the purchase and expenditure for  
 279 construction work necessitated by the immediate danger. The  
 280 director shall report such emergency expenditures to the board  
 281 at the next board meeting.

282 (15) Construct and operate connecting, intercepting, or  
 283 outlet sewers and sewer mains and pipes and water mains,  
 284 conduits, or pipelines in, along, or under any streets, alleys,  
 285 highways, or other public places or ways within the state or any  
 286 municipality or political subdivision necessary for the purposes  
 287 of the district.

288 (16) Subject to such provisions and restrictions as may be  
 289 provided in the resolution authorizing or securing any bonds or  
 290 other obligations issued under this act, enter into contracts  
 291 with the federal government or any agency or instrumentality  
 292 thereof, or with any county, municipality, district, authority,  
 293 or political subdivision, private corporation, partnership,  
 294 association, or individual providing for or relating to the  
 295 treatment, collection, and disposal of sewage, or the treatment,  
 296 supply, and distribution of water and any other matters relevant  
 297 thereto or otherwise necessary to effect the purposes of this  
 298 act, and to receive and accept from any federal agency, grants  
 299 or loans for or in aid of the planning, construction,  
 300 reconstruction, or financing of any water system or sewer system

301 or both and to receive and accept aid or contributions or loans,  
 302 from any other source, of money, property, labor, or other  
 303 things of value, to be held, used, and applied only for the  
 304 purpose for which such grants, contributions, or loans may be  
 305 made.

306 Section 9. Assessable improvements; levy and payment of  
 307 special assessments.—The district may provide for the  
 308 construction or reconstruction of assessable improvements as  
 309 defined in s. 153.52(7), Florida Statutes, and for the levying  
 310 of special assessments upon benefited property for the payment  
 311 thereof, under the provisions of this section.

312 (1)(a) The initial proceeding under this section shall be  
 313 the passage of a resolution by the district board, ordering the  
 314 construction or reconstruction of such assessable improvements;  
 315 indicating the location by terminal points and routes; and  
 316 giving a description of the improvements by its material,  
 317 nature, character, and size or giving two or more descriptions  
 318 with the directions that the material, nature, character, and  
 319 size and subsequently determine in conformity with one of such  
 320 descriptions. Sewer or water improvements need not be continuous  
 321 and may be in more than one locality or street. The resolution  
 322 ordering any such improvement may give any short and convenient  
 323 designation to each improvement ordered thereby, and the  
 324 property against which assessments are to be made for the cost  
 325 of such improvement may be designated as an assessment district,

326 followed by a letter or number or name to distinguish it from  
327 other assessment districts, after which it shall be sufficient  
328 to refer to such improvement and property by such designation in  
329 all proceedings and assessments, except in the notices required  
330 by this section.

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

333 (2)(a) As soon as possible after the passage of such  
334 resolution, the engineer for the district shall prepare in  
335 duplicate plans and specifications for each improvement ordered  
336 thereby and an estimate of the cost thereof. Such cost shall  
337 include, in addition to the items of cost as defined in this  
338 act, the cost of relaying streets and sidewalks necessarily torn  
339 up or damaged and the following items of incidental expenses:

340 1. Printing and publishing notices and proceedings.

341 2. Costs of abstracts of title.

342 3. Any other expense necessary or proper in conducting the  
343 proceedings and work provided for in this section, including the  
344 estimated amount of discount, if any, upon the sale of  
345 assessment bonds or any other obligations issued hereunder for  
346 which such special assessments are to be pledged. If the  
347 resolution provides alternative descriptions of material,  
348 nature, character, and size, such estimate shall include an  
349 estimate of the cost of the improvement of each such  
350 description.

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

366       (3) The district clerk upon the filing with him or her of  
367 such plans, specifications, estimates, and tentative  
368 apportionment of cost shall publish once in a newspaper  
369 published in the county and circulating in the district, or  
370 posted as provided in s. 153.56, Florida Statutes, if there is  
371 no such newspaper, a notice stating that at a meeting of the  
372 district board on a certain day and hour, at least 15 days after  
373 such publication or posting, the district board will hear  
374 objections of all interested persons to the confirmation of such  
375 resolution, which notice shall state in brief and general terms,

376 a description of the proposed assessable improvements with the  
377 location thereof, and shall also state that plans,  
378 specifications, estimates, and tentative apportionment of cost  
379 thereof are on file with the district clerk. The district clerk  
380 shall keep a record in which shall be inscribed, at the request  
381 of any person, firm, or corporation having or claiming to have  
382 any interest in any lot or parcel of land, the name and post  
383 office address of such person, firm, or corporation, together  
384 with a brief description or designation of such lot or parcel.  
385 The duty of the district clerk shall be to mail a copy of such  
386 notice to such person, firm, or corporation at such address, at  
387 least 10 days before the time for the hearing as stated in such  
388 notice. The failure of the district clerk to keep such record or  
389 to inscribe any name or address or to mail any such notice does  
390 not constitute a valid objection to holding the hearing as  
391 provided in this section or to any other action taken under the  
392 authority of this section.

393 (4) At the time named in such notice, or to which an  
394 adjournment may be taken by the district board, the district  
395 board shall receive any objections of interested persons and may  
396 then or thereafter repeal or confirm such resolution with such  
397 amendments, if any, as may be desired by the district board and  
398 which do not cause any additional property to be specially  
399 assessed.

400 (5) All objections to any such resolution on the grounds



401 that it contains items which cannot be properly assessed against  
402 property, or that it is, for any default or defect in the  
403 passage or character of the resolution or the plans or  
404 specifications or estimate, void or voidable in whole or in  
405 part, or that it exceeds the power of the district board, shall  
406 be made in writing in person or by attorney and filed with the  
407 district clerk at or before the time or adjourned time of such  
408 hearing. Any objections against the making of any assessable  
409 improvements not so made shall be considered as waived, and if  
410 any objection is made and overruled or is not sustained, the  
411 confirmation of the resolution shall be the final adjudication  
412 of the issues presented unless proper steps are taken in a court  
413 of competent jurisdiction to secure relief within 20 days.

414 (6) Whenever any resolution providing for the construction  
415 or reconstruction of assessable improvements and for the levying  
416 of special assessments upon benefited property for the payment  
417 thereof have been confirmed, as provided in this section, or at  
418 any time thereafter, the district board may issue assessment  
419 bonds payable out of such assessments when collected in  
420 accordance with s. 153.63, Florida Statutes.

421 (7) After the passage of the resolution authorizing the  
422 construction or reconstruction of assessable improvements has  
423 been confirmed as provided in subsection (4), the district may  
424 publish at least once in a newspaper published in the county and  
425 circulating in the district, or post in the manner provided in

426 s. 153.56, Florida Statutes, if there is no such newspaper, a  
427 notice calling for sealed bids to be received by the district  
428 board on a date at least 15 days after the first publication for  
429 the construction of the work, unless in the initial resolution  
430 the district board has declared its intention to have the work  
431 done by district forces without contract. The notice shall refer  
432 in general terms to the extent and nature of the improvement or  
433 improvements and may identify the same by the short designation  
434 indicated in the initial resolution and by reference to the  
435 plans and specifications on file. If the initial resolution has  
436 given two or more alternative descriptions of the assessable  
437 improvements as to its material, nature, character, and size  
438 and, if the district board has not theretofore determined upon a  
439 definite description, the notice shall call for bids upon each  
440 of such descriptions. Bids may be requested for the work as a  
441 whole or for any part thereof separately and bids may be asked  
442 for any one or more of such assessable improvements authorized  
443 by the same or different resolutions, but any bid covering work  
444 upon more than one improvement shall be in such form as to  
445 permit a separation of cost as to each improvement. The notice  
446 shall require bidders to file with their bids either a certified  
447 check drawn upon an incorporated bank or trust company in such  
448 amount or percentage of their respective bids as the district  
449 board deems advisable or a bid bond in like amount with  
450 corporate surety satisfactory to the district board to ensure

451 the execution of a contract to carry out the work in accordance  
 452 with such plans and specifications and ensure the filing, at the  
 453 making of such contract, of a bond in the amount of the contract  
 454 price with corporate surety satisfactory to the district  
 455 conditioned for the performance of the work in accordance with  
 456 such contract. The district board shall have the right to reject  
 457 any or all bids and, if all bids are rejected, the district  
 458 board may readvertise or may determine to do the work by the  
 459 district forces without contract.

460 (8) Promptly after the completion of the work, the  
 461 engineer for the district, who is hereby designated as the  
 462 official of the district to make the preliminary assessment of  
 463 benefits from assessable improvements, shall prepare a  
 464 preliminary assessment roll and file the same with the district  
 465 clerk, which roll shall contain the following:

466 (a) A description of abutting lots and parcels of land or  
 467 lands within the district which will benefit from such  
 468 assessable improvements and the amount of such benefits to each  
 469 such lot or parcel of land. Such lots and parcels shall include  
 470 the property of the county and any school district or other  
 471 political subdivision. There shall also be given the name of the  
 472 owner of record of each lot or parcel where practicable, and in  
 473 all cases there shall be given a statement of the number of feet  
 474 of property so abutting, which number of feet shall be known as  
 475 the frontage.

476 (b) The total cost of the improvement and the amount of  
477 incidental expense.

478 (9) The preliminary roll shall be advisory only and shall  
479 be subject to the action of the district board as hereinafter  
480 provided. Upon filing with the district clerk of the preliminary  
481 assessment roll, the district clerk shall publish at least once  
482 in a newspaper published in the county, and circulating in the  
483 district or, if there is no such newspaper, post in the manner  
484 provided in s. 153.56, Florida Statutes, a notice stating that  
485 at a meeting of the district board to be held on a certain day  
486 and hour, at least 15 days after the date of such publication or  
487 posting, which meeting may be a regular, adjourned, or special  
488 meeting, all interested persons may appear and file written  
489 objections to the confirmation of such roll. Such notice shall  
490 state the class of the assessable improvements and the location  
491 thereof by terminal points and route.

492 (10) At the time and place stated in such notice, the  
493 district board shall meet and receive the objections in writing  
494 of all interested persons as stated in such notice. The district  
495 board may adjourn the hearing from time to time. After the  
496 completion thereof, the district board shall either annul,  
497 sustain, or modify in whole or in part the preliminary  
498 assessment as indicated on such roll, either by confirming the  
499 preliminary assessment against any or all lots or parcels  
500 described therein or by canceling, increasing, or reducing the

501 same, according to the special benefits which the district board  
502 decided each such lot or parcel has received or will receive on  
503 account of such improvement. If any property which may be  
504 chargeable under this section has been omitted from the  
505 preliminary roll or if the preliminary assessment was not made  
506 against it, the board may place on such roll an apportionment to  
507 such property. The district board may not confirm any assessment  
508 in excess of the special benefits to the property assessed, and  
509 the assessments so confirmed shall be in proportion to the  
510 special benefits. Immediately after such confirmation, such  
511 assessment roll shall be delivered to the district clerk. The  
512 assessment so made shall be final and conclusive as to each lot  
513 or parcel assessed unless proper steps are taken within 30 days  
514 in a court of competent jurisdiction to secure relief. If the  
515 assessment against any property is sustained or reduced or  
516 abated by the court, the district clerk shall note that fact on  
517 the assessment roll opposite the description of the affected  
518 property. The amount of the special assessment against any lot  
519 or parcel which may be reduced or abated by the court, unless  
520 the assessment upon the entire district is reduced or abated, or  
521 the amount by which such assessment is so reduced, may by  
522 resolution of the district board be made chargeable against the  
523 district at large, or, at the discretion of the district board,  
524 a new assessment roll may be prepared and confirmed in the  
525 manner hereinabove provided for the preparation and confirmation

526 of the original assessment roll.

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

540 (b) All such special assessments shall be collected by the  
541 tax collector of the county in which the district is located at  
542 the same time as the ad valorem taxes of the district and  
543 general county taxes are collected by the tax collector of such  
544 county, and the district shall certify to the county tax  
545 collector in each year a list of all such special assessments  
546 and a description of and name of the owners of the properties  
547 against which such special assessments have been levied and the  
548 amounts due thereon in such year, and interest thereon, and any  
549 deficiencies for prior years.

550 (c) All assessments shall constitute a lien upon the

551 property so assessed from the date of confirmation of the  
552 resolution ordering the improvement, of the same nature and to  
553 the same extent as the lien for general county taxes falling due  
554 in the same year or years in which such assessments or  
555 installments thereof fall due, and any assessment or installment  
556 not paid when due shall be collectible with such interest and  
557 with a reasonable attorney fee and costs, but without penalties,  
558 by the district by proceedings in a court of equity to foreclose  
559 the lien of assessments as a lien for mortgages is or may be  
560 foreclosed under the laws of the state, provided that any such  
561 proceedings to foreclose shall embrace all installments of  
562 principal remaining unpaid with accrued interest thereon, which  
563 installments shall, by virtue of the institution of such  
564 proceedings, immediately become due and payable.

565 (d) Nevertheless, if, before any sale of the property  
566 under decree of foreclosure in such proceedings, payment is made  
567 of the installment or installments which are shown to be due  
568 under the provisions of the resolution passed pursuant to  
569 subsection (10) and by this subsection, and all costs including  
570 interest and attorney fees, such payment shall have the effect  
571 of restoring the remaining installments to their original  
572 maturities as provided by the resolution passed pursuant to this  
573 subsection and the proceedings shall be dismissed.

574 (e) It shall be the duty of the district to enforce the  
575 prompt collection of assessments by the means herein provided,

576 and such duty may be enforced at the suit of any holder of bonds  
577 issued under this act in a court of competent jurisdiction by  
578 mandamus or other appropriate proceedings or action.

579 (f) No later than 30 days after the annual installments  
580 are due and payable, it shall be the duty of the district board  
581 to direct the attorney or attorneys whom the district board  
582 shall then designate, to institute action within 2 months after  
583 such direction to enforce the collection of all special  
584 assessments for assessable improvements made under this section  
585 and remaining due and unpaid at the time of such direction. Such  
586 action shall be prosecuted in the manner and under the  
587 conditions in and under which mortgages are foreclosed under  
588 general law.

589 (g) It shall be lawful to join in one action the  
590 collection of assessments against any or all property assessed  
591 by virtue of the same assessment roll unless the court deems  
592 such joinder prejudicial to the interest of any defendant. The  
593 court shall allow a reasonable attorney fee for the attorney or  
594 attorneys of the district, and the same shall be collectible as  
595 a part of or in addition to the costs of the action.

596 (h) At the sale pursuant to decree in any such action, the  
597 district may be a purchaser to the same extent as an individual  
598 person or corporation, except that the part of the purchase  
599 price represented by the assessments sued upon and the interest  
600 thereon need not be paid in cash. Property so acquired by a



601 district may be sold or otherwise disposed of, the proceeds of  
602 such disposition to be placed in the fund provided by paragraph  
603 (1)(b) of this section; however, a sale or other disposition  
604 thereof may not be made unless the notice calling for bids  
605 therefor to be received at a stated time and place have been  
606 published in a newspaper published in the county and circulating  
607 in the district, or posted in the manner provided in s. 153.56,  
608 Florida Statutes, if there is no such newspaper, at least 20  
609 days before such disposition.

610 (12) All assessments and charges made under this section  
611 for the payment of all or any part of the cost of any assessable  
612 improvements for which assessment bonds have been issued under  
613 this act, or which have been pledged as additional security for  
614 any other bonds or obligations issued under this act, shall be  
615 used only for the payment of principal of or interest on such  
616 assessment bonds or other bonds or obligations.

617 (13) The county in which the district is located and each  
618 school district and other political subdivision wholly or partly  
619 within the district shall possess the same power and be subject  
620 to the same duties and liabilities in respect of assessment  
621 under this section affecting the real estate of such county,  
622 school district, or other political subdivision which private  
623 owners of real estate possess or are subject to hereunder, and  
624 such real estate of any such county, school district, and  
625 political subdivision shall be subject to liens for said

626 assessments in all cases in which the same property would be  
 627 subject to such liens had it at the time the lien attached been  
 628 owned by a private owner.

629 Section 10. Water rates and service charges.—The board of  
 630 commissioners may fix and revise from time to time rates and  
 631 charges for water furnished by any waterworks facilities and  
 632 sewer service charges for the services furnished by any sewerage  
 633 facilities, and charge and collect the same. Any such rates and  
 634 charges shall be so fixed and revised as to provide funds, with  
 635 other funds available for such purpose, sufficient at all times  
 636 to:

637 (1) Pay the cost of maintaining, repairing, and operating  
 638 the waterworks and sewerage facilities of the district and to  
 639 provide reserves therefor and for replacements and depreciation  
 640 and necessary extensions and enlargements.

641 (2) Pay the principal of and the interest on all  
 642 outstanding bonds for the payment of which such rates and  
 643 charges are pledged as the same become due and provide reserves  
 644 therefor. Said bonds shall bear interest at a rate pursuant to  
 645 applicable general law, and be sold at public sale. However, in  
 646 the event an offer of an issue of bonds at public sale does not  
 647 produce a bid or in the event all bids received are rejected,  
 648 the board is authorized to negotiate for the sale of such bonds  
 649 under such rates and terms as are acceptable. However, such  
 650 bonds may not be sold or delivered at a higher net interest cost

651 rate than contained in any bids rejected at the public sale  
652 thereof, or at the rate contained in the notice of public sale  
653 if no bids were received at such public sale.

654 (3) Provide a margin of safety for making such payments  
655 and providing such reserves. Such rates and charges may not be  
656 subject to supervision or regulation by any commission, board,  
657 bureau, or agency of the state or any political subdivision of  
658 the state. Such rates and charges shall be just and equitable  
659 and the sewer service charges may be based or computed either  
660 upon the quantity of water used or upon the number and size of  
661 sewer connections or upon the number and kind of plumbing  
662 fixtures in use on the premises connected with the sewerage  
663 facilities or upon the number of persons residing or working in  
664 or otherwise connected with such premises or upon the type or  
665 character of such premises or upon any other factor affecting  
666 the use of the facilities furnished or upon any combination of  
667 the foregoing factors. In cases in which the character of the  
668 sewage from any manufacturing or industrial plant, building, or  
669 premises is such that it imposes an unreasonable burden upon any  
670 sewerage facility, an additional charge may be made therefor, or  
671 the board may, if it deems advisable, compel such manufacturing  
672 or industrial plant, building, or premises to treat such sewage  
673 in a manner specified by the board before discharging the sewage  
674 into any sewer lines owned or maintained by the district.

675 Section 11. Collection of rates and charges.-The board of

676 commissioners may provide in the resolution authorizing rates,  
677 fees, and charges, the issuance of bonds under this act, or in  
678 any trust agreement securing such bonds that any sewer service  
679 shall be included in bills rendered for water used on the  
680 premises and that if any water rates or sewer service charges  
681 are not paid within 30 days after the rendition of any such  
682 bills, the district shall discontinue furnishing water to such  
683 premises and may disconnect the same from the waterworks  
684 facilities. Any such resolution or trust agreement may include  
685 any or all of the following, and may require the board to adopt  
686 such resolutions or to take such other lawful action as is  
687 necessary to effectuate such provisions, and the board is hereby  
688 authorized to adopt such resolutions and to take such other  
689 action:

690 (1) That the district may require the owner, tenant, or  
691 occupant of each lot or parcel of land within the district who  
692 is obligated to pay water rates or sewer charges to the district  
693 to make a reasonable deposit with the district in advance to  
694 ensure the payment of such rates or charges and to be subject to  
695 application to the payment thereof, if and when delinquent.

696 (2) That if any water rates or sewer charges payable to  
697 the district are not paid within 30 days after the same become  
698 due and payable, the district may at the expiration of such 30-  
699 day period disconnect the premises from the waterworks or  
700 sewerage facilities; and the district may proceed to recover the

701 amount of any such delinquent rates or charges, with interest,  
702 in an action as provided by law.

703 (3) That if any sewer service charges for the use of any  
704 sewerage facilities by or in connection with any premises not  
705 served by any waterworks facilities of the district are not paid  
706 within 30 days after the same become due and payable, the owner,  
707 tenant, or occupant of such premises shall cease to dispose of  
708 sewage or industrial wastes originating from or on such premises  
709 by discharge thereof directly or indirectly into the sewerage  
710 facilities of the district until such sewer service charges,  
711 with interest, are paid; that if such owner, tenant, or occupant  
712 does not cease such disposal at the expiration of the 30-day  
713 period, it shall be the duty of any public or private  
714 corporation, board, body, or person supplying water to or  
715 selling water for use on such premises to cease supplying water  
716 to or selling water for use on such premises within 5 days after  
717 the receipt of notice of such delinquency from the district; and  
718 that if such corporation, board, body, or person does not, at  
719 the expiration of the 5-day period, cease supplying water to or  
720 selling water for use on such premises, then the district may,  
721 unless it has theretofore contracted to the contrary, shut off  
722 the supply of water to such premises. Section 153.67, Florida  
723 Statutes, is applicable to any unpaid fees owed to the district.

724 Section 12. Connection with sewer system.—Upon the  
725 construction of sewerage facilities under this act, the owner,

726 tenant, or occupant of each lot or parcel of land within the  
727 district which abuts upon a street or other public way  
728 containing a sanitary sewer as a part of such sewerage facility  
729 or a sanitary sewer served or which may be served by such  
730 sewerage facilities and upon which lot or parcel a building has  
731 been constructed for residential, commercial, or industrial use,  
732 shall, if so required by the district's regulations and rules or  
733 a resolution of the board, connect with such building such  
734 sanitary sewer, and shall cease to use any other method for the  
735 disposal of sewage wastes or other polluting matter. All such  
736 connections shall be made in accordance with rules and  
737 regulations and may provide for a charge for making any such  
738 connection in such reasonable amount as the board may fix and  
739 establish. This act being necessary for the welfare of the  
740 inhabitants of the county shall be liberally construed to effect  
741 the purpose thereof.

742 Section 13. Declaration of policy.—The undertakings  
743 enumerated in this act constitute a proper public purpose for  
744 the benefit and welfare of the inhabitants of the district and  
745 it is hereby found and declared that in the construction,  
746 acquisition, improvement, maintenance, operation, extension, and  
747 improvement of any or all of its systems, the district will be  
748 exercising a proper governmental function.

749 Section 14. Audits.—The accounts and records of the board  
750 shall be post audited annually, at the expense of the board, in

751 accordance with ss. 218.39 and 218.391, Florida Statutes.

752 Section 15. Immunity.—

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

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

761 (3) In accordance with chapter 768, Florida Statutes, the  
762 district shall defend all claims against the district  
763 commissioners and officers, agents, and employees of the  
764 district which arise within the scope of employment or purposes  
765 of the district and shall pay all judgments against such  
766 persons, except where such persons acted in bad faith or with  
767 malicious purpose or in a manner exhibiting wanton and willful  
768 disregard of human rights, safety, or property.

769 Section 16. Planning and public business.—Requirements for  
770 financial disclosure, meeting notices, reporting, public records  
771 maintenance, and planning shall be provided in chapters 189 and  
772 286, Florida Statutes.

773 Section 17. Exemption.—Since the exercise of the powers  
774 conferred by this act constitutes action by a political  
775 subdivision performing essential public functions and since the

776 property of each district constitutes public property used for  
777 public purposes, all assets and properties of the district,  
778 including property acquired through the foreclosure of any tax  
779 or assessment lien, are exempt from all taxes imposed by the  
780 state or any political subdivision, agency, or instrumentality  
781 of the state.

782 Section 4. Contracts.—All contracts, obligations, rules,  
783 resolutions, or policies of any nature existing on effective  
784 date of this charter shall remain in full force and effect, and  
785 this act shall in no way affect the validity of such contracts,  
786 obligations, rules, resolutions, or policies.

787 Section 5. This act does not affect the terms of office of  
788 the present district board nor does it affect the terms and  
789 conditions of employment of any employee of the district.

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

794 Section 7. Conflict.—In the event of a conflict of any  
795 provision of this act with the provisions of any other act, the  
796 provisions of this act shall control to the extent of such  
797 conflict.

798 Section 8. Chapters 98-495, 2005-298, 2015-205, and 2021-  
799 263, Laws of Florida, are repealed.

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