

1                                    A bill to be entitled  
2                    An act relating to Glades County; creating the  
3                    Lakeport Water and Sewer District; providing a short  
4                    title, legislative findings and intent, and  
5                    definitions; establishing compliance with minimum  
6                    requirements in s. 189.031(3), F.S., for creation of  
7                    an independent special district; establishing the  
8                    legal boundaries of the district; providing for  
9                    service areas subject to the approval of affected  
10                  general purpose local government; providing that the  
11                  purpose of the district shall be for the planning,  
12                  acquisition, development, operation, and maintenance  
13                  of water and wastewater management systems within the  
14                  district and its service area; limiting district  
15                  services and facilities to only those areas authorized  
16                  by affected general purpose local government;  
17                  providing for an appointed governing body of the  
18                  authority, terms of office, qualifications,  
19                  compensation, and method of appointment; providing for  
20                  the filling of vacancies in office; providing district  
21                  powers, functions, and duties; providing for the  
22                  acquisition of land; providing for the levy and  
23                  collection of rates, fees, and other charges for  
24                  capital facilities or use of district services or  
25                  payment of operating and financing costs; providing

26 for borrowing money and issuing bonds, certificates,  
 27 obligations, or other evidence of indebtedness;  
 28 prohibiting the creation of state, county, or  
 29 municipal debt; providing for the collection of unpaid  
 30 rates, fees, and other charges; providing for the  
 31 adoption of a master plan; providing for enforcement  
 32 and penalties; providing for merger and dissolution;  
 33 providing construction; providing severability;  
 34 providing an effective date.

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

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38 Section 1. Short title.—This act may be known and cited as  
 39 the "Lakeport Water and Sewer District Act."

40 Section 2. Legislative findings and intent.—

41 (1) It is declared as a matter of legislative  
 42 determination that the extensive growth of population and  
 43 attendant commerce throughout Glades County has given rise to  
 44 public health and water supply concerns in that many of the  
 45 unincorporated areas of Glades County are not served by water  
 46 and sewer facilities normally and generally provided and  
 47 maintained by governmental agencies and instead are served by  
 48 private wells and privately owned package sewage treatment  
 49 plants or septic tanks. The proliferation of such package and  
 50 sewage treatment plants and the use of septic tanks pose a

51 significant risk of contamination of water supply sources for  
52 both incorporated and unincorporated areas of Glades County.

53 (2) It is declared as a matter of legislative  
54 determination that the extensive growth of population and  
55 attendant commerce throughout Glades County has caused affected  
56 general purpose local governments within Glades County to  
57 recognize the need to consider, advance, and develop a regional  
58 approach to the governmental delivery and provision of potable  
59 water, wastewater, nonpotable water, and reclaimed water  
60 facilities and services, the protection of the environment, and  
61 the use of valuable water resources.

62 (3) Each of the affected general purpose local governments  
63 within Glades County must meet the comprehensive planning  
64 requirements of chapter 163, Florida Statutes, which mandate  
65 that local governments coordinate their plans for future growth  
66 with available resources of funding and availability of  
67 infrastructure. The provision of potable and nonpotable water  
68 and wastewater services and facilities is a major factor in such  
69 infrastructure coordination. A focused regional approach to  
70 local governmental ownership and provision of potable and  
71 nonpotable water and wastewater utility facilities is desirable  
72 and will readily allow Glades County and certain adjacent areas  
73 upon approval of any affected general purpose local government,  
74 to more effectively meet their statutory mandate with respect to  
75 the utilities element of their respective comprehensive plans.

76        (4) It is the intent of the Legislature to create an  
 77 independent special district in Glades County that can address  
 78 and carry out the provision of potable and nonpotable water and  
 79 wastewater services and facilities in certain areas of Glades  
 80 County, as hereinafter provided, to protect the local and  
 81 regional environment; more efficiently use, preserve, address,  
 82 protect, and have standing in all respects to use, preserve,  
 83 address, and protect, valuable local and regional water  
 84 resources; and advance regional and comprehensive planning.

85        Section 3. Definitions.—As used in this act, unless a  
 86 different meaning appears clearly from the context:

87        (1) "Authority" or "District" means Lakeport Water and  
 88 Sewer District and, unless the context indicates otherwise,  
 89 means the independent special district created by this act and  
 90 identified in section 4, to be known as the Authority or  
 91 District, and the territory included within the special  
 92 district.

93        (2) "Authority facilities" means the Authority's potable  
 94 and nonpotable water production, transmission, treatment, and  
 95 distribution facilities, systems, and property, and the  
 96 Authority's wastewater treatment, collection, and disposal  
 97 facilities, systems, and property, including reuse, nonpotable,  
 98 and reclaimed water facilities and systems, as they may be  
 99 modified, improved, or expanded from time to time, which are  
 100 owned, leased, operated, managed, or used, from time to time, by

101 the Authority to provide water and wastewater services.  
102 Authority facilities shall include all property, real or  
103 personal, tangible or intangible, now or hereafter owned,  
104 leased, operated, or managed by the Authority in connection with  
105 the provision of water and wastewater services and shall also  
106 include any such property used or to be used jointly as  
107 specifically provided for herein.

108 (3) "Cost," when used in connection with a project, means:

109 (a) The Authority's cost of construction.

110 (b) Costs of land and interests thereon and the cost of  
111 the Authority incidental to such transfer or acquisition.

112 (c) The cost of any indemnity or surety bonds and premiums  
113 for insurance during construction.

114 (d) All interest due to be paid on the obligations  
115 relating to the project during the period of acquisition and  
116 construction of such project and for periods subsequent to  
117 completion of acquisition and construction as the Board of  
118 Supervisors may determine by resolution.

119 (e) Engineering, legal, and other consulting fees and  
120 expenses.

121 (f) Costs and expenses of the financing incurred for such  
122 project, including audits, fees, and expenses of any paying  
123 agent, registrar, trustee, consultant, attorney, engineer,  
124 credit enhancer, or depository.

125 (g) Payments, when due whether at the maturity of

126 principal or the due date of interest or upon redemption on any  
 127 interim or temporary indebtedness incurred for such project.

128 (h) Costs of machinery, equipment, supplies, and spare  
 129 parts required by the Authority for the commencement of  
 130 operation of such project or continuation of operation of such  
 131 project.

132 (i) Any other costs properly attributable to such project  
 133 or to the issuance of obligations which finance such project, as  
 134 determined by generally accepted accounting principles  
 135 applicable to such project, and shall include reimbursement to  
 136 the Authority for any such items of cost advanced, incurred, or  
 137 paid by the Authority or a general purpose local government  
 138 prior to issuance of the obligations issued to finance or  
 139 acquire such project. Additional items of cost may be provided  
 140 pursuant to the financing documents.

141 (4) "Financing documents" means the resolution or  
 142 resolutions duly adopted by the Authority, as well as any  
 143 indenture of trust, trust agreement, interlocal agreement, or  
 144 other instrument relating to the issuance or security of any  
 145 bond or obligations of the Authority.

146 (5) "Obligations" means a series of bonds, obligations, or  
 147 other evidence of indebtedness, including, but not limited to,  
 148 notes, commercial paper, capital leases, or any other  
 149 obligations of the Authority issued hereunder, or under any  
 150 general law provisions, and pursuant to the financing documents.

151 The term shall also include any lawful obligation committed to  
152 by the Authority pursuant to an interlocal agreement with  
153 another governmental body or agency.

154 (6) "Pledged funds" means:

155 (a) The revenues, fees, charges, and other moneys received  
156 by the Authority or its designee relating to its ownership or  
157 operation of the Authority facilities, or some portion thereof.

158 (b) Until applied in accordance with the terms of the  
159 financing documents, all moneys in the funds, accounts, and sub-  
160 accounts established thereby, including investments therein.

161 (c) Such other property, assets, and moneys of the  
162 Authority as shall be pledged pursuant to the financing  
163 documents, in each case to the extent provided by the Board of  
164 Supervisors pursuant to the financing documents. The funds  
165 pledged to one series of obligations may be different than the  
166 funds pledged to other series of obligations.

167 (7) "Project" means any structure, property, or facility  
168 which the Authority, from time to time, may determine to  
169 construct or acquire as part of its Authority facilities,  
170 together with all improvements, equipment, structures, and other  
171 facilities necessary or appropriate in connection therewith.  
172 This term is to be broadly construed so as to include the lawful  
173 undertaking which will accrue, or is reasonably expected to  
174 accrue, to the benefit of the Authority facilities, including  
175 joint ventures and acquisitions of partial interests or

176 contractual rights. "Project" shall include, but not be limited  
 177 to, acquisition or transfer of any water or wastewater utility  
 178 system, water or wastewater utility assets, or securing the  
 179 right to provide any water or wastewater utility service.  
 180 "Project" may also include working capital, as well as any costs  
 181 or judgments associated with litigation.

182 (8) "Ratepayer" means any natural person who pays rates,  
 183 fees, or charges on a recurring basis to the Authority, or who  
 184 is an official, officer, member, or employee of any entity,  
 185 public or private, that pays rates, fees, or charges on a  
 186 recurring basis to the Authority.

187 (9) "Service area" means the geographic boundaries within  
 188 which the Authority provides, or is otherwise authorized  
 189 pursuant to the provisions of this act to provide, water or  
 190 wastewater services or facilities.

191 Section 4. District Establishment and Creation.—

192 (1) There is hereby created and established a special  
 193 purpose local governmental body, corporate and politic, to be  
 194 known as Lakeport Water and Sewer District. The Lakeport Water  
 195 and Sewer District is hereby created and incorporated as an  
 196 independent special district, pursuant to and in conformance  
 197 with chapter 189, Florida Statutes.

198 (2) The District boundary shall embrace and include:  
 199 All lands in Glades County, Florida lying within the following  
 200 description:



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Section 12, Township 40 South, Range 32 East: All  
lying southeasterly of the Brighton Seminole Indian  
Reservation.

Section 13, Township 40 South, Range 32 East: All  
lying northwesterly of the Herbert Hoover Dike (Lake  
Okeechobee levee) right-of-way and southeasterly of  
the Brighton Seminole Indian Reservation.

Section 14, Township 40 South, Range 32 East: All  
lying southeasterly of the Brighton Seminole Indian  
Reservation.

Section 20, Township 40 South, Range 32 East:  
Southeast one-quarter of the southeast one-quarter of  
the southeast one-quarter; south three-quarters of the  
southwest one-quarter of the southeast one-quarter.

Section 21, Township 40 South, Range 32 East:  
Southwest one-quarter of the southeast one-quarter of  
the northeast one-quarter; and the south one-half of  
the southwest one-quarter of the northeast one-quarter  
lying southeast of the east right-of-way line of Red  
Barn Rd.; and the south one-half of said section less

226 the north three-quarters of the northeast one-quarter  
 227 of the southwest one-quarter of said section.

228

229 Section 22, Township 40 South, Range 32 East: All  
 230 lying south of the Brighton Seminole Indian  
 231 Reservation and North of the Herbert Hoover Dike,  
 232 (Lake Okeechobee Levee) right-of-way.

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234 Section 23, Township 40 South, Range 32 East: All  
 235 lying south of the Brighton Seminole Indian  
 236 Reservation and North of the Herbert Hoover Dike,  
 237 (Lake Okeechobee Levee) Right-of-way.

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239 Section 24, Township 40 South, Range 32 East: All  
 240 lying Northwesterly of the Herbert Hoover Dike (Lake  
 241 Okeechobee Levee) right-of-way.

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243 Section 27, Township 40 South, Range 32 East: All  
 244 lying Northwesterly of the Herbert Hoover Dike (Lake  
 245 Okeechobee Levee) right-of-way.

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247 Section 28, Township 40 South, Range 32 East: All.

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249 Section 29, Township 40 South, Range 32 East: All less  
 250 the following described parcel; begin at the northwest

251 corner of said section 29; thence N89° 32' 28" E a  
 252 distance of 810.47 feet; thence S 02° 34' 55" W a  
 253 distance of 2119.61 feet; thence N 78° 29' 58" W a  
 254 distance of 750 feet along the meander line to the  
 255 west line of said section; thence northerly along said  
 256 west line to the point of beginning.

257  
 258 Section 30, Township 40 South, Range 32 East: All  
 259 lying south of the south line of the L-50 Tie back  
 260 Levee.

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 262 Section 31, Township 40 South, Range 32 East: All.

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 264 Section 32, Township 40 South, Range 32 East: All.

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 266 Section 33, Township 40 South, Range 32 East: All.

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 268 Section 2, Township 40 South, Range 33 East: All lying  
 269 northwesterly of the Herbert Hoover Dike (Lake  
 270 Okeechobee Levee) right-of-way.

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 272 Section 3, Township 40 South, Range 33 East: All lying  
 273 northwesterly of the Herbert Hoover Dike (Lake  
 274 Okeechobee Levee) right-of-way.

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276 Section 4, Township 40 South, Range 33 East: All.

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278 Section 5, Township 40 South, Range 33 East: All.

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280 Section 6, Township 40 South, Range 33 East: All.

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282 Section 7, Township 40 South, Range 33 East: All.

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284 Section 8, Township 40 South, Range 33 East: All lying  
 285 northwesterly of the Herbert Hoover Dike (Lake  
 286 Okeechobee Levee) right-of-way.

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288 Section 9, Township 40 South, Range 33 East: All lying  
 289 northwesterly of the Herbert Hoover Dike (Lake  
 290 Okeechobee Levee) right-of-way.

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292 Section 17, Township 40 South, Range 33 East: All  
 293 lying northwesterly of the Herbert Hoover Dike (Lake  
 294 Okeechobee Levee) right-of-way.

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296 Section 18, Township 40 South, Range 33 East: All  
 297 lying northwesterly of the Herbert Hoover Dike (Lake  
 298 Okeechobee Levee) right-of-way.

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300 Section 14, Township 39 South, Range 33 East: All

301 lying southwesterly of the Indian Prairie Canal (C-40)  
 302 Canal right-of-way.

303  
 304 Section 15, Township 39 South, Range 33 East: All  
 305 lying southwesterly of the Indian Prairie Canal (C-40)  
 306 Canal right-of-way.

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 308 Section 21, Township 39 South, Range 33 East: All  
 309 lying easterly of the Brighton Seminole Indian  
 310 Reservation.

311  
 312 Section 22, Township 39 South, Range 33 East: All.

313  
 314 Section 23, Township 39 South, Range 33 East: All  
 315 lying southwesterly of the Indian Prairie Canal (C-40)  
 316 Canal right-of-way.

317  
 318 Section 24, Township 39 South, Range 33 East: All  
 319 lying southwesterly of the Indian Prairie Canal (C-40)  
 320 Canal right-of-way.

321  
 322 Section 25, Township 39 South, Range 33 East: All  
 323 lying southwesterly of the Indian Prairie Canal (C-40)  
 324 Canal right-of-way and northwesterly of the Herbert  
 325 Hoover Dike (Lake Okeechobee Levee) right-of-way.

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Section 26, Township 39 South, Range 33 East: All.

Section 27, Township 39 South, Range 33 East: All.

Section 28, Township 39 South, Range 33 East: All  
lying southeasterly of the Brighton Seminole Indian  
Reservation.

Section 29, Township 39 South, Range 33 East: All  
lying southeasterly of the Brighton Seminole Indian  
Reservation.

Section 31, Township 39 South, Range 33 East: All  
lying southeasterly of the Brighton Seminole Indian  
Reservation.

Section 32, Township 39 South, Range 33 East: All  
lying southeasterly of the Brighton Seminole Indian  
Reservation.

Section 33, Township 39 South, Range 33 East: All.

Section 34, Township 39 South, Range 33 East: All.

351 Section 35, Township 39 South, Range 33 East: All  
352 lying northwesterly of the Herbert Hoover Dike (Lake  
353 Okeechobee Levee) right-of-way.

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355 Section 36, Township 39 South, Range 33 East: All  
356 lying northwesterly of the Herbert Hoover Dike (Lake  
357 Okeechobee Levee) right-of-way.

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359 All within Glades County, FL.

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362 The District boundary may be expanded to include any  
363 service area within the boundaries of an affected  
364 general purpose local government upon the adoption of  
365 a resolution by the governing body of the affected  
366 general purpose local government authorizing the  
367 Authority to provide its service and facilities  
368 therein.

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370 (3) The Authority is created for all purposes set forth in  
371 this act and chapter 189, Florida Statutes, as may be amended  
372 from time to time.

373 (4) The charter created by this act may be amended only by  
374 special act of the Legislature.

375 (5) The purpose of the District is to perform such acts as

HB 1595

2022

376 shall be necessary for the sound planning, acquisition,  
377 development, operation, and maintenance of governmentally owned  
378 potable and nonpotable water and wastewater management and  
379 delivery systems within the District and its service area,  
380 including all business facilities necessary and incidental  
381 thereto. As provided herein, the Authority shall have exclusive  
382 jurisdiction over the acquisition, development, operation, and  
383 management of such water and wastewater management systems  
384 capable of being provided by general purpose local governments  
385 in and for the District boundaries and the service area.

386 Section 5. Authority to operate in Glades County or areas  
387 adjacent to Glades County; subject to general purpose local  
388 government consent.—By resolution of the governing bodies of  
389 each of the general purpose local governments affected, all  
390 power and authority available to the Authority under general  
391 law, including without limitation, chapters 163, 189, and 197,  
392 Florida Statutes, and this act shall be deemed to be irrevocably  
393 authorized and may be implemented by the Authority within the  
394 boundaries of each of the general purpose local governments  
395 affected. This act expressly authorizes by law the transfer to  
396 the Authority or the contracting by the Authority for the  
397 provision of any water or wastewater systems, facilities, or  
398 services within the District or its service area.

399 Section 6. Governing body.—

400 (1) The governing body of the authority shall consist of



401 five members acting as the Board of Supervisors. Upon the  
402 effective date of this act, the business and affairs of the  
403 District shall be conducted and administered by the five-member  
404 board of the Lakeport Water Association who will serve as Board  
405 of Supervisor for seats 1, 2, 3, 4 and 5 of the Lakeport Water  
406 and Sewer District. The initial appointed board will consist of:

407 (a) Board of Supervisor Seat 1 of the District shall be  
408 filled by the Chairperson of the Lakeport Water Association,  
409 Inc., until November 3, 2026.

410 (b) Board of Supervisor Seat 2 of the District shall be  
411 filled by the Vice Chairperson of the Lakeport Water  
412 Association, Inc., until November 3, 2026.

413 (c) Board of Supervisor Seat 3 of the District shall be  
414 filled by the Secretary/Treasurer of the Lakeport Water  
415 Association, Inc., until November 3, 2026.

416 (d) Board of Supervisor Seat 4 of the District shall be  
417 filled by the fourth board member of Lakeport Water Association,  
418 Inc., until November 5, 2024.

419 (e) Board Supervisor Seat 5 of the District shall be  
420 filled by the fifth board member of the Lakeport Water  
421 Association, Inc., until November 5, 2024.

422 (2) Upon expiration of his or her term, replacements shall  
423 be elected as follows. Beginning on November 5, 2024, the two  
424 at-large members shall be elected every 4 years. Beginning on  
425 November 3, 2026, the remaining three members shall be elected

426 every 4 years. The procedures for conducting district elections  
427 or referenda and for qualification of electors shall be pursuant  
428 to chapter 189, Florida Statutes. Unless otherwise provided in  
429 s. 189.04, Florida Statutes, all elections for supervisors shall  
430 be held on the first Tuesday after the first Monday in November  
431 of even-numbered years. The district supervisors shall be  
432 registered voters and residents of the district and elected at  
433 large by nonpartisan plurality vote with the candidate who  
434 receives the highest number of votes for each seat winning the  
435 election. Only registered voters residing within the district  
436 shall be permitted to vote. The cost of any election shall be  
437 borne by the district. The term of each commissioner shall begin  
438 immediately upon that supervisor's election.

439 (3) Qualifying for the position of district supervisor  
440 shall be coordinated by the supervisors of elections of the  
441 counties within which the district is located. Methods of  
442 qualifying shall be uniform pursuant to s. 99.061, Florida  
443 Statutes. Candidates shall be required to open depositories and  
444 appoint treasurers before accepting any contributions or  
445 expending any funds.

446 (4) All members of the Board of Supervisors shall be  
447 ratepayers and qualified electors of Glades County. Glades  
448 County shall consider but is not required to appoint members  
449 with business, real estate development, engineering, accounting,  
450 financial, scientific, utility, governmental, or public service

451 backgrounds.

452 (5) If a vacancy occurs on the board due to the  
453 resignation, death, or removal of a board member or the failure  
454 of anyone to qualify for a board seat, the remaining members may  
455 appoint a qualified person to fill the seat until the next  
456 general election, at which time an election shall be held to  
457 fill the vacancy for the remaining term, if any. Any person  
458 appointed to fill a vacancy shall be appointed to serve only for  
459 the unexpired term.

460 (6) The Board of Supervisors shall elect a Chairperson and  
461 Vice Chairperson each of whom shall serve for 1 year commencing  
462 as soon as practicable after the election and until his or her  
463 successor is chosen. The Chairperson and Vice Chairperson shall  
464 conduct the meetings of the authority and perform such other  
465 functions as herein provided. The Chairperson and Vice  
466 Chairperson shall take such actions and have all such powers and  
467 sign all documents on behalf of the Authority in furtherance of  
468 this act or as may be approved by Resolution or Motion of the  
469 Board of Supervisors adopted at a duly called meeting. The Vice  
470 Chairperson, in the Chairperson's absence, shall preside at all  
471 meetings. If both the Chairperson and Vice Chairperson are  
472 absent the Supervisor with the longest tenure shall preside at  
473 the meeting. Minutes shall be taken in accordance with the law.  
474 Copies of all minutes of the meetings of the authority shall  
475 promptly be sent to all members of the Board of Supervisors and

476 to each general purpose local government located within the  
477 District or the service area.

478 (7) The Board of Supervisors shall have those  
479 administrative duties set forth in this act and chapter 189,  
480 Florida Statutes, as may be amended from time to time. Any  
481 certificate, resolution, or instrument signed by the  
482 Chairperson, Vice Chairperson, or such other person of the  
483 Authority as may hereafter be designated and authorized by the  
484 Board of Supervisors shall be evidence of the action of the  
485 Authority, and any such certificate, resolution, or other  
486 instrument so signed shall be conclusively presumed to be  
487 authentic.

488 (8) Future elected members of the Board of Supervisors,  
489 shall receive a fee in the amount of \$100 per meeting, not to  
490 exceed 3 meetings per month. In addition, each member of the  
491 Board of Supervisors shall be reimbursed for expenses as  
492 provided in general law, or otherwise approved by the Board of  
493 Supervisors for travel on authority business outside of the  
494 boundaries of the District or service area of the District.

495 (9) Three members shall constitute a quorum for the  
496 transaction of business of the Authority. The affirmative vote  
497 of the majority of the members of the Board of Supervisors  
498 present and voting (exclusive of any member having a conflict)  
499 shall be necessary to transact business. However, any increase  
500 in rates, fees, or charges shall require the affirmative vote of

501 a majority of the entire Board of Supervisors.

502 Section 7. Conflicts of interest prohibited.—No member,  
503 officer, agent, or employee of the Authority, either for himself  
504 or herself or as agent for anyone else or as a stockholder or  
505 owner in any other legal entity, shall participate in or benefit  
506 directly or indirectly from any sale, purchase, lease, contract,  
507 or other transaction entered into by the Authority. For the  
508 purposes of this act, a direct or indirect benefit or  
509 participation shall mean a "special private gain or loss" as  
510 defined in the code of ethics for public officers and employees,  
511 general law, and shall be determined in the same manner as the  
512 question of "special private gain or loss" would be determined  
513 for purposes of a violation of s. 112.3143, Florida Statutes, or  
514 its successor in function. A member, officer, agent, or employee  
515 of the Authority may rely upon an advisory opinion or  
516 determination of the state commission on ethics or the  
517 Authority's general counsel as to the question of whether or not  
518 there would be a special private gain or loss, and such  
519 determination shall also be determinative of the ability of the  
520 member, officer, agent, or employee to vote under the provisions  
521 of this act or of the conduct of the member, officer, agent, or  
522 employee under this act. The violation of any provisions of this  
523 act is declared to be a criminal offense and misdemeanor within  
524 the meaning of s. 775.08, Florida Statutes, and shall be  
525 punishable as provided by general law. The provisions of this

526 section shall be cumulative to any general laws of the state  
 527 which are from time to time applicable to members, officers,  
 528 agents, or employees of the Authority and which require the  
 529 disclosure of, or prohibit, conflicts of interest.

530 Section 8. Meetings; notice.—The Board of Supervisors  
 531 shall hold meetings pursuant to chapter 189, Florida Statutes.

532 Section 9. Reports; budgets; audits.—The District shall  
 533 prepare and submit reports, budgets, financial disclosure,  
 534 noticing, reporting and audits as provided in chapter 189,  
 535 Florida Statutes, and in accordance with general law.

536 Section 10. District powers, functions, and duties.—

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

542 (a) To acquire, construct, own, lease, operate, manage,  
 543 maintain, dispose of, improve, and expand the Authority  
 544 facilities and to have the exclusive control and jurisdiction  
 545 thereof.

546 (b) To execute all contracts and other documents, adopt  
 547 all proceedings, and perform all acts determined by the Board of  
 548 Supervisors as necessary or advisable to carry out the purposes  
 549 of this act. The Chairperson or Vice Chairperson shall execute  
 550 contracts and other documents on behalf of the Board of

551 Supervisors.

552 (c) To provide for mandatory water or wastewater  
553 connections of potential customers, including customers served  
554 by onsite sewage treatment and disposal systems, upon  
555 availability of service by the Authority within 90 days after  
556 notice of availability of such services.

557 (d) To collect rates, fees, and charges from public or  
558 quasi-public corporations, municipalities, counties, the state  
559 or its agencies, the Federal Government, or any other public or  
560 governmental agencies or bodies for the use or provision of  
561 Authority facilities or services.

562 (e) To fix, levy, and collect rates, fees, and other  
563 charges from persons or property, or both, for the use of the  
564 services, facilities, and product of the Authority facilities or  
565 to pay the operating or financing costs of the Authority  
566 facilities available to potential users; to fix and collect  
567 charges for making connections with the Authority facilities;  
568 and, to the extent provided by law, to provide for reasonable  
569 penalties to be imposed on any users or property for any such  
570 rates, fees, or charges that are delinquent.

571 (f) To discontinue or terminate water or wastewater  
572 service to any person or customer who violates the provisions of  
573 this act or any duly adopted resolutions or regulations of the  
574 Authority, including, but not limited to, delinquency of any  
575 amounts owed the Authority or failure to connect to the

576 Authority's facilities or water or wastewater systems and  
577 failure to provide to the authority without cost such easements  
578 or property interests as are reasonably required to provide  
579 service. Any means of enforcement available to the Authority to  
580 require and enforce the use of its service or facilities shall  
581 be alternative and supplemental to any other means available to  
582 the Authority.

583 (g) To contract for the service of engineers, accountants,  
584 attorneys, and other experts or consultants and such other  
585 agents and employees as the Board of Supervisors may require or  
586 deem appropriate from time to time.

587 (h) To acquire such lands and rights and interests  
588 therein, including lands under water and riparian rights; to  
589 acquire such personal property as the Authority may deem  
590 necessary and appropriate in connection with the acquisition,  
591 ownership, expansion, improvement, operation, and maintenance of  
592 the Authority facilities; and to hold and dispose of all real  
593 and personal property under its control. The power of eminent  
594 domain, to the maximum extent available to any general purpose  
595 local government, may be exercised by the Authority both within  
596 and outside the District or service area for the purpose of  
597 carrying out the intent of this act.

598 (i) To lease or rent any of its easements, real property  
599 interests, or facilities to other utility providers which are  
600 owned by a municipality, county, or special district, or which



601 hold a franchise from a municipality or county, with such lease  
602 or rental to be for joint use by the Authority and such other  
603 utility provider.

604 (j) To adopt all necessary regulations by resolution that  
605 provide design and construction specifications and procedures  
606 for the dedication of facilities to the Authority. The Authority  
607 may require as condition precedent to the approval of any  
608 connection to Authority facilities:

609 1. That all subdivision type infrastructure, or other  
610 contributed transmission or distribution infrastructure  
611 necessary to serve a particular project or customer, and  
612 necessary easements be approved by and dedicated to the  
613 Authority.

614 2. Surety bonds or other guarantees from any developer to  
615 ensure completion of construction in compliance with such  
616 uniform water and wastewater standards, rules, and regulations  
617 adopted by the Authority.

618 3. That the developer make available interim treatment  
619 facilities or services or contract for same on an interim basis  
620 from an authorized service provider.

621 4. That the developer, or the person or entity the  
622 developer has contracted with, provide interim treatment service  
623 or lease back for nominal consideration and maintain such  
624 dedicated or contributed facilities until such time as the  
625 Authority provides services, provided in each case the foregoing

626 actions shall be consistent with the comprehensive plans of any  
 627 affected general purpose local government.

628 (k) To exercise exclusive jurisdiction, control, and  
 629 supervision over the Authority facilities and to make and  
 630 enforce such rules and regulations for the maintenance,  
 631 management, and operation of the Authority facilities as may be,  
 632 in the judgment of the Board of Supervisors, necessary or  
 633 desirable for the efficient operation of the Authority  
 634 facilities in accomplishing the purposes of this act.

635 (l) To enter into interlocal agreements or join with any  
 636 other special purpose or general purpose local governments,  
 637 public agencies, or authorities in the exercise of common  
 638 powers.

639 (m) To contract with private or public entities or persons  
 640 to obtain, provide, treat, distribute, or receive potable and  
 641 nonpotable water or to provide or receive wastewater disposal,  
 642 collection, or treatment and, to additionally enjoy all powers  
 643 necessary to contract by interlocal agreement with the state or  
 644 any general or special purpose local government to manage,  
 645 treat, store, or provide for surface runoff or stormwater  
 646 management, detention, retention, recovery, protection, use, or  
 647 any similar activity which makes available, protects, conserves,  
 648 or otherwise uses nonpotable water, including, but not limited  
 649 to, the establishment or assistance in the operation of any  
 650 reservoir or stormwater utility program, or the imposition,

651 levy, billing, collection, and enforcement of payment for such  
652 projects or services for any associated rates, fees, or charges  
653 therefor.

654 (n) To prescribe methods of pretreatment of commercial or  
655 industrial wastes before accepting such wastes for treatment and  
656 to refuse to accept such commercial or industrial wastes when  
657 not sufficiently pretreated as may be prescribed, and, to the  
658 extent permitted by law, to prescribe penalties including fines  
659 or penalties not exceeding \$2,000 per day, if the Authority is  
660 required by a state or federally mandated program to have the  
661 Authority and power to fine or charge any person or entity for  
662 the refusal to so pretreat such commercial or industrial wastes.

663 (o) To require and enforce the use of services, products,  
664 and facilities of the Authority whenever and wherever they are  
665 accessible, and to require and enforce the installation and  
666 dedication to the Authority of water and wastewater facilities  
667 or easements as a condition precedent to the provision of  
668 service by the Authority or by another entity authorized by the  
669 Authority to provide interim service until Authority services,  
670 products, and facilities are available.

671 1. Whenever water or wastewater service is required, the  
672 owner shall retain a qualified contractor to install the  
673 required facilities, extensions, and connections. All facilities  
674 shall conform to the Authority's specified minimum design and  
675 construction standards and specifications and applicable growth

676 management, plumbing, and building regulations and codes. The  
677 installation and connection process shall provide the owner with  
678 the right to control the placement, manner, use, and disposition  
679 of the installation on private property, subject to the minimum  
680 design and construction standards of the Authority and as is  
681 reasonably necessary to protect the efficiency and integrity of  
682 the Authority's facilities. Such control is afforded to the  
683 owner to minimize the physical, aesthetic, and other effects of  
684 the installation or connection on the affected property. Upon  
685 connection, the owner shall be deemed to have granted a license  
686 to the Authority to enter upon the affected property to inspect,  
687 repair, reconstruct, or otherwise maintain the installation or  
688 connection. Unless authorized otherwise, the owner shall be  
689 deemed to own such installation located on the owner's property  
690 and may repair, demolish, or construct in the area of the  
691 improvement served by the installation or connection, subject to  
692 the Authority's minimum design and construction standards and  
693 specifications for the Authority's facilities, and applicable  
694 growth management, plumbing, and building regulations and codes.

695 2. In circumstances in which an owner fails or refuses to  
696 connect to the Authority facilities, the Authority shall be  
697 entitled to seek and employ any legally available remedy to  
698 cause the installation of onsite water or wastewater facilities  
699 necessary to effectuate the connection of the owner's premises  
700 to Authority facilities. Under such circumstances, any

701 installation by the Authority shall be performed after  
 702 reasonable efforts by the Authority to solicit, and in deference  
 703 to, the owner's requests, if any, concerning the placement,  
 704 manner, use, and disposition of the installation on the owner's  
 705 premises subject to the Authority's applicable minimum design  
 706 and construction standards and specifications which are  
 707 reasonably necessary to protect the efficiency and integrity of  
 708 the Authority's facilities. Upon connection, the owner shall be  
 709 deemed to have granted a license to the Authority to enter upon  
 710 the affected property to inspect, repair, reconstruct, or  
 711 otherwise maintain the installation or connection. Unless  
 712 authorized otherwise, the owner shall be deemed to own such  
 713 installation located on the property and may repair, demolish,  
 714 or construct in the area of the improvement served by the  
 715 installation or connection, subject to the Authority's minimum  
 716 design and construction standards and specifications for  
 717 Authority facilities, and applicable growth management,  
 718 plumbing, and building regulations and codes.

719 (p) To sell or otherwise dispose of the effluent, sludge,  
 720 or other byproducts as a result of water or wastewater  
 721 treatment.

722 (q) To provide wastewater treatment and disposal and  
 723 develop, receive, recover, treat, store, and supply potable and  
 724 nonpotable water withdrawn from or accumulated within the  
 725 District on a retail, wholesale, or bulk service basis.

726       (r) To produce and sell bottled water and to undertake any  
 727 activity related thereto.

728       (s) To accomplish construction directly or by letting  
 729 construction contracts to other entities, whether public or  
 730 private, for all or any part of the construction of improvements  
 731 to the Authority facilities as determined by the Board of  
 732 Supervisors in accordance with applicable law.

733       (t) To construct, maintain, and operate connecting,  
 734 intercepting, or outlet wastewater and wastewater mains and  
 735 pipes and water mains, conduits, or pipelines in, along, or  
 736 under any streets, alleys, highways, or other public places or  
 737 ways regulated by or under the jurisdiction of the state or any  
 738 political subdivision, tribal nation or municipal corporation  
 739 when necessary or convenient for the purposes of the Authority.

740       (u) Subject to such provisions and restrictions as may be  
 741 set forth in any financing document, to enter into contracts  
 742 with the government of the United States or any agency or  
 743 instrumentality thereof, the state, or any municipality, county,  
 744 district, authority, political subdivision, private corporation,  
 745 partnership, association, tribal nation or individual providing  
 746 for or relating to the treatment, collection, and disposal of  
 747 wastewater or the treatment, supply, and distribution of water  
 748 and any other matters relevant thereto or otherwise necessary to  
 749 effect the purposes of this act.

750       (v) To receive and accept from any federal or state agency

751 grants or loans for or in aid of the planning, construction,  
752 reconstruction, or financing of improvements, additions, or  
753 extensions to the Authority facilities and to receive and accept  
754 aid or contributions or loans from any other source of money,  
755 labor, or other things of value, to be held, used, and applied  
756 only for the purpose for which such grants, contributions, or  
757 loans may be made.

758 (w) To purchase or assume the ownership, lease, operation,  
759 management, or control of any publicly or privately owned water  
760 or wastewater facilities, including the assumption, defeasance,  
761 or payment of the financial liabilities associated with such  
762 water and wastewater facilities.

763 (x) To divide the Authority facilities into separate  
764 units, benefit areas, subsystems, or subdistricts, or otherwise  
765 separate a utility system, for, setting rates, fees, or charges,  
766 accounting or financing improvements or additions, or any other  
767 purpose.

768 (y) To appoint advisory boards and committees to assist  
769 the Board of Supervisors in the exercise and performance of the  
770 powers and duties provided in this act.

771 (z) To sue and be sued in the name of the Authority and to  
772 participate as a party in any civil, administrative, or other  
773 action.

774 (aa) To adopt and use a seal and authorize the use of an  
775 electronic version thereof, in accordance with the law.

776 (bb) To employ or contract with any public or private  
777 entity or person to manage and operate the Authority facilities,  
778 or any portion thereof, upon such terms as the Board of  
779 Supervisors deems appropriate.

780 (cc) Subject to such provisions and restrictions as may be  
781 set forth in any financing document, to sell or otherwise  
782 dispose of the Authority facilities, or any portion thereof,  
783 upon such terms as the Board of Supervisors deems appropriate,  
784 and to enter into acquisition or other agreements to affect such  
785 dispositions.

786 (dd) To acquire by purchase, gift, devise, or otherwise,  
787 and to dispose of, real or personal property or any estate  
788 therein.

789 (ee) To make and execute contracts or other instruments  
790 necessary or convenient to the exercise of its powers.

791 (ff) To provide such deferred compensation, retirement  
792 benefits, or other benefits and programs as the Board of  
793 Supervisors deems appropriate.

794 (gg) To maintain an office or offices at such place or  
795 places as the Board of Supervisors may designate from time to  
796 time.

797 (hh) To hold, control, and acquire by donation, purchase,  
798 or eminent domain or dispose of any public easements,  
799 dedications to public use, platted reservations for public  
800 purposes, or any reservations for those purposes authorized by



801 this act and to make use of such easements, dedications, and  
802 reservations for any of the purposes authorized by this act.

803 (ii) To lease, as lessor or lessee, to or from any person,  
804 firm, corporation, association, or body, public or private,  
805 facilities or property of any nature to carry out any of the  
806 purposes authorized by this act.

807 (jj) To borrow money and issue bonds, certificates,  
808 warrants, notes, obligations, or other evidence of indebtedness.

809 (kk) To apply for and accept grants, loans, and subsidies  
810 from any governmental entity for the acquisition, construction,  
811 operation, and maintenance of the authority facilities and to  
812 comply with all requirements and conditions imposed in  
813 connection therewith.

814 (ll) To the extent allowed by law and to the extent  
815 required to effectuate the purposes of this act, to exercise all  
816 privileges, immunities, and exemptions accorded municipalities  
817 and counties of the state under the provisions of the state  
818 constitution and general law.

819 (mm) To invest its moneys in such investments as directed  
820 by the Board of Supervisors in accordance with general law and  
821 which shall be consistent in all instances with the applicable  
822 provisions of the financing documents.

823 (nn) To purchase such insurance as it deems appropriate.

824 (oo) To do all acts and to exercise all of the powers  
825 necessary, convenient, incidental, implied, or proper, both

826 within and outside of the District and service area, in  
827 connection with any of the powers, duties, obligations, or  
828 purposes authorized by this act, general law, or any interlocal  
829 agreement entered into by the Authority.

830 (2) The Board of Supervisors shall appoint a person or  
831 entity to act as executive director of the Authority having such  
832 official title, functions, duties, and powers as the chief  
833 administrative officer of the Authority as the Board of  
834 Supervisors may prescribe. The Board of Supervisors shall  
835 appoint a person or entity to act as the general counsel for the  
836 Authority. The executive director and general counsel shall each  
837 answer directly to the Board of Supervisors. Neither the  
838 executive director nor general counsel shall be a member of the  
839 Board of Supervisors.

840 (3) In exercising the powers conferred by this act, the  
841 Board of Supervisors shall act by resolution or motion made and  
842 adopted at duly noticed and publicly held meetings in  
843 conformance with applicable law.

844 (4) The provisions of chapter 120, Florida Statutes, do  
845 not apply to the Authority.

846 (5) Nothing herein shall be construed to grant the  
847 Authority any jurisdiction to regulate the services or rates of  
848 any investor-owned utility.

849 (6) Nothing herein is intended to, or shall be construed  
850 to, limit the power of local self-government of a county or

851 conflict with the State Constitution or Glades County.

852 Section 11. Creation of state, county, or municipal debts  
 853 prohibited.—The Authority may not be empowered or authorized in  
 854 any manner to create a debt against the state, county, or any  
 855 municipality and may not pledge the full faith and credit of the  
 856 state, any county, or any municipality. All revenue bonds or  
 857 debt obligations shall contain on the face thereof a statement  
 858 to the effect that the state, county, or any municipality are  
 859 not obligated to pay the same or the interest and that they are  
 860 only payable from Authority revenues or the portion thereof for  
 861 which they are issued and that neither the full faith and credit  
 862 nor the taxing power of the state or of any political  
 863 subdivision thereof is pledged to the payment of the principal  
 864 of or the interest on such bonds. The issuance of revenue or  
 865 refunding bonds under this act do not directly or indirectly or  
 866 contingently obligate the state, county, or any municipality to  
 867 levy or to pledge any form of taxation whatever therefore or to  
 868 make any appropriation for their payment.

869 Section 12. Adoption of rates, fees, and charges.—

870 (1) The Board of Supervisors shall adopt by resolution a  
 871 schedule of rates, fees, or other charges for the use of the  
 872 services, facilities, and products of the Authority to be paid  
 873 by each customer which may be connected with or provided service  
 874 by such Authority facilities. The Authority may establish  
 875 separate rates, fees, and charges for different portions of the

876 Authority facilities, including separate rates, fees, and  
877 charges for each utility system. The Board of Supervisors may  
878 establish different rates, fees, and charges for services,  
879 facilities, and products provided by a portion of a utility  
880 system provided such rates, fees, and charges are consistent  
881 with applicable law.

882 (2) Such rates, fees, and charges shall be adopted and  
883 revised so as to provide moneys which, with other funds  
884 available for such purposes, shall be at least sufficient at all  
885 times to pay the expenses of operating, managing, expanding,  
886 improving, and maintaining the Authority facilities, including  
887 renewal and replacement reserves for such Authority facilities;  
888 to pay costs and expenses provided for in this act, general law,  
889 and the financing documents; to pay the principal and interest  
890 on the obligations as the same shall become due and reserves  
891 therefore; and to provide a reasonable margin of safety over and  
892 above the total amount of such payments. Notwithstanding any  
893 other provision in this act, such rates, fees, and charges shall  
894 always be sufficient to comply fully with any covenants  
895 contained in the financing documents. The Authority shall charge  
896 and collect such rates, fees, and charges so adopted and  
897 revised, and such rates, fees, and charges are not subject to  
898 the supervision or regulation by any other commission, board,  
899 bureau, agency, or other political subdivision of the state.

900 (3) Such rates, fees, and charges for each utility system

901 or portion thereof shall be just, equitable, and uniform for the  
902 users in the same class and may be based upon or computed upon  
903 any factor, including, by way of example and not limitation,  
904 distinguishing between residential and nonresidential customers  
905 or uses, or combination of factors affecting the use of the  
906 services, products, or facilities furnished to the customers of  
907 such utility system or portion thereof, as may be determined by  
908 the Board of Supervisors from time to time. Except as described  
909 in subsections (7) and (8), no rates, fees, or charges shall be  
910 fixed, adopted, or revised under the foregoing provisions of  
911 this section until after a duly noticed public hearing at which  
912 all of the customers of the Authority facilities affected  
913 thereby, or owners, tenants, or occupants served or to be served  
914 thereby, and all other interested persons shall have an  
915 opportunity to be heard concerning the proposed rates, fees, or  
916 charges. Notice of such public hearing setting forth the  
917 proposed schedule or schedules of rates, fees, or charges shall  
918 be given by one publication in a newspaper of general  
919 circulation in the portion of the service area or areas affected  
920 by such proposed rates, fees, or charges at least 20 days before  
921 the date fixed in such notice for the public hearing, which may  
922 be adjourned from time to time. After such hearing, the proposed  
923 schedule or schedules, either as initially adopted or as  
924 modified or amended, may be finally adopted.

925 (4) The rates, fees, or charges adopted for any class of

926 customers served shall be extended to cover any additional  
 927 customers thereafter served which shall fall within the same  
 928 class without the necessity of any further hearing or notice.

929 (5) The Board of Supervisors may appoint the executive  
 930 director, a member of the board of supervisors, a committee of  
 931 members of the Board of Supervisors, or a special master to  
 932 conduct the public hearing or hearings on its behalf relating to  
 933 rates, fees, and charges. The executive director, member of the  
 934 Board of Supervisors, committee of members of the Board of  
 935 Supervisors, or designated special master shall act as a hearing  
 936 officer or hearing officers and report to the Board of  
 937 Supervisors its findings relating to such public hearing. Only  
 938 the Board of Supervisors may set or revise rates, fees, and  
 939 charges.

940 (6) Notwithstanding subsection (3) or any other provision  
 941 of applicable law, upon acquisition of a utility system, no  
 942 public hearing shall be required for adoption by the Authority  
 943 by resolution of the rates, fees, and charges contained in the  
 944 rate tariff relating thereto previously approved by the Florida  
 945 Public Service Commission or any governmental seller thereof. In  
 946 the event any rate tariff previously approved by a governmental  
 947 seller includes such a surcharge authorized by law, the  
 948 Authority may continue the imposition of any such surcharge  
 949 provided that the Authority incrementally reduces each year  
 950 thereafter and ultimately discontinues such surcharge within 15

951 years after any such acquisition by the Authority.

952 (7) Notwithstanding subsection (3), no subsequent public  
953 hearings to implement a periodic automatic indexing factor shall  
954 be required after the adoption by the Board of Supervisors of a  
955 periodic automatic indexing factor applicable to the initial or  
956 any revised schedule of rates, fees, and charges of any utility  
957 system.

958 (8) Notwithstanding anything in this act to the contrary,  
959 the Authority may establish a general fund account into which  
960 moneys may be deposited from a surcharge not to exceed 2 percent  
961 upon the rates, fees, and charges for the Authority facilities  
962 or portion thereof. Any moneys deposited to such general fund  
963 account from such a surcharge on the rates, fees, and charges  
964 for Authority facilities shall be considered legally available  
965 for any lawful purpose approved by the Board of Supervisors.  
966 Moneys in such general fund account may be used to pay for  
967 initial costs and expenses associated with acquiring Authority  
968 facilities and any other lawful purpose approved by the Board of  
969 Supervisors. However, whenever reasonably practicable, the Board  
970 of Supervisors shall endeavor in good faith to recover and  
971 return to such general fund account expenditures from benefited  
972 ratepayers or landowners that are not determined by the Board of  
973 Supervisors to provide a general benefit to the District or  
974 service area.

975 (9) The Authority may impose charges for the recovery of

976 all costs and expenditures, including, but not limited to,  
 977 planning, feasibility studies, construction and engineering  
 978 document preparation, project development costs, or other costs  
 979 associated with the planning and development of any project. In  
 980 the event the Authority determines not to proceed with the  
 981 construction or implementation of any project and reimbursement  
 982 of all costs and expenditures is not made to the Authority  
 983 pursuant to interlocal agreement, grant, or otherwise, the  
 984 Authority may identify all unrecovered costs and expenditures  
 985 associated with the planning and development of such project and  
 986 impose a charge on a potential user basis, per parcel basis, or  
 987 any other basis which reasonably shares and recovers all or a  
 988 portion of such unrecovered planning and development costs among  
 989 the parcel owners or potential users for which the projects were  
 990 planned or developed.

991       Section 13. Unpaid rates, fees, and charges to constitute  
 992 a lien. In the event that the rates, fees, or charges for the  
 993 use of the services, facilities, and products of the Authority  
 994 shall not be paid as and when due, any unpaid balance thereof,  
 995 and all interest accruing thereon, shall be a lien on any parcel  
 996 or property affected thereby. Such liens shall be superior and  
 997 paramount to the interest on such parcel or property of any  
 998 owner, lessee, tenant, mortgage, or other person except the lien  
 999 of state, county, municipal, and District taxes and other non-ad  
 1000 valorem assessments and shall be on parity with the lien of all



1001 such ad valorem property taxes and non-ad valorem assessments.  
 1002 In the event that any such rates, fees, or charges shall not be  
 1003 paid as and when due and shall be in default for 30 days or  
 1004 more, the unpaid balance thereof and any interest accrued  
 1005 thereon not exceeding the legal rate, together with attorney  
 1006 fees and costs, may be recovered by the Authority in a civil  
 1007 action, and any such lien and accrued interest may be foreclosed  
 1008 or otherwise enforced by the Authority by action or suit in  
 1009 equity as for the foreclosure of a mortgage on real property;  
 1010 or, alternatively, in lieu of foreclosure, an equivalent amount  
 1011 to such outstanding balance charges may be collected pursuant to  
 1012 ss. 197.3632 and 197.3635, Florida Statutes, or any successor  
 1013 statutes, authorizing the collection of charges in the form of  
 1014 special assessments, therein characterized as non-ad valorem  
 1015 assessments, on parity with the lien of ad valorem taxes.  
 1016 However, any such alternative collection procedure shall provide  
 1017 notice to the landowner in the manner required by law, and any  
 1018 existing lien of record on the affected parcel for the  
 1019 delinquent rate, fee, or charge is supplanted by the lien  
 1020 resulting from the certification of any assessment roll to the  
 1021 tax collector.

1022 Section 14. Bonds and obligations.—

1023 (1) The Board of Supervisors shall have the power and is  
 1024 hereby authorized to provide pursuant to the financing  
 1025 documents, at one time or from time to time in one or more

1026 series, for the issuance of obligations of the Authority, or  
 1027 notes in anticipation thereof, for one or more of the following  
 1028 purposes:

1029 (a) Paying all or part of the cost of one or more  
 1030 projects.

1031 (b) Refunding any bonds or other indebtedness of the  
 1032 Authority.

1033 (c) Assuming or repaying the indebtedness relating to  
 1034 Authority facilities acquired or leased by the Authority from a  
 1035 public or private entity.

1036 (d) Setting aside moneys in a renewal or replacement  
 1037 account.

1038 (e) Funding a debt service reserve account.

1039 (f) Capitalizing interest on the obligations.

1040 (g) Paying costs of issuance relating to the obligation.

1041 (h) Any other purpose relating to this act.

1042 (2) The principal of and the interest on each series of  
 1043 obligations shall be payable from the pledged funds, all as  
 1044 determined pursuant to the financing documents. The Authority  
 1045 may grant a lien upon and pledge the pledged funds in favor of  
 1046 the holders of each series of obligations in the manner and to  
 1047 the extent provided in the financing documents. Such pledged  
 1048 funds shall immediately be subject to such lien without any  
 1049 physical delivery thereof, and such lien shall be valid and  
 1050 binding as against all parties having claims of any kind in

1051 tort, contract, or otherwise against the Authority.

1052 (3) The obligations of each series shall be dated, shall  
1053 bear interest at such rate or rates, shall mature at such time  
1054 or times not exceeding 40 years after their date or dates, and  
1055 may be made redeemable before maturity, at the option of the  
1056 Authority, at such price or prices and under such terms and  
1057 conditions as shall be determined by the Board of Supervisors  
1058 pursuant to the financing documents. The Board of Supervisors  
1059 shall determine the form of the obligations and the manner of  
1060 executing such obligations and shall fix the denomination of  
1061 such obligations and the place of payment of the principal and  
1062 interest, which may be at any bank or trust company within or  
1063 without the state. In case any officer whose signature or  
1064 facsimile of whose signature shall appear on any obligations  
1065 shall cease to be such officer before the delivery of such  
1066 obligations, such signature or such facsimile shall nevertheless  
1067 be valid and sufficient for all purposes the same as if he or  
1068 she had remained in office until delivery. The Board of  
1069 Supervisors may sell obligations in such manner and for such  
1070 price as it may determine to be in the best interest of the  
1071 Authority in accordance with the terms of the financing  
1072 documents. In addition to the pledged funds, the obligations may  
1073 be secured by such credit enhancement as the Board of  
1074 Supervisors determines to be appropriate pursuant to the  
1075 financing documents. The obligations may be issued as capital

1076 appreciation bonds, current interest bonds, term bonds, serial  
1077 bonds, variable bonds, or any combination thereof, all as shall  
1078 be determined pursuant to the financing documents.

1079 (4) Prior to the preparation of definitive obligations of  
1080 any series, the Board of Supervisors may issue interim receipts,  
1081 interim certificates, or temporary obligations, exchangeable for  
1082 definitive obligations when such obligations have been executed  
1083 and are available for delivery. The Board of Supervisors may  
1084 also provide for the replacement of any obligation which shall  
1085 become mutilated or be destroyed or lost. Obligations may be  
1086 issued without any other proceedings or the happening of any  
1087 other conditions or things than those proceedings, conditions,  
1088 or things which are specifically required by this act, the  
1089 financing documents, or other applicable laws.

1090 (5) The proceeds of any series of obligations shall be  
1091 used for such purposes, and shall be disbursed in such manner  
1092 and under such restrictions, if any, as the Board of Supervisors  
1093 may provide pursuant to the financing documents.

1094 (6) The financing documents may also contain such  
1095 limitations upon the issuance of additional obligations as the  
1096 Board of Supervisors may deem appropriate, and such additional  
1097 obligations shall be issued under such restrictions and  
1098 limitations as may be prescribed by such financing documents.  
1099 The financing documents may contain such provisions and terms in  
1100 relation to the obligations and the pledged funds as the Board

1101 of Supervisors deems appropriate and which may not be  
 1102 inconsistent herewith.

1103 (7) Obligations do not constitute a general obligation  
 1104 debt of the Authority or a pledge of the faith and credit of the  
 1105 Authority, but such obligations shall be payable solely from the  
 1106 pledged funds and any moneys received from the credit enhancers  
 1107 of the obligations in accordance with the terms of the financing  
 1108 documents. The issuance of obligations does not directly,  
 1109 indirectly, or contingently obligate the Authority to levy or to  
 1110 pledge any form of ad valorem taxation whatsoever therefor. No  
 1111 holder of any such obligations shall ever have the right to  
 1112 compel any exercise of the ad valorem taxing power on the part  
 1113 of the Authority to pay any such obligations or the interest  
 1114 thereon or the right to enforce payment of such obligations or  
 1115 the interest thereon against any property of the Authority, nor  
 1116 shall such obligations constitute a charge, lien, or  
 1117 encumbrance, legal or equitable, upon any property of the  
 1118 Authority, except the pledged funds in accordance with the terms  
 1119 of the financing documents.

1120 (8) All pledged funds shall be deemed to be trust funds to  
 1121 be held and applied solely as provided in the financing  
 1122 documents. Such pledged funds may be invested by the Authority  
 1123 in such manner as provided in the financing documents.

1124 (9) Any holder of obligations, except to the extent the  
 1125 rights herein given may be restricted by the financing

1126 documents, may, either at law or in equity, by suit, action,  
1127 mandamus, or other proceeding, protect and enforce any and all  
1128 rights under the laws of the state or granted hereunder or under  
1129 the financing documents, and may enforce and compel the  
1130 performance of all agreements or covenants required by this act,  
1131 or by such financing documents, to be performed by the Authority  
1132 or by any officer thereof.

1133 (10) The obligations may be validated, at the sole  
1134 discretion of the Board of Supervisors, pursuant to chapter 75,  
1135 Florida Statutes. Obligations may be issued pursuant to and  
1136 secured by a resolution of the Board of Supervisors.

1137 (11) In addition to the other provisions and requirements  
1138 of this act, any financing documents may contain such provisions  
1139 as the Board of Supervisors deems appropriate.

1140 (12) All obligations issued hereunder are not invalid for  
1141 any irregularity or defect in the proceedings for the issuance  
1142 and sale thereof and shall be incontestable in the hands of bona  
1143 fide purchasers for value. No proceedings in respect to the  
1144 issuance of such obligations shall be necessary except such as  
1145 are required by this act, the financing documents, and general  
1146 law. The provisions of the financing documents shall constitute  
1147 an irrevocable contract between the Authority and the holders of  
1148 the obligations issued pursuant to the provisions thereof.

1149 (13) Holders of obligations shall be considered third-  
1150 party beneficiaries hereunder and may enforce this act or

1151 | general law.

1152 |       (14) The Board of Supervisors may enter into such swap,

1153 | hedge, or other similar arrangements relating to any obligations

1154 | as it deems appropriate.

1155 |       Section 15. Planning requirements.-

1156 |       (1) Within 3 years after the effective date of this act,

1157 | the Board of Supervisors shall adopt a master plan which, among

1158 | other things:

1159 |       (a) Identifies current customers, projects, and future

1160 | customers.

1161 |       (b) Profiles customers (residential and non-residential,

1162 | e.g. commercial, industrial).

1163 |       (c) Reviews and generally inventories all existing

1164 | infrastructure and treatment facilities within the boundaries of

1165 | or served by the District.

1166 |       (d) Identifies a capital improvement program for the

1167 | Authority.

1168 |       (e) Reviews all current permits and existing regulations

1169 | to projected regulations.

1170 |       (f) Identifies and evaluates potential acquisitions or

1171 | service expansions.

1172 |       (g) Evaluates Authority staffing.

1173 |       (h) Provides for detailed mapping of Authority facilities.

1174 |       (i) Provides for hydraulic analysis of Authority

1175 | facilities, both existing and proposed.

1176 (j) Evaluates present and future sources of raw water and  
 1177 treatment requirements for those sources in terms of capacity,  
 1178 reliability, and economy.

1179 (k) Provides for an analysis of all available wastewater  
 1180 alternatives, including surface water discharge, wetlands  
 1181 discharge, percolation facilities, spray irrigation, and deep  
 1182 well injection.

1183 (l) Identifies reclaimed water storage alternatives and  
 1184 wet weather backup alternatives.

1185 (m) Identifies current and potential high volume users of  
 1186 reclaimed water.

1187  
 1188 Thereafter, the Board of Supervisors shall review and, if  
 1189 necessary, amend the master plan periodically, but no less often  
 1190 than every 4 years.

1191 (2) Treatment facility construction or expansion or line  
 1192 extension policies adopted by the Authority shall be furtherance  
 1193 of land development regulations adopted by the applicable local  
 1194 general purpose government or the applicable local government  
 1195 comprehensive plan.

1196 (3) The construction or expansion of any portion of the  
 1197 Authority's facilities, or major alterations which affect the  
 1198 quantity of the level of service of the Authority's facilities,  
 1199 that are undertaken or initiated by the Authority shall be  
 1200 consistent with the applicable local government comprehensive



1201 plan adopted pursuant to part II of chapter 163, Florida  
 1202 Statutes; however, no local government comprehensive plan shall  
 1203 require the Authority to construct, expand, or perform a major  
 1204 alteration of any public facility which would result in the  
 1205 impairment of covenants and agreements relating to obligations  
 1206 issued by the Authority.

1207 (4) Except as provided by general law, the Authority shall  
 1208 take no action which is inconsistent with applicable  
 1209 comprehensive plans, land development ordinances, or regulations  
 1210 adopted by any general purpose local government.

1211 Section 16. Merger; dissolution.-

1212 (1) In no event shall a merger involving the Authority be  
 1213 permitted unless otherwise approved by resolution of all  
 1214 affected general purpose local governments.

1215 (2) The charter of the Authority may be revoked or amended  
 1216 and the Authority dissolved by a special act of the Legislature  
 1217 or as otherwise provided by general law.

1218 (3) The dissolution of the Authority shall occur by law  
 1219 and transfer the title to all property owned by the Authority in  
 1220 a manner consistent with chapter 189, Florida Statutes.

1221 Section 17. Effect of incorporation or presence of another  
 1222 special district.-To the maximum extent permitted by law, the  
 1223 subsequent incorporation or annexation of any area included  
 1224 within the boundaries of the District or service area, or the  
 1225 presence or creation of any special district within the

1226 boundaries of the District or service area, does not impair or  
1227 alter the Authority, power, obligations, or purpose of the  
1228 Authority or its successor in providing water and wastewater  
1229 services and facilities within any portion of the District's  
1230 boundaries or authorized service area now included within Glades  
1231 County, any municipality, or special district or subsequently  
1232 included within any county, municipality, or special district.

1233 Section 18. Enforcement and penalties.—The Board of  
1234 Supervisors or any aggrieved person may have recourse to such  
1235 remedies in law and equity as may be necessary to ensure  
1236 compliance with this act, including injunctive relief to mandate  
1237 compliance with or enjoin or restrain any person violating this  
1238 act and any bylaws, resolutions, regulations, rules, codes, and  
1239 orders adopted under this act, and the court shall, upon proof  
1240 of such failure of compliance or violation, have the duty to  
1241 issue forthwith such temporary and permanent injunctions as are  
1242 necessary to mandate compliance with or prevent such further  
1243 violations thereof.

1244 Section 19. Tax exemption.—As the exercise of the powers  
1245 conferred by this act to effect the purposes of this act  
1246 constitutes the performance of essential public functions, and  
1247 as the projects of the Authority will constitute public property  
1248 used for public purposes, all assets and properties of the  
1249 Authority, all obligations issued hereunder and interest paid  
1250 thereon, and all rates, fees, charges, and other revenues

1251 derived by the Authority from the projects provided for by this  
 1252 act or otherwise shall be exempt from all taxes by the state or  
 1253 any political subdivision, agency, or instrumentality thereof,  
 1254 except that this exemption does not apply to interest earnings  
 1255 subject to taxation under chapter 220, Florida Statutes.

1256 Section 20. Liberal construction of act.—This act, being  
 1257 for the purpose of developing and promoting the public good and  
 1258 the welfare of Glades County, the territory included in the  
 1259 District, and any service area authorized to be served by the  
 1260 Authority, and the citizens, inhabitants, and taxpayers residing  
 1261 therein, shall be liberally construed to effect the purposes of  
 1262 the act and shall be deemed cumulative, supplemental, and  
 1263 alternative authority for the exercise of the powers provided  
 1264 herein.

1265 Section 21. Limitation of state authority.—The state does  
 1266 hereby pledge to and agree with the holders of any obligations  
 1267 issued under this act, and with those parties who may enter into  
 1268 contracts with the Authority pursuant to this act, that the  
 1269 state will not limit or alter the rights hereby vested in the  
 1270 Authority until such obligations are fully met and discharged  
 1271 and such contracts are fully performed on the part of the  
 1272 Authority.

1273 Section 22. Sufficiency of notice.—It is found and  
 1274 determined that the notice of intention to apply for this  
 1275 legislation was given in the time, form, and manner required by

HB 1595

2022

1276 the state constitution and general law. Said notice is found to  
1277 be sufficient and is hereby validated and approved.

1278 Section 23. Severability.—The provisions of this act are  
1279 severable, and it is the intention to confer the whole or any  
1280 part of the powers herein provided for, and if any of the  
1281 provisions of this act or any of the powers granted by this act  
1282 shall be held unconstitutional by any court of competent  
1283 jurisdiction, the decision of such court does not affect or  
1284 impair any of the remaining provisions of this act or any of the  
1285 remaining powers granted by this act. It is hereby declared to  
1286 be the legislative intent that this act would have been adopted  
1287 had such unconstitutional provision or power not been included  
1288 therein.

1289 Section 24. This act shall take effect upon becoming a  
1290 law.