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1                                   A bill to be entitled  
2           An act relating to the Loxahatchee River Environmental  
3           Control District, in portions of Palm Beach and Martin  
4           Counties, including the Town of Jupiter, Jupiter Inlet  
5           Colony, Juno Beach, and the Village of Tequesta,  
6           generally defined as the Loxahatchee River Basin;  
7           providing for codification; providing legislative  
8           intent; providing the district is an independent  
9           multicounty special district; providing district  
10          status and boundaries; providing for applicability of  
11          chapter 189, Florida Statutes, and other general laws;  
12          providing for the election of a five-member Board;  
13          providing powers and duties with regard to sewage  
14          disposal, solid waste management, discharge of storm  
15          drainage and water supply drainage, ~~water supply,~~  
16          environmental education, environmental enhancements,  
17          and passive outdoor recreation within the district;  
18          providing for leasing of district property; providing  
19          for the financing of the district, including the  
20          levying of ad valorem taxes if approved at a  
21          referendum; providing for liberal construction;  
22          codifying, amending, reenacting, and repealing special  
23          acts relating to the district; providing severability;  
24          providing an effective date.

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

28

29 Section 1. Pursuant to section ~~189.019~~, Florida Statutes,  
30 this act constitutes the codification of all special acts  
31 relating to the Loxahatchee River Environmental Control  
32 District. It is the intent of the Legislature in enacting this  
33 law to provide a single, comprehensive special act charter for  
34 the district, including all current legislative enactments and  
35 any additional authority granted by this act.

Deleted: 189.429

36 Section 2. Chapters 2002-358 and 2007-281, Laws of Florida,  
37 are codified, reenacted, amended, and repealed as herein  
38 provided.

39 Section 3. The Loxahatchee River Environmental Control  
40 District is re-created, and the charter for the district is re-  
41 created and reenacted to read:

42 Section 1. The Loxahatchee River Environmental Control  
43 District, ~~originally~~ created by chapter 71-822, Laws of Florida,  
44 as amended, and ~~re-created by chapter 2002-358, as amended,~~ is  
45 hereby ratified, confirmed, and approved. The status of the  
46 district is a multicounty independent special district of the  
47 state with a popularly elected Governing Board. This act may be  
48 known and cited as the "Loxahatchee River Environmental Control  
49 District Act."

Deleted: was

Deleted: such creation

50 Section 2. It is hereby declared to be the intent of the  
51 Legislature that the best interests of public health, safety,

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55 and welfare of the area within the boundaries of the Loxahatchee  
 56 River Environmental Control District necessitates the formation  
 57 of a separate local agency of government with powers designed to  
 58 meet the particular needs of said area. It is further the  
 59 intent of the Legislature that such needs be met in such a way  
 60 as to cause minimum damage to the area's resources and  
 61 environment and prevent additional environmental problems from  
 62 being created, as well as providing solutions to existing  
 63 problems. Maximum use of existing systems shall be made  
 64 whenever feasible and consistent with the purpose of this act.  
 65 It is also the intent of the Legislature that current and long-  
 66 range planning shall be carried out so that required services  
 67 are made available at the lowest possible cost as the  
 68 characteristics of the area change.

69 Section 3. The Loxahatchee River Environmental Control  
 70 District, herein referred to as the "district," shall embrace  
 71 and include the following described lands in Palm Beach and  
 72 Martin Counties, which include the Town of Jupiter, Jupiter  
 73 Inlet Colony, Juno Beach, and the Village of Tequesta:

74 Beginning at the intersection of the waters of the Atlantic  
 75 Ocean with the South line of the Blowing Rocks Preserve;  
 76 thence proceed Westerly along the Westerly extension of  
 77 said South line to the Easterly right-of-way line of the  
 78 Intracoastal Waterway; thence Northerly, along said  
 79 Easterly right-of-way line to an intersection with the

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80 Easterly extension of the Northerly Boundary line of the  
81 Jonathan Dickinson State Park; thence Westerly along said  
82 Easterly extension and along said Northerly boundary line  
83 to the Northeast corner of Section 33, Township 39 South,  
84 Range 42 East, Martin County, Florida; run West along the  
85 North section line to the Northwest corner of the Northeast  
86 Quarter; run south along the quarter line 1650 feet more or  
87 less to a point; run East 1320 feet; run South 990 feet to  
88 the South line of the Northeast Quarter; run West 1320 feet  
89 to the Southwest corner of the Northeast Quarter; run South  
90 to South section line; run West 660 feet along South  
91 section line; run North 2640 feet to North line of  
92 Southwest Quarter; run West along quarter line of 1980 feet  
93 more or less to the Northwest corner of the Southwest  
94 Quarter and West line of Section 33; run South along said  
95 line 2640 feet more or less to the Southwest section  
96 corner; thence Westerly along said Northerly Boundary of  
97 Jonathan Dickinson State Park and the South line of Section  
98 32 of said Township to the Southwest corner of said Section  
99 32; thence Southerly, along said Boundary and along the  
100 West line of Section 5 and Section 8 of Township 40 South,  
101 Range 42 East, to the Southwest corner of said Section 8;  
102 thence Westerly, along the North line of Section 18,  
103 Township 40 South, Range 42 East to the Northwest corner of  
104 said Section 18; thence Southerly along the line between

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105 Range 41 East and Range 42 East, to the Southwest corner of  
106 Section 19, Township 41 South, Range 42 East, Palm Beach  
107 County, Florida; thence Easterly along the South line of  
108 Sections 19, 20, 21, 22, 23, and 24 of Township 41 South,  
109 Range 42 East to the Southeast corner of said Section 24;  
110 thence continue Easterly along the South line of Section  
111 19, Township 41 South, Range 43 East to the Southwest  
112 corner of Section 20, Township 41 South, Range 43 East;  
113 thence Northerly, along the West line of said Section 20  
114 and the West line of Section 17, to the Northwest corner of  
115 the Southwest one quarter of said Section 17; thence  
116 Easterly, along the North line of the Southwest one quarter  
117 of said Section 17 to an intersection with the Westerly  
118 right-of-way line of the Intracoastal Waterway; thence  
119 Southerly along said right-of-way line to the South line of  
120 said Section 20; thence Easterly along the South line of  
121 said Section 20 and along the South line of fractional  
122 Section 21 of said Township to the waters of the Atlantic  
123 Ocean; thence Northerly along said waters to the Point of  
124 Beginning.

125 The territorial limits of the Loxahatchee River Environmental  
126 Control District shall also include the following described  
127 lands:

128 Beginning at the intersection of the waters of the Atlantic  
129 Ocean with the South line of fractional Section 28,

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130 Township 41 South, Range 43 East; thence proceed Westerly  
 131 along the Westerly extension of said South line to the  
 132 Easterly right-of-way line of State Road A-1-A (aka Ocean  
 133 Drive); thence proceed Southerly along the Southerly  
 134 extension of said Easterly right-of-way line of State Road  
 135 A-1-A to an intersection with the Easterly right-of-way  
 136 line of U.S. Highway One; thence proceed Westerly to the  
 137 Westerly right-of-way line of U.S. Highway One; thence  
 138 proceed Northerly along said Westerly right-of-way line of  
 139 U.S. Highway One to an intersection with the South line of  
 140 said Section 28; thence proceed Westerly along the Westerly  
 141 extension of the South lines of said Section 28 and Section  
 142 29, Township 41 South, Range 43 East, to an intersection  
 143 with the Westerly right-of-way line of the Intracoastal  
 144 Waterway; thence Northerly along the Westerly right-of-way  
 145 line of the Intracoastal Waterway to an intersection with  
 146 the North line of said Section 29; thence Easterly along  
 147 the Easterly extension of the North line of said Sections  
 148 29 and 28 to the waters of the Atlantic Ocean; thence  
 149 Southerly along said waters to the Point of Beginning.  
 150 Section 4. The governing body of the district herein  
 151 created shall consist of a Board of five members, who shall be  
 152 qualified electors residing within said district. They shall be  
 153 known and designated as the "Governing Board of the Loxahatchee  
 154 River Environmental Control District."

**Deleted:** (1) The territorial limits of the Loxahatchee River Environmental Control District shall also include the following described lands, upon the District acquiring Hydratech Utilities from Hydratech Utilities, Inc., a Florida corporation, its successors and/or assigns.¶  
 Beginning at a point located in Section 2, Township 39 South, Range 41 East, Martin County, Florida, which is the intersection of the westerly extension of the north line of the Gomez Grant and the east line of said Section 2; thence South 66 32'23" West, a distance of 486.43 feet; thence South 23 27'37" East, a distance of 1091.01 feet to a point on the east line of Section 2; thence South 00 34'11" West, a distance of 513.16 feet along the east line of said Section 2 to the southeast corner of Section 2; thence South 89 26'35" East along the north line of said Section 12, a distance of 228.77 feet; thence South 23 27'37" East, a distance of 1085.56 feet to a point on a non-tangent curve concave northwesterly, having a radius of 2011.16 feet; thence Northeasterly along the arc of said curve, a distance of 469.50 feet through a central angle of 13 22'32", the chord of which bears North 60 16'03" East; thence North 53 34'23" East, a distance of 172.36 feet to the beginning of a curve concave southerly having a radius of 1906.53 feet; thence Northeasterly along the arc of said curve a distance of 1347.64 feet through a central angle of 40 30'00"; thence South 85 55'36" East a distance of 1505.48 feet to a point on the west line of the east one-half of the east one-half of Section 12; thence South along said line to a point on the south line of Section 12; thence East along the south line of Section 12 to the southeast corner of Section 12, Range 41 East, Township 39 South; thence East along the south line of Section 7, Range 42 East, Township 39 South to a point on the west line of the Gomez Grant; thence Southeasterly along the west line of the Gomez Grant to a point on the south line of Section 29; thence Southwesterly along the centerline of the right-of-way of Powerline Road to a point which intersects the south line of the northeast one-quarter of Section 32, Township 39 South, Range 42 East; thence East along the south line of said northeast quarter of Section 32 to a point on the east line of Section 32; thence east along the north line of the southwest quarter of Section 33, a distance of 1980 feet; thence south a distance of 2640 feet to the south line of Section 33...

F L O R I D A H O U S E O F R E P R E S E N T A T I V E S

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299 (1) Board areas.--The Board shall divide the area of the  
300 district into five separate areas. Each area shall have  
301 approximately equal population according to the latest official  
302 decennial census. One Board member shall be elected from each  
303 numbered area by the electors in the total district. Each Board  
304 member shall be a resident of the area in which he or she is  
305 elected.

306 (2) Election code. --In accordance with  
307 section ~~189.04(3)(a)~~, Florida Statutes, elections for the purpose  
308 of electing members to the Board shall conform to the Florida  
309 Election Code, chapters 97-106, Florida Statutes.

Deleted: 189.405(3) (a)

310 (3) Term of office.--All Governing Board members elected  
311 by qualified electors shall have terms of 4 years. Board  
312 members from areas one, two, and five are elected beginning with  
313 the 2000 General Election, and Board members from areas three  
314 and four are elected beginning with the 2002 General Election,  
315 in accordance with section 100.031, Florida Statutes.

316 (4) Vacancy.--In the event of a vacancy occurring in the  
317 office of a Board member, the procedure to fill the vacancy  
318 shall conform to the Florida Election Code, chapters 97-106,  
319 Florida Statutes.

320 (5) Officers.--The Governing Board shall choose a  
321 secretary and a treasurer, and both offices may be held by the  
322 same person. The office of the treasurer and the office of  
323 secretary of the district may, however, be filled by a Board

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325 member or some other person appointed by the Governing Board.  
326 At least once each year the Board shall cause the books and  
327 accounts of the district to be thoroughly audited by a competent  
328 and reliable accountant or auditor. No person in the service of  
329 or employed by the district within 1 year prior to such audit  
330 shall be employed for said purpose.

331 (6) Board records.--The Board members shall cause true and  
332 accurate minutes and records to be kept of all business  
333 transacted by them and shall keep full, true, and complete books  
334 of account. Minutes, records, and books of accounts shall at  
335 all reasonable times be open and subject to the inspection of  
336 the public, and any person desiring so to do may make or procure  
337 copies of such minutes, records, and books, or of such portions  
338 thereof as he or she may desire.

339 (7) Public meetings.--The Board shall meet at least  
340 quarterly, in public meetings, at the call of the member elected  
341 chair by the membership, or by written call of a quorum of three  
342 members.

343 (8) Quorum.--A quorum of not less than three Board members  
344 shall be required to hold a meeting and conduct business.

345 (9) Board action.--An affirmative vote by at least three  
346 Board members shall be required for action of the Board to  
347 become official.

348 (10) Compensation.--Members shall serve with compensation  
349 in the amount of \$100 per month per member, and shall be



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350 entitled to per diem and travel expenses as provided by section  
351 112.061, Florida Statutes.

352 (11) Indemnification.--Every Board member and every  
353 officer of the district shall be indemnified by the district  
354 against all expenses and liabilities, including counsel fees,  
355 reasonably incurred by or imposed upon him or her in connection  
356 with any proceeding or any settlement of any proceeding to which  
357 he or she may be a party or in which he or she may become  
358 involved by reason of his or her being or having been a Board  
359 member or officer of the district, whether or not he or she is a  
360 Board member or officer at the time such expenses are incurred,  
361 except when the Board member or officer is adjudged guilty of  
362 willful misfeasance or malfeasance in the performance of his or  
363 her duties, provided that in the event of a settlement the  
364 indemnification shall apply only when the Board approves such  
365 settlement and reimbursement as being for the best interests of  
366 the district. The foregoing right of indemnification shall be in  
367 addition to and not exclusive of all other rights to which such  
368 Board members or officers may be entitled.

369 (12) Removal.--Any member of the Board may be removed from  
370 office by the electors of the district by the following  
371 procedure:

372 (a) A petition shall be prepared which contains a  
373 statement of the charges against the member and the signatures  
374 of at least 10 percent of the qualified electors within the

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375 district voting in the most recent district election or 5  
376 percent of the registered district voters, whichever is greater.

377 (b) The petition shall be filed with the Board which shall  
378 submit the petition to the supervisors of elections of the  
379 counties within the district for verification of signatures.  
380 Upon receipt of certification by the supervisors of elections  
381 that the petition contains at least 10 percent of qualified  
382 electors within the district voting in the most recent district  
383 election, or 5 percent of the registered district voters,  
384 whichever is greater, the Board shall fix a day for holding a  
385 recall election to be held not less than 30 days nor more than  
386 60 days from the receipt of such certification.

387 (c) If a majority of the votes cast in a recall election  
388 is in favor of removal of a member of the Board, the member  
389 shall be deemed removed from office upon the announcement of the  
390 official canvass of the election and the vacancy shall be filled  
391 in the manner provided in subsection (4).

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

394 (1) "Board" means the Governing Board of the district  
395 herein created.

396 (2) "Storm drainage system" means any real estate,  
397 facility, or property, including pipe, ditches, pumps, or  
398 canals, siphons, or structures and appurtenances and additions,  
399 extensions, and improvements within the geographical boundaries

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400 of the territory of the district made thereto for the purpose of  
401 discharge of surface runoff or storm drainage into the  
402 Loxahatchee River or tributaries leading directly thereto.

403 (3) "Revenue bonds" means bonds or other obligations  
404 secured by and payable from the revenues derived from rates,  
405 fees, and charges collected by the district from the users of  
406 the facilities of any water system, sewer system, or solid waste  
407 system, or combinations of said systems, and which may be  
408 additionally secured by a pledge of the proceeds of special  
409 assessments levied against benefited property or by a pledge of  
410 the full faith and credit of the district, or both.

411 (4) "General obligation bonds" means bonds or other  
412 obligations secured by the full faith and credit and taxing  
413 power of the district and payable from ad valorem taxes levied  
414 and collected on all taxable property in the district, without  
415 limitation of rate or amount, and may be additionally secured by  
416 the pledge of either or both the proceeds of special assessments  
417 levied against benefited property, or revenues derived from said  
418 water system, sewer system, or solid waste system, or  
419 combinations of said systems.

420 (5) "Assessment bonds" means bonds or other obligations  
421 secured by and payable from special assessments levied against  
422 benefited lands, and which may be additionally secured by a  
423 pledge of the full faith and credit of the district.

424 (6) "System" means a water system, sewer system, or water

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425 and sewer system; a system for the collection, treatment, and  
426 disposal of solid waste; a storm and surface drainage system; or  
427 a combination thereof.

428 (7) "Water system" means real estate, attachments,  
429 fixtures, impounded water, water mains, laterals, valves,  
430 meters, plants, wells, pipes, tanks, reservoirs, systems,  
431 facilities, or other property real or personal, used or useful  
432 or having the present capacity for future use in connection with  
433 the obtaining, treating, supplying, distributing, and selling of  
434 water to the public for human consumption by business or  
435 industry, and without limiting the generality of the foregoing  
436 definition shall embrace all necessary appurtenances and  
437 equipment and shall include all property, rights, easements, and  
438 franchises relating to any such system and deemed necessary or  
439 convenient for the operation thereof, but shall not include  
440 property used solely for or principally in connection with the  
441 business of bottling, selling, distributing, or furnishing  
442 bottled water, nor water systems utilized by manufacturing  
443 plants primarily for the purpose of providing water in  
444 connection with its manufacturing operations.

445 (8) "Sewer system" means any plant, facility, or property,  
446 and additions, extensions, and improvements thereto at any  
447 future time constructed or acquired as part thereof, useful or  
448 necessary, or having the present capacity for future use in  
449 connection with the collection, treatment, purification, or

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450 disposal of sewage of any nature or originating from any source,  
451 including industrial wastes resulting from any processes of  
452 industry, manufacture, trade, or business, or from the  
453 development of any natural resources; and without limiting the  
454 generality of the foregoing definition, shall include treatment  
455 plants, pumping stations, lift stations, valves, force mains,  
456 intercepting sewers, laterals, pressure lines, mains, and all  
457 necessary appurtenances and equipment; all sewer mains and  
458 laterals for the reception and collection of sewage from  
459 premises connected therewith; and shall include all real and  
460 personal property and any interest therein, rights, easements,  
461 and franchises of nature whatsoever relating to any such sewer  
462 system and necessary or convenient for the operation thereof.

463 (9) "Cost" as applied to the acquisition and construction  
464 of a system or extensions, additions, or improvements thereto  
465 means the cost of construction or reconstruction, acquisition or  
466 purchase; the cost of labor, materials, machinery, and  
467 equipment; the cost of all lands and interests therein, property  
468 rights, easements, and franchises of any nature whatsoever,  
469 financing charges, interest prior to and during construction and  
470 for not more than 2 years after completion of the construction  
471 or acquisition of such system or extensions, additions, or  
472 improvements thereto; the creation of initial reserve or debt  
473 service funds, bond discount; the cost of plans and  
474 specifications, surveys, and estimates of costs and revenues;

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475 the cost of engineering, financial, and legal services; and all  
 476 other expenses necessary or incidental in determining the  
 477 feasibility or practicability of such construction,  
 478 reconstruction, or acquisition, including administrative  
 479 expenses and such other expenses as may be necessary or  
 480 incidental to the financing authorized by this act, and  
 481 including reimbursement of a public entity for any moneys  
 482 advanced in connection with any of the foregoing items of cost.

483 (10) "Assessable improvements" means that portion or  
 484 portions of the cost of a system of a local nature and of  
 485 benefit to the premises or lands served thereby, and  
 486 particularly with reference to a sewer and water system,  
 487 including, but not limited to, laterals and mains for the  
 488 production, treatment, and distribution of water; the collection  
 489 and reception of sewage from premises connected therewith, local  
 490 or auxiliary pumping or lift stations, treatment plants, or  
 491 disposal plants, and other appurtenant facilities and equipment  
 492 for the collection, treatment, and disposal of sewage; the  
 493 production, treatment, and distribution of water; together with  
 494 operating and incidental equipment and appurtenances necessary  
 495 therefore.

496 (11) "Assessment" means fees, penalties, and other charges  
 497 made by the district to meet its operating cost and debt service  
 498 requirements for the purpose of this act.

499 (12) "Department" means all applicable state agencies and

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500 departments.  
501 Section 6. In order to effectuate the purposes of this  
502 act, the district acting through the Board shall have the power:  
503 (1) To employ and set the compensation of a director who  
504 shall serve at its pleasure. Within available funds, the  
505 director may employ and set the compensation of professional,  
506 technical, legal, and clerical staff as may be necessary, and  
507 may remove these personnel. The director, with the consent of  
508 the Board, may acquire the services of consultants and enter  
509 into contracts on behalf of the Board.  
510 (2) To develop a master plan, to construct, install,  
511 erect, and acquire by purchase or condemnation in accordance  
512 with the provisions of chapters 73 and 74, Florida Statutes, and  
513 to improve, enlarge, reconstruct, maintain, repair, operate, and  
514 regulate a system.  
515 (3) To construct, acquire, and operate water systems and  
516 sewer systems separately or as a system.  
517 (4) To enter on any land, waters, or premises located  
518 within the district, in order to carry out the purposes of this  
519 act.  
520 (5) To provide for all surveys and for preparation of  
521 plans, specifications, and estimates in connection with the  
522 construction of a system, or for studies to determine the  
523 feasibility of acquiring existing municipal or private systems.  
524 (6) To enter into contracts with the government of the

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525 United States, or any other department or subdivision of the  
526 state, or with any municipality, private corporation,  
527 partnership, association, or person providing for or relating to  
528 the furnishing of water, the disposal of wastes and sewage, and  
529 for other purposes necessary and proper to effectuate this act.

530 (7) To accept from any governmental agency grants,  
531 donations, or loans to provide aid for the planning,  
532 construction, reconstruction, or financing of any system; and to  
533 accept grants or donations from any other source of money,  
534 property, labor, or other things of value, to be held, used, and  
535 applied only for the purposes for which such grants or donations  
536 may be made.

537 (8) To enter into contracts with property owners or  
538 developers or building contractors who plan to erect buildings  
539 or other improvements within platted subdivisions or other  
540 property, under which such persons shall install, at their  
541 expense, laterals, lines, and equipment, intercepting trunk,  
542 main, and lateral sewers, the location, material, size, and type  
543 of which shall be installed strictly in accordance with such  
544 specifications as required by the Board who shall connect with a  
545 sanitary system constructed or owned by the authority; which  
546 such mains, laterals, lines, and equipment, intercepting trunk,  
547 main, and lateral sewers shall become the property of the  
548 district upon such terms and conditions as provided by the  
549 contract.



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550 (9) To set and collect reasonable fees and other charges  
551 for the services and facilities furnished by any system owned or  
552 operated by the district, for making connections and use of  
553 same, and to enforce penalties for delinquency in the payment as  
554 hereinafter provided.

555 (a)1. The Governing Board of the district shall, in the  
556 resolution providing for the issuance of either water revenue  
557 bonds or sewer revenue bonds, or both, fix the initial schedule  
558 of rates, fees, and other charges for the use of and for the  
559 services furnished or to be furnished by the facilities, to be  
560 paid by the owner, tenant, or occupant of each lot or parcel of  
561 land which may be connected with and use any such facility by or  
562 through any part of the water system of the district.

563 2. After the system or systems shall have been in  
564 operation, the Governing Board of the district may revise such  
565 schedule of rates, fees, and charges, which shall be so fixed  
566 and revised as to provide funds, with other funds available for  
567 such purposes, sufficient at all times to pay the cost of  
568 maintaining, repairing, and operating the system or systems,  
569 including the reserves for such purposes and for replacements  
570 and depreciation and necessary extensions, to pay the principal  
571 of and the interest on the water revenue bonds and/or sewer  
572 revenue bonds as the same shall become due and the reserve  
573 therefor, and to provide a margin of safety for making such  
574 payments. The Governing Board of the district shall charge and

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575 collect the rates, fees, and charges so fixed or revised and  
576 such rates, fees, and charges shall not be subject to  
577 supervision or regulation by any commission, board, bureau, or  
578 agency of the county or of the state or any sanitary district.

579 3. Such rates, fees, and charges shall be just and  
580 equitable and may be based or computed upon the quantity of  
581 water consumed and/or upon the number and size of sewer  
582 connections or upon the number and kind of plumbing fixtures in  
583 use in the premises connected with the sewer system or upon the  
584 number or average number of persons residing or working in or  
585 otherwise connected with such premises or upon any other factor  
586 affecting the use of the facilities furnished or upon any  
587 combination of the foregoing factors.

588 4. In cases where the amount of water furnished to any  
589 building or premises is such that it imposes an unreasonable  
590 burden upon the water supply system, an additional charge may be  
591 made therefor or the Governing Board of the district may, if it  
592 deems advisable, compel the owners or occupants of such building  
593 or premises to reduce the amount of water consumed thereon in a  
594 manner to be specified by the Governing Board of the district or  
595 the Governing Board of the district may refuse to furnish water  
596 to such building or premises.

597 5. In cases where the character of the sewage from any  
598 manufacturing or industrial plant or any building or premises is  
599 such that it imposes an unreasonable burden upon any sewage

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600 disposal system, an additional charge may be made therefor, or  
601 the Governing Board of the district may, if it deems it  
602 advisable, compel such manufacturing or industrial plant or such  
603 building or premises to treat such sewage in such manner as  
604 shall be specified by the Governing Board of the district before  
605 discharging such sewage into any sewer lines owned or maintained  
606 by the district.

607 (b) The Governing Board of the district may charge any  
608 owner or occupant of any building or premises receiving the  
609 services of the facilities herein provided such initial  
610 installation or connection charge or fee as the district may  
611 determine to be just and reasonable.

612 (c)1. No rates, fees, or charges shall be fixed under the  
613 foregoing provisions of this section until after a public  
614 hearing at which all of the users of the facilities provided by  
615 this chapter and owners, tenants, and occupants of property  
616 served or to be served thereby and all others interested shall  
617 have an opportunity to be heard concerning the proposed rates,  
618 fees, and charges. After the adoption by the Governing Board of  
619 the district of a resolution setting forth the preliminary  
620 schedule or schedules fixing and classifying such rates, fees,  
621 and charges, notice of such public hearing setting forth the  
622 schedule or schedules of rates, fees, and charges shall be given  
623 by one publication pursuant to chapter 50, Florida Statutes,  
624 each in Palm Beach County and in Martin County, at least 10 days

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628 before the date fixed in said notice for the hearing, which said  
629 hearing may be adjourned from time to time. After such hearing  
630 such preliminary schedule or schedules, either as originally  
631 adopted or as modified or amended, shall be adopted and put into  
632 effect and thereupon the resolution providing for the issuance  
633 of water revenue bonds and/or sewer revenue bonds may be finally  
634 adopted.

635 2. A copy of the schedule or schedules of such rates,  
636 fees, and charges finally fixed in such resolution shall be kept  
637 on file in the office of the district and shall be open to  
638 inspection by all parties interested. The rates, fees, or  
639 charges so fixed for any class of users or property served shall  
640 be extended to cover any additional property thereafter served  
641 which falls within the same class without the necessity of a  
642 hearing or notice.

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

648 (d) Upon the construction of a sewage disposal system and  
649 the financing of such construction by the issuance of sewer  
650 revenue bonds under the provisions of this chapter, the owner,  
651 tenant, or occupant of each lot or parcel of land within the  
652 county which abuts upon a street or other public way containing

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653 a sanitary sewer served or which may be served by such disposal  
654 system and upon which lot or parcel a building shall have been  
655 constructed for residential, commercial, recreational, and all  
656 other uses and which lot or parcel shall not already be served  
657 by, or have available to it for service, a sanitary sewer,  
658 shall, if so required by the rules and regulations thereof,  
659 connect such building with such sanitary sewer and shall cease  
660 to use any other method for the disposal of sewage, sewage  
661 water, or other polluting matter. All such connections shall be  
662 made in accordance with rules and regulations which shall be  
663 adopted from time to time by the Governing Board of the  
664 district.

665 (e) The Governing Board of the district may provide in the  
666 resolution authorizing the issuance of water revenue bonds or  
667 sewer revenue bonds under the provisions of this chapter that  
668 the charges for the services furnished by any facility  
669 constructed or reconstructed by the district under the  
670 provisions of this act shall be included in single bills to be  
671 rendered for all the services furnished to the premises, and  
672 that if the amount of such charges so included shall not be paid  
673 within 30 days from the rendition of any bill, the Governing  
674 Board of the district shall discontinue furnishing water to such  
675 premises and shall disconnect the same from the water supply  
676 system of the district. Any such resolution may include any or  
677 all of the following provisions, and may permit the Governing

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678 Board of the district to adopt such resolution or take such  
679 other lawful action as shall be necessary to effectuate such  
680 provisions, and the Governing Board of the district is hereby  
681 authorized to adopt such resolutions and to take such other  
682 action:

683 1. The district may require the owner, tenant, or occupant  
684 of each lot or parcel of land within the district who is  
685 obligated to pay the rates, fees, or charges for the services  
686 furnished by any facility purchased, constructed, or  
687 reconstructed by the district under the provisions of this  
688 chapter to make a reasonable deposit with the Governing Board of  
689 the district in advance to ensure the payment of such rates,  
690 fees, or charges and to be subject to application to and payment  
691 thereof if and when delinquent.

692 2. If any rates, fees, or charges for the use and services  
693 of any sewage disposal system or sewer improvements by or in  
694 connection with any premises not served by the waterworks system  
695 of the district shall not be paid within 30 days after the same  
696 shall become due and payable, the owner, tenant, or occupant of  
697 such premises shall cease to dispose of sewage or industrial  
698 waste originating from or on said premises by discharge thereof  
699 directly or indirectly into the sewer system of the district  
700 until such rates, fees, or charges with interest shall be paid;  
701 that if such owner, tenant, or occupant shall not cease such  
702 disposal at the expiration of such 30-day period it shall be the

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703 duty of any district, private corporation, board, body, or  
704 person supplying water to or selling water for use on such  
705 premises within 5 days after the receipt of notice of such  
706 delinquency from the district; and that if such district,  
707 private corporation, board, body, or person shall not, at the  
708 expiration of such 5-day period, cease supplying water to or  
709 selling water for use on such premises, then the district may,  
710 unless it has theretofore contracted to the contrary, shut off  
711 the supply of water to such premises.

712 (f) All revenues derived from any water supply system,  
713 water system improvement, sewage disposal system, or sewer  
714 improvements for either of which a single issue of water revenue  
715 bonds or sewer revenue bonds shall be issued, except such part  
716 thereof as may be required to pay the cost of maintaining,  
717 repairing, and operating such system or systems and to provide  
718 reserves therefor as may be provided in the resolution  
719 authorizing the issuance of such water revenue bonds or sewer  
720 revenue bonds, shall be set aside at such regular intervals as  
721 may be provided in such resolution and deposited for the credit  
722 of the following separate funds for the following purposes:

723 1. Sinking fund for the payment of interest on and the  
724 principal of such water revenue bonds and/or sewer revenue bonds  
725 as the same shall become due, necessary charges of paying agents  
726 for the paying of such interest and principal, and any premium  
727 upon bonds retired by call or purchase before their maturity or

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728 respective maturities, including the accumulation of reserves  
729 for such purposes.

730 2. A fund for anticipated renewals and replacements and  
731 extraordinary repairs.

732 3. The use and disposition of moneys to the credit of such  
733 sinking fund shall be subject to such regulations as may be  
734 provided in the resolution authorizing the issuance of the water  
735 revenue bonds and/or sewer revenue bonds and, except as may  
736 otherwise be provided in such resolution, such sinking fund  
737 shall be a fund for the benefit of all bonds without distinction  
738 or priority of one over the other.

739 (g) The Governing Board of the district shall, at the  
740 close of each fiscal year, make or cause to be made a  
741 comprehensive report of its operations of the water supply  
742 system or systems and sewage disposal system or systems under  
743 its control during the preceding fiscal year, including all  
744 matters relating to rates, revenues, expenses for maintenance,  
745 repair, and operation and replacements and extensions, principal  
746 and interest retirements, and the status of all funds, and there  
747 shall be set forth in such report the budget recommended by the  
748 commission for the current fiscal year. A copy of such annual  
749 report shall be filed with the district office and shall be open  
750 to the inspection of all interested persons. Any surplus of the  
751 gross revenues remaining at the end of any fiscal year after  
752 making the required deposits for the credit of the separate



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753 funds set forth above, and not appropriated in the budget for  
754 the then current fiscal year, shall be paid into the sinking  
755 fund.

756 (h) All moneys received pursuant to the authority of this  
757 act shall be deemed to be trust funds, to be held and applied  
758 solely as provided in this act. The resolution authorizing the  
759 issuance of bonds shall provide that any officer to whom, or any  
760 bank, trust company, or other fiscal agent to which such moneys  
761 shall be paid shall act as trustee of such moneys and shall hold  
762 and apply the same for the purposes hereof, subject to such  
763 regulations as this act and such resolution may provide.

764 (i) Any holder of bonds issued under the provisions of  
765 this act or any of the coupons appertaining thereto, except to  
766 the extent the rights herein given may be restricted by the  
767 resolution authorizing the issuance of such bonds, may, either  
768 at law or in equity, by suit, mandamus, or other proceeding,  
769 protect and enforce any and all rights under the laws of Florida  
770 or granted hereunder or under such resolution, and may enforce  
771 and compel the performance of all duties required by this act or  
772 by such resolution to be performed by the district or by the  
773 Governing Board of the district, including the fixing, charging,  
774 and collecting of rates, fees, and charges for services and  
775 facilities furnished by the water supply system, water system  
776 improvement, sewage disposal system, or sewer improvements and  
777 the levying and collecting of any special assessments.

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778 (j) The Governing Board of the district is hereby  
779 authorized to provide by resolution for the issuance of water  
780 revenue refunding bonds of the district for the purpose of  
781 refunding any water revenue bonds then outstanding and issued  
782 under the provisions of this act. The Governing Board of the  
783 district is further authorized to provide by resolution for the  
784 issuance of water revenue bonds of the district for combined  
785 purposes:

786 1. Paying the cost of any extension, addition, or  
787 reconstruction of a water supply system or systems or water  
788 system improvements or the cost of a new water supply system or  
789 systems or water system improvements.

790 2. Refunding such water revenue bonds of the district  
791 which shall theretofore have been issued under the provisions of  
792 this act and shall then be outstanding and which then shall have  
793 matured or be subject to redemption or can be acquired for  
794 retirement. The issuance of such bonds, the maturities and other  
795 details thereof, the rights and remedies of holders thereof, and  
796 the rights, power, privileges, duties, and obligations of the  
797 district or of the Governing Board of the district with respect  
798 to the same shall be governed by the foregoing provisions of  
799 this act insofar as the same may be applicable.

800 (k) The Governing Board of the district is hereby  
801 authorized to provide by resolution for the issuance of sewer  
802 revenue refunding bonds of the district for the purpose of

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803 refunding any sewer revenue bonds then outstanding and issued  
804 under the provisions of this act. The Governing Board of the  
805 district is further authorized to provide by resolution for the  
806 issuance of sewer revenue bonds of the district for the combined  
807 purposes of:

808 1. Paying the cost of any extension, addition, or  
809 reconstruction of a sewage disposal system or systems or sewer  
810 improvements or the cost of a new sewage disposal system or  
811 systems or sewer improvements.

812 2. Refunding such sewer revenue bonds of the district  
813 which shall theretofore have been issued under the provisions of  
814 this act and shall then be outstanding and which then shall have  
815 matured or be subject to redemption or can be acquired for  
816 retirement. The issuance of such bonds, the maturities and other  
817 details thereof, the rights and remedies of holders thereof, and  
818 the rights, powers, privileges, duties, and obligations of the  
819 district or of the Governing Board of the district with respect  
820 to the same shall be governed by the foregoing provisions of  
821 this act insofar as the same may be applicable.

822  
823 (10) To prohibit the use and maintenance of outhouses,  
824 privies, cesspools, and septic tanks, or similar devices as the  
825 Board may direct and to compel owners of buildings, structures,  
826 and boat marinas to connect with, and use, the system or systems  
827 of the district or other private or municipal system or systems

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828 within the district.

829 (11) To contract with the government of the United States,  
830 or any other department or subdivision of the state, or with any  
831 municipality, private corporation, partnership, association, or  
832 person to receive or dispose of wastes, or to collect, treat, or  
833 dispose of sewage; to purchase or sell water or, by contract, to  
834 arrange for the collection of charges made by the Board; and to  
835 enforce payment by shutting off and discontinuing service.

836 (12) To levy special assessments against properties  
837 adjoining or in close proximity to sewer and water lines of the  
838 district, which would be specifically benefited by the  
839 construction, acquisition, extension, and operation thereof  
840 which the system is designed to serve, provided that such  
841 assessments shall not exceed the cost of the assessable  
842 improvements constructed.

843 (a) The district may provide for the construction or  
844 reconstruction of a facility and for the levying of special  
845 assessments upon benefited property under the provisions of this  
846 section. The initial proceeding hereunder shall be the passage  
847 at any lawful meeting of the Governing Board of a resolution  
848 ordering the construction or reconstruction of such facility  
849 under and subject to the provisions of this section, indicating  
850 the location by terminal points and route and either giving a  
851 description of the improvement by its material, nature,  
852 character, and size or giving two or more such descriptions with

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853 the direction that the material, nature, character, and size  
 854 shall be subsequently determined in conformity with one of such  
 855 descriptions. Water system improvements or sewer improvements  
 856 need not be continuous and may be in more than one locality or  
 857 street. The resolution ordering any such improvement may give  
 858 any short and convenient designation to each improvement ordered  
 859 thereby, after which it shall be sufficient to refer to such  
 860 improvement and property by such designation in all proceedings  
 861 and assessments, except in the notices provided for in  
 862 paragraphs (c) and (d).

863 (b)1. As soon as may be practicable after the passage of  
 864 such resolution, the engineer for the district shall prepare in  
 865 duplicate plans and specifications of each improvement ordered  
 866 thereby and an estimate of the cost thereof. Such cost may  
 867 include, in addition to the items of cost set forth in section  
 868 5(6) the cost of relaying streets and sidewalks necessarily torn  
 869 up or damaged and shall include the following items of  
 870 incidental expense:

- 871 a. Printing and publishing of notices and proceedings.
- 872 b. Any other expense necessary or proper in conducting the  
 873 proceedings and work provided for in this section.

874 2. If the resolution shall provide alternative  
 875 descriptions of material, nature, character, and size, such  
 876 estimate shall include an estimate of the cost of the  
 877 improvement of each such description.

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878       3. The engineer shall also prepare in duplicate a  
879 tentative apportionment of the estimated cost as between the  
880 district and each lot or parcel of land subject to special  
881 assessment under the resolution, such apportionment to be made  
882 in accordance with the provisions of the resolution and the  
883 provisions of paragraph (f) in relation to apportionment of cost  
884 in the preliminary assessment roll. Such tentative apportionment  
885 of estimated cost shall not be held to limit or restrict the  
886 duties of the engineer in the preparation of such preliminary  
887 assessment roll. One of the duplicates of such plans,  
888 specifications, and estimate and such tentative apportionment  
889 shall be filed with the secretary of the Governing Board and the  
890 other duplicate shall be retained by the engineer in his or her  
891 files, all thereof to remain open to public inspection.

892       (c) The Governing Board, upon the filing with it of such  
893 plans, specifications, estimate, and tentative apportionment of  
894 cost, shall publish once pursuant to chapter 50, Florida  
895 Statutes, each in Palm Beach County and in Martin County, a  
896 notice stating that at a regular meeting of the Governing Board  
897 on a certain day and hour, not earlier than 10 days from such  
898 publication, the Governing Board will hear objections of all  
899 interested persons to the confirmation of such resolution, which  
900 notice shall state in brief and general terms a description of  
901 the proposed improvement with the location thereof and shall  
902 also state that plans, specifications, estimate, and tentative

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906 apportionment of cost thereof are on file in the office of the  
907 district. The Governing Board shall keep a record in which shall  
908 be inscribed, at the request of any person, firm, or corporation  
909 having or claiming to have an interest in any lot or parcel of  
910 land, the name and post office address of such person, firm, or  
911 corporation, together with a brief description or designation of  
912 such lot or parcel, and it shall be the duty of the Governing  
913 Board to mail a copy of such notice to such person, firm, or  
914 corporation at such address, at least 10 days before the time  
915 for the hearing as stated in such notice, but the failure of the  
916 Governing Board to keep such record or so to inscribe any name  
917 or address or to mail any such notice shall not constitute a  
918 valid objection to holding the hearing as provided in this  
919 section or to any other action taken under the authority of this  
920 section.

921 (d) At the time named in such notice, or to which an  
922 adjournment may be taken by the Governing Board, the Governing  
923 Board shall receive any objections of interested persons and may  
924 then or thereafter repeal or confirm such resolution with such  
925 amendments, if any, as may be desired by the Governing Board and  
926 which do not cause any additional property to be specially  
927 assessed.

928 (e) All objections to any such resolution on the grounds  
929 that it contains items which cannot be properly assessed against  
930 property, or that it is, for any default or defect in the

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931 passage or character of the resolution or the plans and  
932 specifications or estimate, void or voidable in whole or in  
933 part, or that it exceeds the power of the Governing Board, shall  
934 be made in writing, in person or by attorney, and filed with the  
935 Governing Board at or before the time or adjourned time of such  
936 hearing. Any objections against the making of any improvement  
937 not so made shall be considered as waived, and if an objection  
938 shall be made and overruled or shall not be sustained, the  
939 confirmation of the resolution shall be the final adjudication  
940 of the issues presented unless proper steps shall be taken in a  
941 court of competent jurisdiction to secure relief.

942 (f) Promptly after the completion of the work, the  
943 engineer for the district shall prepare a preliminary assessment  
944 roll and file same with the secretary of the Governing Board,  
945 which roll shall contain the following:

946 1. A description of the lots and parcels of land within  
947 the district, which shall include all lots and parcels which  
948 abut upon the sides of that part of any street in which a water  
949 supply system, water system improvement, or sanitary sewer,  
950 except a curb sewer, is to be constructed or reconstructed, all  
951 lots and parcels which abut upon the side or sides of any street  
952 in or along which side or sides a sanitary curb sewer shall have  
953 been constructed or reconstructed, and all lots and parcels  
954 which are served or are to be served by such water supply  
955 system, water system improvement, or sanitary sewer. Such lots



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956 and parcels shall include all property, whether publicly or  
 957 privately owned. There may also be given, in the discretion of  
 958 the engineer, the name of the owner of record of each lot or  
 959 parcel, where practicable, and in all cases there shall be given  
 960 a statement of the number of feet of property so abutting, which  
 961 number of feet shall be known as frontage.

962 2. The total cost of the improvement, and the amount of  
 963 incidental expense.

964 3. An apportionment as between the district and the  
 965 property included in the preliminary assessment roll of the cost  
 966 of each improvement, including incidental expense, to be  
 967 computed as follows:

968 a. To each lot or parcel of land, to the property or curb  
 969 line of which a water supply lateral or sanitary sewer lateral  
 970 shall have been laid, shall be apportioned the cost of such  
 971 lateral or laterals.

972 b. To abutting property shall be apportioned according to  
 973 frontage, or any other method being deemed equitable by the  
 974 Governing Board, all or any part of the cost of such water  
 975 system improvements or sewer improvements as may be fixed by  
 976 resolution ordering the improvements.

977 c. To the district shall be apportioned the remaining  
 978 costs of the water system improvements or sewer improvements,  
 979 unless all of such costs shall be apportioned to the abutting  
 980 property. However, in the case of lots or parcels which abut on

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981 more than one street or which are served or are to be served by  
982 such water system improvements or sewer improvements although  
983 not abutting on either side of the street in which such  
984 improvement is constructed, the apportionment shall be made  
985 under such rules and regulations as the Governing Board shall  
986 deem to be fair and equitable.

987 (g) The preliminary assessment roll shall be advisory only  
988 and shall be subject to the action of the Governing Board as  
989 hereinafter provided. Upon the filing with the Governing Board  
990 of the preliminary assessment roll, the Governing Board shall  
991 publish once pursuant to chapter 50, Florida Statutes, each in  
992 Palm Beach County and in Martin County, a notice stating that at  
993 a meeting of the Governing Board to be held on a certain day and  
994 hour, not less than 12 days from the date of such publication,  
995 which meeting may be a regular, adjourned, or special meeting,  
996 all interested persons may appear and file written objections to  
997 the confirmation of such roll. Such notice shall state the class  
998 of the improvement and the location thereof by terminal points  
999 and route. Such meeting of the commission shall be the first  
1000 regular meeting following the completion of the notice  
1001 hereinabove required, unless the Governing Board shall have  
1002 provided for a special meeting for such purpose.

1003 (h) At the time and place stated in such notice the  
1004 Governing Board shall meet and receive the objections in writing  
1005 of all interested persons as stated in such notice. The

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1009 Governing Board may adjourn the hearing from time to time. After  
1010 completion thereof, the Governing Board shall either annul,  
1011 sustain, or modify in whole or in part the prima facie  
1012 assessment as indicated on such roll, either by confirming the  
1013 prima facie assessment against any and all lots or parcels  
1014 described therein, or by canceling, increasing, or reducing the  
1015 same, according to the special benefits which the Governing  
1016 Board decides each such lot or parcel has received or will  
1017 receive on account of such improvement. If any property which  
1018 may be chargeable under this section shall have been omitted  
1019 from the preliminary roll or if the prima facie assessment shall  
1020 not have been made against it, the Governing Board may place on  
1021 such roll an apportionment to such property. The Governing Board  
1022 shall not confirm any assessment in excess of the special  
1023 benefits to the property assessed, and the assessments so  
1024 confirmed shall be in proportion to the special benefits.  
1025 Forthwith after such confirmation, such assessment roll shall be  
1026 delivered to the county property appraisers of Martin County and  
1027 Palm Beach County for the properties contained within their  
1028 respective counties. The assessment so made shall be final and  
1029 conclusive as to each lot or parcel assessed unless proper steps  
1030 be taken in a court of competent jurisdiction to secure relief.  
1031 If the assessment against any property shall be sustained,  
1032 reduced, or abated by the court, the property appraiser shall  
1033 note that fact on the assessment roll opposite the description

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1034 of the property affected thereby. The amount of the special  
1035 assessment against any lot or parcel which may be abated by the  
1036 court, unless the assessment upon the entire district is abated,  
1037 or the amount by which such assessment is so reduced, may be, by  
1038 resolution of the Governing Board, made chargeable against the  
1039 district at large; or, in the discretion of the Governing Board,  
1040 a new assessment roll may be prepared and confirmed in the  
1041 manner hereinabove provided for the preparation and confirmation  
1042 of the original assessment roll.

1043 (i) Any assessment may be paid at the Office of the Martin  
1044 County Tax Collector for property within Martin County, and the  
1045 Office of the Palm Beach County Tax Collector for property  
1046 within Palm Beach County within 30 days after the confirmation  
1047 thereof, without interest. Thereafter all assessments shall be  
1048 payable in equal annual installments, with interest not  
1049 exceeding 8 percent per annum from the expiration of said 30  
1050 days in each of the succeeding 40 calendar years at the time or  
1051 times in each year at which general county taxes are payable,  
1052 provided, however, that the Governing Board may by resolution  
1053 fix a shorter period of payment for any assessment, and  
1054 provided, further, that any assessment may be paid at any time  
1055 before due, together with interest accrued thereon to the date  
1056 of payment.

1057 (j) All assessments shall constitute a lien upon the  
1058 property so assessed from the date of confirmation of the

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1059 resolution ordering the improvement, of the same nature and to  
1060 the same extent as the lien for general county taxes falling due  
1061 in the same year or years in which such assessment or  
1062 installments thereof fall due, and any assessment or installment  
1063 not paid when due shall be collectible in the same manner and at  
1064 the same time as such general taxes are or may be collectible,  
1065 with the same attorney's fee, interest, and penalties and under  
1066 the same provisions as to forfeiture and the right of the  
1067 district to purchase the property assessed as are or may be  
1068 provided by law in the case of county taxes. However, no such  
1069 sale of any property for general county taxes or for any  
1070 installment or installments of any such assessment and no  
1071 perfecting of title under any such sale shall divest the lien of  
1072 any installment of such assessment not due at the time of the  
1073 sale. Collection of such assessments, with such interest and  
1074 with a reasonable attorney's fee and costs, but without  
1075 penalties, may also be made by the district by proceedings in a  
1076 court of equity to foreclose the lien of assessments as a lien  
1077 for mortgages is or may be foreclosed under the laws of the  
1078 state, or by an action in rem in the manner provided by law for  
1079 the foreclosure and collection of ad valorem taxes, provided  
1080 that any such proceedings to foreclose shall embrace all  
1081 installments of principal remaining unpaid with accrued interest  
1082 thereon, which installments shall, by the institution of such  
1083 proceedings, immediately become and be due and payable.

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1084 Nevertheless, if, prior to any sale of the property under the  
1085 decree of foreclosure in such proceedings, payment be made of  
1086 the installment or installments which are shown to be due under  
1087 the provisions of the resolution passed pursuant to paragraph  
1088 (i), with interest as required by paragraph (i) and by this  
1089 paragraph and all costs including attorney's fee, such payment  
1090 shall have the effect of restoring the remaining installments to  
1091 their original maturities as provided by the resolution passed  
1092 pursuant to paragraph (i), and the proceedings shall be  
1093 dismissed. It shall be the duty of the district to enforce the  
1094 prompt collection of assessments by one or the other of the  
1095 means herein provided, and such duty may be enforced at the suit  
1096 of any holder of bonds issued under this act in a court of  
1097 competent jurisdiction by mandamus or other appropriate  
1098 proceeding or action. Not later than 30 days after the annual  
1099 sale of property for delinquent taxes of the county, or if such  
1100 property or taxes are not sold by the county, then within 60  
1101 days after such taxes become delinquent, it shall be the duty of  
1102 the Governing Board to direct the attorney or attorneys whom the  
1103 Governing Board shall then designate, to institute actions  
1104 within 3 months after such direction to enforce the collection  
1105 of all special assessments for local improvements made under  
1106 this section and remaining due and unpaid at the time of such  
1107 direction (unless theretofore sold at tax sale). Such action  
1108 shall be prosecuted in the manner and under the conditions in

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1109 and under which mortgages are foreclosed under the laws of the  
1110 state. It shall be lawful to join in one action the collection  
1111 of assessments against any or all property assessed by virtue of  
1112 the same assessment roll unless the court shall deem such  
1113 joinder prejudicial to the interest of any defendant. The court  
1114 shall allow a reasonable attorney's fee for the attorney or  
1115 attorneys of the district, and the same shall be collectible as  
1116 a part of or in addition to the costs of the action. At any sale  
1117 pursuant to decree in any such action, the district may be a  
1118 purchaser to the same extent as an individual person or  
1119 corporation, except that the part of the purchase price  
1120 represented by the assessments sued upon and the interest  
1121 thereon need not be paid in cash. Property so acquired by the  
1122 district, including the certificate of sale thereof, may be sold  
1123 or otherwise disposed of, for cash or upon terms, the proceeds  
1124 of such disposition to be placed in the fund provided by  
1125 paragraph (k). However, no sale or other disposition thereof  
1126 shall be made unless notice calling for bids therefor to be  
1127 received at a stated time and place shall have been published  
1128 pursuant to chapter 50, Florida Statutes, each in Palm Beach  
1129 County and in Martin County, one time at least 1 week prior to  
1130 such disposition.

Deleted: in a newspaper published in Martin County and Palm Beach County

1131 (k) All assessments and charges made under the provisions  
1132 of this section for the payment of all or any part of the cost  
1133 of any sewer improvement or improvements for which bonds shall

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1136 have been issued under the provisions of this act are hereby  
1137 pledged to the payment of the principal of and the interest on  
1138 such bonds and shall when collected be placed in a separate  
1139 fund, properly designated, which fund shall be used for no other  
1140 purpose than the payment of such principal and interest.

1141 (1) Each school district and other political subdivision  
1142 wholly or partly within the district and each public agency or  
1143 instrumentality owning property within the district shall  
1144 possess the same power and be subject to the same duties and  
1145 liabilities in respect of assessment under this section  
1146 affecting the real estate of such county, district, political  
1147 subdivision, or public agency or instrumentality which private  
1148 owners of real estate possess or are subject to hereunder, and  
1149 such real estate shall be subject to liens for said assessments  
1150 in all cases where the same property would be subject to had it  
1151 at the time the lien attached been owned by a private person.

1152 (13) To seek injunctive relief in a court of competent  
1153 jurisdiction, to prevent the violation of this act or any  
1154 resolution, rule, or regulation adopted pursuant to the powers  
1155 granted by this act, without the necessity of showing of a  
1156 public nuisance in such legal proceeding.

1157 (14) To require the pretreatment of industrial wastes when  
1158 the same are not amenable to treatment with normal domestic  
1159 sewage before accepting industrial waste for treatment, and to  
1160 refuse to accept industrial wastes when not sufficiently



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1161 pretreated.  
1162 (15) To sell or otherwise dispose of the effluent, sludge,  
1163 or other byproducts produced by any system.  
1164 (16) To designate as subdistricts one or more areas of  
1165 operation which are to be served by and in which a system  
1166 constructed or acquired pursuant to this act, may exclusively  
1167 operate and to designate such area or areas of operation by an  
1168 appropriate descriptive title.  
1169 (17) To construct, install, erect, and acquire and to  
1170 operate, maintain, improve, extend, or enlarge and reconstruct a  
1171 system or systems within the boundaries of the district and to  
1172 have the control and jurisdiction thereof; to pay all or part of  
1173 the cost of such construction, reconstruction, erection,  
1174 acquisition, or installation of such utility system or combined  
1175 utility system and additions, extensions, and improvements  
1176 thereto, except as otherwise provided in this act.  
1177 (18) To acquire by purchase, gift, or condemnation in  
1178 accordance with the provisions of chapters 73 and 74, Florida  
1179 Statutes, such lands and rights and interest therein, including  
1180 lands under water and riparian rights; and to acquire such  
1181 personal property as it may deem necessary in connection with  
1182 the construction, reconstruction, improvement, extension,  
1183 installation, erection, or operation and maintenance of any  
1184 system and to hold and dispose of such real and personal  
1185 property, including, but not limited to, systems owned and

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1186 operated by municipalities and counties.  
1187 (19) To exercise jurisdiction, control, and supervision  
1188 over any system or any part thereof owned, operated, and  
1189 maintained by the district; and to make and enforce such rules  
1190 and regulations for the maintenance and operation of any system  
1191 and improvements owned, operated, and maintained by the district  
1192 as may be necessary for the lawful operation of any such system  
1193 or improvements in accordance with the laws of this state and  
1194 the regulations of state departments and agencies having  
1195 jurisdiction over the systems as defined herein.  
1196 (20) To furnish water and sewer collection services within  
1197 the district; or to construct or acquire jointly with the county  
1198 or counties and municipality or municipalities located within  
1199 the district, systems or any parts or facilities hereof under  
1200 such terms and conditions as shall be agreed upon between the  
1201 district and such municipalities or counties; and to acquire,  
1202 from any municipality or county, and operate any system, or any  
1203 parts or facilities thereof, located within the boundaries of  
1204 the district or territory, either within or without such  
1205 municipality or county, except as otherwise provided in this  
1206 act.  
1207 (21) To develop current and long-range plans to provide  
1208 urban water and sewage to present and future population centers  
1209 within the district at the earliest possible date.  
1210 (22) To investigate complaints caused by inadequate

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1211 services or operation.  
1212 (23) To utilize or expand existing systems to serve  
1213 population needs.  
1214 (24) To provide necessary laboratories and facilities for  
1215 testing of operating systems, including assessment of water  
1216 quality, critical habitats, and environmental health within the  
1217 Loxahatchee River watershed.  
1218 (25) To negotiate the provisions for assumption of current  
1219 indebtedness of any system or systems for which the district  
1220 assumes responsibility.  
1221 (26) To levy an ad valorem tax in accordance with section  
1222 7.  
1223 (27) To issue revenue bonds and general obligation bonds,  
1224 for the purposes of this act, in the manner set forth herein:  
1225 (a) The Governing Board of the district is hereby  
1226 authorized to provide by resolution at one time or from time to  
1227 time for the issuance of either water revenue bonds, sewer  
1228 revenue bonds, or general obligation bonds of the district for  
1229 the purpose of paying all or any part of the cost of any one or  
1230 more of the following:  
1231 1. A water supply system or systems.  
1232 2. Extensions and additions thereto.  
1233 3. Water system improvements.  
1234 4. A sewage disposal system or systems.  
1235 5. Extensions and additions thereto.

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1236 6. Sewer improvements.  
1237 The bond of each issue shall be dated, shall bear interest  
1238 at such rate or rates not exceeding 7.5 percent per annum, shall  
1239 mature at such time or times not exceeding 50 years from their  
1240 date or dates as may be determined by the Governing Board of the  
1241 district, and may be made redeemable before maturity at the  
1242 option of the district at such price or prices and under such  
1243 terms and conditions as may be fixed by the Governing Board  
1244 prior to the issuance of the bonds.  
1245 (b) The Governing Board of the district shall determine  
1246 the form of the bonds, including any interest coupons to be  
1247 attached thereto, and the manner of the execution of the bonds  
1248 and shall fix the denomination or denominations of the bonds and  
1249 place or places of payment of principal or interest which may be  
1250 at any bank or trust company within or without the state. In  
1251 case any officer whose signature or facsimile of whose signature  
1252 appears on any bonds or coupons ceases to be such officer before  
1253 the delivery of such bonds, such signature or facsimile shall  
1254 nevertheless be valid and sufficient for all purposes as if he  
1255 or she had remained in office until such delivery.  
1256 (c) All bonds issued under the provisions of this act have  
1257 and are hereby declared to have all the qualities and incidents  
1258 of negotiable instruments. Bonds may be issued in coupon or in  
1259 registered form or both as the Governing Board may determine and  
1260 provision may be made for the registration of any coupon bonds

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1261 as to principal alone and also as to both principal and interest  
1262 and for the reconversion into coupon bonds of any bonds  
1263 registered as to bond principal and interest.

1264 (d) The issuance of such bonds shall not be subject to any  
1265 limitations or conditions contained in any other statute and the  
1266 Governing Board may sell such bonds in such manner at public or  
1267 private sale and for such price as it may determine to be for  
1268 the best interests of the district, but no such sale shall be  
1269 made at a price so low as to require the payment of interest on  
1270 the money received therefor at more than 7.5 percent per annum  
1271 computed with relation to the absolute maturity of the bonds in  
1272 accordance with the standard tables of bond values, excluding  
1273 from such computations the amount of any premium to be paid on  
1274 redemption of any bonds prior to maturity. Prior to the  
1275 preparation of definitive bonds, the district may, under like  
1276 restrictions, issue interim receipts and temporary bonds with or  
1277 without coupons exchangeable for definitive bonds when such  
1278 bonds have been executed and are available for delivery. The  
1279 Governing Board of the district may also provide for the  
1280 replacement of any bonds which become mutilated, destroyed, or  
1281 lost.

1282 (e) Bonds may be issued under the provisions of this  
1283 chapter without obtaining the consent of any commission, board,  
1284 bureau, or agency of the state and without the proceeding or  
1285 happening of any other condition or thing than those

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1286 proceedings, conditions, or things which are specifically  
1287 required by this act.  
1288 (f) The proceeds of such bonds shall be used solely for  
1289 the payment of costs of the water supply system or systems or  
1290 the water system improvements or the sewage disposal system or  
1291 systems or the sewer improvements, for the purchase,  
1292 construction, or reconstruction of which such bonds shall have  
1293 been authorized, and shall be disbursed in such manner and under  
1294 such restrictions, if any, as the Governing Board of the  
1295 district may provide in the authorizing resolution. If the  
1296 proceeds of such bonds, by error of estimates or otherwise,  
1297 shall be less than such costs, additional bonds may in like  
1298 manner be issued to provide the amount of such deficit and  
1299 unless otherwise provided in the authorizing resolution shall be  
1300 deemed to be of the same issue and shall be entitled to payment  
1301 from the same fund without preference or priority of the bonds  
1302 first issued for the same purpose. If the proceeds of the bonds  
1303 of any issue shall exceed the amount required for the purpose  
1304 for which such bonds shall have been issued, the surplus shall  
1305 be paid into the fund provided under the provisions of this  
1306 chapter for the payment of principal of and the interest on such  
1307 bonds.  
1308 (g) For the payment of the principal and interest thereon  
1309 on any general obligation bonds issued for the benefit of the  
1310 district issued under the provisions of this act the Governing

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1311 Board of the district is hereby authorized and required to levy  
1312 annually a special tax upon all taxable property within the  
1313 district over and above all other taxes authorized or limited by  
1314 law sufficient to pay such principal and interest as the same  
1315 respectively becomes due and payable, and the proceeds of all  
1316 such taxes shall, when collected, be paid into a special fund  
1317 and used for no other purpose than the payment of such principal  
1318 and interest. However, there may be pledged to the payment of  
1319 such principal and interest the proceeds of such water service  
1320 charge and/or sewer service charges and in the event of such  
1321 pledge the amount of the annual tax levied herein required may  
1322 be reduced in any year by the amount of such proceeds actually  
1323 received in the preceding year and then remaining on deposit to  
1324 the credit of such fund for the payment of such principal and  
1325 interest.

1326 (h) Water revenue bonds may be used only in connection  
1327 with the acquisition, construction, or operation of water supply  
1328 systems or water system improvements, and sewer revenue bonds  
1329 may be used only in connection with the acquisition,  
1330 construction, and operation of sewage disposal systems and sewer  
1331 improvements. Water revenue bonds and/or sewer revenue bonds  
1332 issued under the provisions of this act shall not be deemed to  
1333 constitute a pledge of the faith and credit of the district but  
1334 such bonds shall be payable solely from the funds provided  
1335 therefor under the provisions of this act. All such bonds shall

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1336 contain a statement on their face substantially to the effect  
1337 that the district is not obligated to pay such bonds or the  
1338 interest thereon except from such funds and that the faith and  
1339 the credit of the district is not pledged to the payment of the  
1340 principal of or the interest on such bonds. The issuance of  
1341 water revenue bonds and/or sewer revenue bonds under the  
1342 provisions of this act shall not directly or indirectly or  
1343 contingently obligate the district to levy any taxes whatever  
1344 therefor or to make any appropriation for their payment except  
1345 from the funds pledged under the provisions of this act.

1346 (i) 1. The resolution authorizing the issuance of water  
1347 revenue bonds under the provisions of this act shall pledge the  
1348 revenues to be received but shall not convey or mortgage any  
1349 water supply system or water system improvements, or any part  
1350 thereof.

1351 2. The resolution authorizing the issuance of sewer  
1352 revenue bonds under the provisions of this act shall pledge the  
1353 revenue to be received but it shall not convey or mortgage any  
1354 sewage disposal system or sewer improvements or any part  
1355 thereof.

1356 3. Either water revenue bonds or sewer revenue bonds may  
1357 contain such provisions for protecting and enforcing the rights  
1358 and remedies of the bondholders as may be reasonable and proper  
1359 and not in violation of law, including covenants setting forth  
1360 the duties of the Governing Board of the district in relation to



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1361 the purchase, construction, reconstruction, improvement,  
1362 maintenance, operation, repair, and insurance of the water  
1363 supply system or systems and the water system improvements and  
1364 the sewage disposal system or systems and the sewer improvements  
1365 and the provisions for the custody, safeguarding, and  
1366 application of all moneys, and for the employment of consulting  
1367 engineers in connection with such purchase, construction,  
1368 reconstruction, or operation. Such resolution may set forth the  
1369 rights and remedies of the bondholders and may restrict the  
1370 individual right of action by bondholders as is customary in  
1371 trust agreements or trust indentures securing bonds or  
1372 debentures or corporations.

1373 4. In addition to the foregoing, such resolution may  
1374 contain such other provisions as the Governing Board of the  
1375 district may deem reasonable and proper for the security of  
1376 bondholders. Except as in this act otherwise provided, the  
1377 Governing Board of the district may provide for the payment of  
1378 the proceeds of the sale of the bonds and revenues of the water  
1379 supply system or systems and of any water system improvements or  
1380 of the sewage disposal system or systems and of any sewer  
1381 improvements to such officer, board, or depository as it may  
1382 designate for the custody thereof, and for the method of  
1383 disbursement thereof, with such safeguards and restrictions as  
1384 it may determine.

1385 (j) The resolution providing for the issuance of water

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1386 revenue bonds and/or sewer revenue bonds may also contain such  
1387 limitations upon the issuance of additional water revenue bonds  
1388 and/or sewer revenue bonds as the Governing Board of the  
1389 district may deem proper, and such additional bonds shall be  
1390 issued under such restrictions and limitations as may be  
1391 prescribed by such resolution.

1392 (k) No water revenue bonds or sewer revenue bonds shall be  
1393 issued under the authority of this act unless the Governing  
1394 Board of the district shall have theretofore found and  
1395 determined the estimated cost of the facilities or systems on  
1396 account of which such bonds are to be issued, the estimated  
1397 annual revenues of such facilities or systems, and the estimated  
1398 annual cost of maintaining, repairing, and operating such  
1399 facilities or systems, nor unless it shall appear from such  
1400 estimate that the annual revenues will be sufficient to pay such  
1401 cost of maintenance, repair, and operation and the interest on  
1402 such bonds and the principal thereof as such interest and  
1403 principal shall become due.

1404 (l) If the approval of the issuance of water revenue bonds  
1405 or sewer revenue bonds at an election of the residents who are  
1406 qualified electors residing in the district shall be required by  
1407 the State Constitution, such election shall be called, noticed,  
1408 and conducted and the result thereof determined and declared as  
1409 shall have been or may be required by law for the issuance of  
1410 bonds of the district.

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1411 (m) Notwithstanding the provisions of paragraphs (h), (i),  
1412 (j), and (k), the district may issue water and sewer revenue  
1413 bonds for the purpose of construction, acquisition, or  
1414 improvement of water supply systems or water system improvements  
1415 and sewage disposal systems or sewer improvements, which have  
1416 been combined by the district. Such water and sewer revenue  
1417 bonds may also be issued for the purpose of the construction,  
1418 acquisition, or improvement of such combined system, or any part  
1419 thereof, and the refunding of any outstanding bonds or  
1420 obligations theretofore issued to finance the cost of such  
1421 combined system or any part thereof.

1422 (n) In the event that the water supply system or water  
1423 system improvements and sewage disposal systems and sewer  
1424 improvements are combined into one water and sewer system, all  
1425 of the provisions of this chapter relating to water supply  
1426 systems or water system improvements and sewage disposal systems  
1427 and sewer improvements and water revenue bonds and sewer revenue  
1428 bonds shall apply to such combined systems and water and sewer  
1429 revenue bonds to the extent the same are applicable.

1430 (28) To conduct environmental education as necessary and  
1431 appropriate to minimize damage to the area's resources and  
1432 environment, to prevent additional environmental problems from  
1433 being created, and to provide education regarding solutions to  
1434 existing problems.

1435 (29) To conduct environmental enhancements as necessary and

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1436 appropriate to minimize damage to the area's resources and  
1437 environment, to prevent additional environmental problems from  
1438 being created, and to provide solutions to existing  
1439 environmental problems. (As used in this paragraph,  
1440 "environmental enhancement" means physical activities in the  
1441 waters of the state or on adjacent uplands which involve system  
1442 repair, redesign or construction, monitoring, planting,  
1443 propagating, trimming, culturing, shoreline protection and  
1444 hydrologic or other water quality improvements. "Solutions to  
1445 existing environmental problems" and "prevent additional  
1446 environmental problems" means "environmental enhancement"  
1447 addressed to specific problems within the district.)  
1448 Environmental enhancement not conducted entirely on real  
1449 property owned or controlled by the district must be coordinated  
1450 through the Loxahatchee River Management Coordinating Council.  
1451 Section 7. The Board may, subject to approval as provided  
1452 in section 17, levy upon all of the taxable property in the  
1453 district a special tax not exceeding 1/4 mill on the dollar  
1454 during each year solely for the purposes authorized and  
1455 prescribed by this act. Said levy shall be made each year not  
1456 later than July 1 by resolution of the Board of a majority  
1457 thereof duly entered upon its minutes. Certified copies of such  
1458 resolution executed in the name of the Board by the chair and  
1459 secretary and under its corporate seal shall be made and  
1460 delivered to the Boards of County Commissioners of Palm Beach

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1461 and Martin Counties and to the Department of Revenue, not later  
1462 than July 1 of each year. The property appraisers of the  
1463 respective counties shall assess and the collectors of the  
1464 respective counties shall collect the amount of taxes so  
1465 assessed and levied by the Board upon all of the taxable  
1466 property in the district at the rate of taxation adopted by the  
1467 Board for the year and included in the resolution, and the levy  
1468 shall be included in the warrants of property appraisers and  
1469 attached to the assessment roll of taxes for the respective  
1470 counties each year. The tax collectors shall collect such taxes  
1471 so levied by the Board in the same manner as other taxes are  
1472 collected and shall pay the same within the time and in the  
1473 manner prescribed by law to the treasurer of the Board. All  
1474 taxable property in the district shall be assessed in accordance  
1475 with chapter 193, Florida Statutes. All such taxes shall be held  
1476 by the treasurer for the credit of the Board and paid out in  
1477 accordance with the provisions of this act.

1478 Section 8. In the event that the fees, rates, or charges  
1479 for the services and facilities of any system are not paid when  
1480 due:

1481 (1) The district may, if such default continues for 30  
1482 days or more after written notice to such delinquent customer,  
1483 discontinue and shut off the supply of the services and  
1484 facilities of said system, to the person, firms, corporation, or  
1485 other body, public or private, so supplied with such services or

**Deleted:** The Department of Revenue shall assess all such property in accordance with section 193.035, Florida Statutes

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1489 facilities, until such fees, rates, or charges, including legal  
1490 interest, penalties, and charges for the shutting off and  
1491 discontinuance or the restoration of such services or facilities  
1492 are fully paid. Such delinquent fees or charges, together with  
1493 legal interest, penalties, and charges for the shutting off and  
1494 discontinuance or the restoration of such services or  
1495 facilities, and reasonable attorney's fees, costs, and other  
1496 expenses, may be recovered by the Board in a court of competent  
1497 jurisdiction.

1498 (2) The district shall have a lien on all lands and  
1499 premises served by it for all charges, until paid, for services  
1500 provided to such lands or premises by the district, or  
1501 connection fees associated therewith, which lien shall be prior  
1502 to all other liens, except that such lien shall be on parity  
1503 with the lien of state, county, and municipal taxes, and any  
1504 lien for charges for services created pursuant to section  
1505 159.17, Florida Statutes. Such lien shall be perfected by the  
1506 district by recording in the official records of the county in  
1507 which the lands or premises are located a claim of lien in a  
1508 form substantially as provided in section 713.08, Florida  
1509 Statutes. A copy of the claim of lien shall be served as  
1510 provided in section 713.18, Florida Statutes, within 10 days  
1511 after the claim of lien is recorded. If 30 days after service  
1512 has been made liens created under this section remain  
1513 delinquent, such liens may be foreclosed by the district in the

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1514 manner provided by the laws of this state for the foreclosure of  
1515 mortgages on real property, and the district shall be entitled  
1516 to reasonable interest, attorney's fees, and other court costs.

1517 Section 9. The district may assume the operation of any  
1518 system which substantially fails to meet its financial  
1519 responsibilities or operating standards pursuant to this act or  
1520 other laws and regulations of this state.

1521 Section 10. The district may provide for the construction  
1522 or reconstruction of assessable improvements as defined in  
1523 section 5, and pay for the same by all financing, assessment,  
1524 and taxing means permitted by law and this act.

1525 Section 11. The Board shall prepare an annual report,  
1526 audited by a qualified certified public accountant, including  
1527 all matters relating to revenues, expenses of maintenance,  
1528 repair, and operation and renewals and capital replacements,  
1529 principal and interest requirements, and the status of all funds  
1530 and accounts. ~~The report shall be filed pursuant to sections~~  
1531 ~~218.32 and 218.39, Florida Statutes, and published as required~~  
1532 ~~by chapter 189,, Florida Statutes.~~

1533 Section 12. No water system, storm drainage system, sewer  
1534 system, or other facility for the production, treatment of  
1535 sewage, and collection and discharge of storm drainage shall be  
1536 constructed within the district unless the Board gives its  
1537 consent thereto and approves the plans and specifications  
1538 therefor. Said consent and approval shall not be given unless

**Deleted:** Copies of such report shall be filed with the department by October 1 of the following fiscal year and shall be open to public inspection and available upon request at cost

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1544 the location and design thereof and its equipment will permit it  
1545 to be operated in unison with the district's systems and other  
1546 existing systems and is adequate to meet the minimum standards  
1547 of such systems as provided by law and this act.

1548 Section 13. (1) The Board shall have the power to transfer,  
1549 sell, or assign any of the property of the district which it  
1550 finds is not needed to carry out the purposes of this act to any  
1551 other governmental agency at whatever terms it deems reasonable.

1552 (2) The Board is authorized to lease or otherwise convey  
1553 any temporary interests or rights in lands to which the District  
1554 has title, or to which it may hereafter acquire title, whenever  
1555 the Board determines it is in the best interest of the District  
1556 to do so, for such terms and conditions as the Board may in its  
1557 discretion determine. The power to lease or otherwise convey  
1558 granted herein specifically includes the power by the District  
1559 to enter into public or private partnerships regarding District  
1560 lands upon such terms and conditions as the Board may in its  
1561 discretion determine. Before leasing any land or any interest or  
1562 rights in and to any land, the Governing Board shall publish  
1563 once pursuant to chapter 50, Florida Statutes, each in Palm  
1564 Beach County and in Martin County a notice stating that at a  
1565 meeting of the Governing Board to be held on a certain day and  
1566 hour, not less than 12 days from the date of such publication,  
1567 which meeting may be a regular, adjourned, or special meeting,  
1568 all interested persons may appear and file written objections to



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1569 the confirmation of such action. The notice shall set forth a  
1570 description of the lands or interests or rights in lands offered  
1571 for lease.

1572 Section 14. The provisions of this act shall be liberally  
1573 construed to effect its purposes.

1574 Section 15. In case any one or more of the sections or  
1575 provisions of this act, or the application of such sections or  
1576 provisions to any situations, circumstances, or person, shall  
1577 for any reason be held to be unconstitutional or invalid, such  
1578 unconstitutionally or invalidity shall not affect any other  
1579 sections or provisions of this act or the application of such  
1580 sections or provisions to any other situation, circumstance, or  
1581 person, and it is intended that this act shall be construed and  
1582 applied as if such section or provision so held unconstitutional  
1583 or invalid had not been included in this act.

1584 Section 16. Nothing contained in this act shall be  
1585 construed to empower the district to exercise control over the  
1586 management of waters, under the authority of the South Florida  
1587 Water Management District, or over any of the works of the South  
1588 Florida Water Management District. Nothing contained herein  
1589 shall be construed to empower the district to use the power of  
1590 eminent domain against the South Florida Water Management  
1591 District, nor to empower the levy of special assessment or ad  
1592 valorem taxes against lands held by the South Florida Water  
1593 Management District.

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1602        Section 17. The provisions of section 7 which authorize  
1603 the levy of ad valorem taxation shall take effect only upon its  
1604 approval by a vote of the electors of the district as may be  
1605 required by the State Constitution. The Board shall call and  
1606 provide for the holding of a referendum at the next election of  
1607 the district or at a special election called by the Board for  
1608 that purpose at which referendum the qualified electors in the  
1609 district shall approve or reject the authority to levy ad  
1610 valorem taxes provided in this act, all as may be now required  
1611 by the Florida Constitution; and the previous failure of the  
1612 district to previously call such referendum as required by the  
1613 former language of section 17 of chapter 71-822, Laws of  
1614 Florida, shall in no way affect the validity of the result of  
1615 such referendum to be held. If ad valorem taxation shall be  
1616 approved at said election, the Board may impose an initial tax  
1617 levy not to exceed 1/4 mill. Any subsequent increase in said tax  
1618 levy may only be made with the approval of the electors of said  
1619 district at a special election called by the Board and held for  
1620 that purpose. Such elections shall be held in accordance with  
1621 the provisions of sections 100.211-100.351, Florida Statutes.  
1622        Section 18. The qualified electors of the district shall  
1623 have the power of initiative to propose an action to be taken by  
1624 the Board which the Board is authorized under this act to take  
1625 and the power of referendum to require reconsideration by the  
1626 Board of any action of a nature requiring full compliance with

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1627 chapter 120, Florida Statutes, the Administrative Procedure Act,  
 1628 taken by the Board. If the Board fails to take the action  
 1629 proposed or to repeal the action to be reconsidered, the  
 1630 electors shall be entitled to approve or reject the proposed or  
 1631 reconsidered action according to the following procedure:

1632 (1) A petition must be prepared and filed with the Board  
 1633 within 10 days after final passage of such action which shall  
 1634 contain a statement of the proposed action or of the action to  
 1635 be reconsidered and the signatures of at least 10 percent of the  
 1636 qualified electors within the district voting in the most recent  
 1637 district election, or 5 percent of the registered district  
 1638 voters, whichever is greater.

1639 (2) The petition shall be filed with the Board which shall  
 1640 submit the petition to the supervisors of elections of the  
 1641 counties within the district for verification of signatures.  
 1642 Upon receipt of certification by the supervisors of elections  
 1643 that the petition contains at least 10 percent of qualified  
 1644 electors within the district, voting in the most recent district  
 1645 election, or 5 percent of the registered district voters,  
 1646 whichever is greater, the Board shall promptly consider the  
 1647 proposed action or reconsider the action to be reconsidered by  
 1648 voting its repeal. If the Board does not adopt the proposed  
 1649 action or repeal the action to be reconsidered within 30 days  
 1650 after receipt of the certification, the Board shall fix a day  
 1651 for holding an election to be held not less than 60 days nor

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1652 more than 90 days from the receipt of such certification.

1653 (3) This section shall not apply to any actions of the  
1654 Board approved prior to the effective date of the ~~2021~~  
1655 amendments, nor shall the same in any manner affect obligations  
1656 and indebtedness incurred prior to the ~~2021~~ amendments. If a  
1657 majority of the votes cast in the election are in favor of the  
1658 proposed action or in favor of the repeal of the action being  
1659 reconsidered, the proposed action shall be considered adopted,  
1660 or the action being reconsidered shall be considered repealed  
1661 upon the announcement of the official canvass of the election.

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1662 (4) The word "action" as used in this act shall not  
1663 include matters involving internal management or administration  
1664 of grants, but does include, without limitation, any matters  
1665 arising under ~~chapter 120, Florida Statutes.~~

Deleted: the Administrative Procedure Act, chapter 74-310, Laws of Florida

1666 (5) Nothing in this section shall be construed to require  
1667 any person to register to vote in any election held pursuant to  
1668 this section if at the time such election is held, the person is  
1669 registered to vote in state or county elections.

1670 Section 19. The purpose of this section is to permit the  
1671 District to make suitable District land available to the public  
1672 for passive outdoor recreation and to limit its liability to  
1673 persons going thereon and to third persons who may be damaged by  
1674 the acts or omissions of persons going thereon.

1675 (1) Except as provided in subsection (2), if the District  
1676 provides the public with land for passive outdoor recreation, or

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1681 allows access to District lands for passive outdoor recreation,  
 1682 or the District leases any land to any other entity for passive  
 1683 outdoor recreation, or enters into a joint use agreement of any  
 1684 kind, or provides access for passive outdoor recreation, the  
 1685 District owes no duty of care to keep the land safe for entry or  
 1686 use by others or to give warnings to persons entering or going  
 1687 on such land of any hazardous conditions, structures, or  
 1688 activities thereon. The District, when providing land for  
 1689 passive outdoor recreation, does not, by providing that land,  
 1690 extend any assurance that such land is safe for any purpose,  
 1691 does not incur any duty of care toward a person who goes on the  
 1692 land, and is not responsible for any injury to persons or  
 1693 property caused by an act or omission of a person who goes on  
 1694 that land. This subsection does not apply for any commercial or  
 1695 other activity from which profit is derived from the patronage  
 1696 of the public on any such land or any part thereof. This section  
 1697 applies to any person going on the leased land or land subject  
 1698 to a joint use or similar agreement, irrespective of whether the  
 1699 person goes as an invitee, licensee, or trespasser or in any  
 1700 other capacity.

1701 (2) This section does not relieve the District of any  
 1702 liability that would otherwise exist for gross negligence or a  
 1703 deliberate, willful, or malicious injury to a person or  
 1704 property. This section does not create or increase the liability  
 1705 of the District or person beyond that which is authorized by

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1706 section 768.28, Florida Statutes.  
1707 (3) The term "passive outdoor recreation," as used herein,  
1708 includes bicycling, hiking, walking, jogging, wildlife viewing,  
1709 outdoor photography, kayaking, canoeing and activities similar  
1710 thereto.  
1711 Section 4. Chapters 2002-358 and 2007-281, Laws of  
1712 Florida, are repealed.  
1713 Section 5. If any provision of this act, or any provision  
1714 of the district's charter contained herein, is held to be  
1715 unconstitutional, such holding shall not affect the validity of  
1716 the remaining provisions of this act.  
1717 Section 6. This act shall take effect upon becoming a law.

