

CHAPTER 2021-249

Committee Substitute for House Bill No. 1035

An act relating to the Loxahatchee River Environmental Control District, Martin and Palm Beach Counties; providing legislative intent; codifying, amending, repealing, and reenacting special acts relating to the district; providing purpose and construction; providing severability; providing an effective date.

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

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

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of Florida, relating to the Loxahatchee River Environmental Control District are codified, re-enacted, amended, and repealed as herein provided.

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

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

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

Section 3. The Loxahatchee River Environmental Control District, herein referred to as the "district," shall embrace and include the following

described lands in Palm Beach and Martin Counties, which include the Towns of Jupiter, Jupiter Inlet Colony, and Juno Beach and the Village of Tequesta:

Beginning at the intersection of the waters of the Atlantic Ocean with the South line of the Blowing Rocks Preserve; thence proceed Westerly along the Westerly extension of said South line to the Easterly right-of-way line of the Intracoastal Waterway; thence Northerly, along said Easterly right-of-way line to an intersection with the Easterly extension of the Northerly Boundary line of the Jonathan Dickinson State Park; thence Westerly along said Easterly extension and along said Northerly boundary line to the Northeast corner of Section 33, Township 39 South, Range 42 East, Martin County, Florida; run West along the North section line to the Northwest corner of the Northeast Quarter; run south along the quarter line 1650 feet more or less to a point; run East 1320 feet; run South 990 feet to the South line of the Northeast Quarter; run West 1320 feet to the Southwest corner of the Northeast Quarter; run South to South section line; run West 660 feet along South section line; run North 2640 feet to North line of Southwest Quarter; run West along quarter line of 1980 feet more or less to the Northwest corner of the Southwest Quarter and West line of Section 33; run South along said line 2640 feet more or less to the Southwest section corner; thence Westerly along said Northerly Boundary of Jonathan Dickinson State Park and the South line of Section 32 of said Township to the Southwest corner of said Section 32; thence Southerly, along said Boundary and along the West line of Section 5 and Section 8 of Township 40 South, Range 42 East, to the Southwest corner of said Section 8; thence Westerly, along the North line of Section 18, Township 40 South, Range 42 East to the Northwest corner of said Section 18; thence Southerly along the line between Range 41 East and Range 42 East, to the Southwest corner of Section 19, Township 41 South, Range 42 East, Palm Beach County, Florida; thence Easterly along the South line of Sections 19, 20, 21, 22, 23, and 24 of Township 41 South, Range 42 East to the Southeast corner of said Section 24; thence continue Easterly along the South line of Section 19, Township 41 South, Range 43 East to the Southwest corner of Section 20, Township 41 South, Range 43 East; thence Northerly, along the West line of said Section 20 and the West line of Section 17, to the Northwest corner of the Southwest one quarter of said Section 17; thence Easterly, along the North line of the Southwest one quarter of said Section 17 to an intersection with the Westerly right-of-way line of the Intracoastal Waterway; thence Southerly along said right-of-way line to the South line of said Section 20; thence Easterly along the South line of said Section 20 and along the South line of fractional Section 21 of said Township to the waters of the Atlantic Ocean; thence Northerly along said waters to the Point of Beginning.

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

Beginning at the intersection of the waters of the Atlantic Ocean with the South line of fractional Section 28, Township 41 South, Range 43 East; thence proceed Westerly along the Westerly extension of said South line to the Easterly right-of-way line of State Road A-1-A (aka Ocean Drive); thence proceed Southerly along the Southerly extension of said Easterly right-of-way line of State Road A-1-A to an intersection with the Easterly right-of-way line of U.S. Highway One; thence proceed Westerly to the Westerly right-of-way line of U.S. Highway One; thence proceed Northerly along said Westerly right-of-way line of U.S. Highway One to an intersection with the South line of said Section 28; thence proceed Westerly along the Westerly extension of the South lines of said Section 28 and Section 29, Township 41 South, Range 43 East, to an intersection with the Westerly right-of-way line of the Intracoastal Waterway; thence Northerly along the Westerly right-of-way line of the Intracoastal Waterway to an intersection with the North line of said Section 29; thence Easterly along the Easterly extension of the North line of said Sections 29 and 28 to the waters of the Atlantic Ocean; thence Southerly along said waters to the Point of Beginning.

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

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

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

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

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

(5) Officers.—The Governing Board shall choose a secretary and a treasurer, and both offices may be held by the same person. The office of the treasurer and the office of secretary of the district may, however, be filled by a Board member or some other person appointed by the Governing Board. At least once each year the Board shall cause the books and accounts of the

district to be thoroughly audited by a competent and reliable accountant or auditor. No person in the service of or employed by the district within 1 year prior to such audit shall be employed for said purpose.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(5) "Cost" as applied to the acquisition and construction of a system or extensions, additions, or improvements thereto means the cost of construction or reconstruction, acquisition, or purchase; the cost of labor, materials, machinery, and equipment; the cost of all lands and interests therein, property rights, easements, and franchises of any nature whatsoever, financing charges, interest prior to and during construction and for not more than 2 years after completion of the construction or acquisition of such system or extensions, additions, or improvements thereto; the creation of initial reserve or debt service funds, and bond discount; the cost of plans and specifications, surveys, and estimates of costs and revenues; the cost of engineering, financial, and legal services; and all other expenses necessary

or incidental in determining the feasibility or practicability of such construction, reconstruction, or acquisition, including administrative expenses and such other expenses as may be necessary or incidental to the financing authorized by this act, and including reimbursement of a public entity for any moneys advanced in connection with any of the foregoing items of cost.

(6) “Department” means all applicable state agencies and departments.

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

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

(9) “Sewer system” means any plant, facility, or property, and additions, extensions, and improvements thereto at any future time constructed or acquired as part thereof, useful or necessary, or having the present capacity for future use in connection with the collection, treatment, purification, or disposal of sewage of any nature or originating from any source, including industrial wastes resulting from any processes of industry, manufacture, trade, or business, or from the development of any natural resources; and without limiting the generality of the foregoing definition shall include treatment plants, pumping stations, lift stations, valves, force mains, intercepting sewers, laterals, pressure lines, mains, and all necessary appurtenances and equipment; all sewer mains and laterals for the reception and collection of sewage from premises connected therewith; and shall include all real and personal property and any interest therein, rights, easements, and franchises of nature whatsoever relating to any such sewer system and necessary or convenient for the operation thereof.

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

(11) “System” means a water system, sewer system, or water and sewer system; a system for the collection, treatment, and disposal of solid waste; a storm and surface drainage system; or a combination thereof.

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

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

(1) Employ and set the compensation of a director who shall serve at its pleasure. Within available funds, the director may employ and set the compensation of professional, technical, legal, and clerical staff as may be necessary, and may remove these personnel. The director, with the consent of the Board, may acquire the services of consultants and enter into contracts on behalf of the Board.

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

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

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

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

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

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

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

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

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

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

3. Such rates, fees, and charges shall be just and equitable and may be based or computed upon the quantity of water consumed or upon the number and size of sewer connections or upon the number and kind of plumbing fixtures in use in the premises connected with the sewer system or upon the number or average number of persons residing or working in or otherwise

connected with such premises or upon any other factor affecting the use of the facilities furnished or upon any combination of the foregoing factors.

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

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

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

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

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

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

(d) Upon the construction of a sewage disposal system and the financing of such construction by the issuance of sewer revenue bonds under the provisions of this chapter, the owner, tenant, or occupant of each lot or parcel of land within the county which abuts upon a street or other public way containing a sanitary sewer served or which may be served by such disposal system and upon which lot or parcel a building shall have been constructed for residential, commercial, recreational, and all other uses and which lot or parcel shall not already be served by, or have available to it for service, a sanitary sewer, shall, if so required by the rules and regulations thereof, connect such building with such sanitary sewer and shall cease to use any other method for the disposal of sewage, sewage water, or other polluting matter. All such connections shall be made in accordance with rules and regulations which shall be adopted from time to time by the Governing Board of the district.

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

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

2. If any rates, fees, or charges for the use and services of any sewage disposal system or sewer improvements by or in connection with any premises not served by the waterworks system of the district shall not be paid within 30 days after the same shall become due and payable, the owner, tenant, or occupant of such premises shall cease to dispose of sewage or industrial waste originating from or on said premises by discharge thereof

directly or indirectly into the sewer system of the district until such rates, fees, or charges with interest shall be paid; that if such owner, tenant, or occupant shall not cease such disposal at the expiration of such 30-day period it shall be the duty of any district, private corporation, board, body, or person supplying water to or selling water for use on such premises within 5 days after the receipt of notice of such delinquency from the district; and that if such district, private corporation, board, body, or person shall not, at the expiration of such 5-day period, cease supplying water to or selling water for use on such premises, then the district may, unless it has theretofore contracted to the contrary, shut off the supply of water to such premises.

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

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

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

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

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

the credit of the separate funds set forth above, and not appropriated in the budget for the then-current fiscal year, shall be paid into the sinking fund.

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

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

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

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

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

(k) The Governing Board of the district is hereby authorized to provide by resolution for the issuance of sewer revenue refunding bonds of the district for the purpose of refunding any sewer revenue bonds then outstanding and issued under the provisions of this act. The Governing

Board of the district is further authorized to provide by resolution for the issuance of sewer revenue bonds of the district for the combined purposes of:

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

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

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

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

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

(a) The district may provide for the construction or reconstruction of a facility and for the levying of special assessments upon benefited property under the provisions of this section. The initial proceeding hereunder shall be the passage at any lawful meeting of the Governing Board of a resolution ordering the construction or reconstruction of such facility under and subject to the provisions of this section, indicating the location by terminal points and route and either giving a description of the improvement by its material, nature, character, and size or giving two or more such descriptions with the direction that the material, nature, character, and size shall be subsequently determined in conformity with one of such descriptions. Water system improvements or sewer improvements need not be continuous and may be in more than one locality or street. The resolution ordering any such improvement may give any short and convenient designation to each improvement ordered thereby, after which it shall be sufficient to refer to

such improvement and property by such designation in all proceedings and assessments, except in the notices provided for in paragraphs (c) and (d).

(b)1. As soon as may be practicable after the passage of such resolution, the engineer for the district shall prepare in duplicate plans and specifications of each improvement ordered thereby and an estimate of the cost thereof. Such cost may include, in addition to the items of cost set forth in subsection (11) of section 5 the cost of relaying streets and sidewalks necessarily torn up or damaged and shall include the following items of incidental expense:

a. Printing and publishing of notices and proceedings.

b. Any other expense necessary or proper in conducting the proceedings and work provided for in this section.

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

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

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

failure of the Governing Board to keep such record or so to inscribe any name or address or to mail any such notice shall not constitute a valid objection to holding the hearing as provided in this section or to any other action taken under the authority of this section.

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

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

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

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

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

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

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

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

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

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

(h) At the time and place stated in such notice, the Governing Board shall meet and receive the objections in writing of all interested persons as stated in such notice. The Governing Board may adjourn the hearing from time to time. After completion thereof, the Governing Board shall either annul, sustain, or modify in whole or in part the prima facie assessment as indicated on such roll, either by confirming the prima facie assessment against any and all lots or parcels described therein, or by canceling, increasing, or reducing the same, according to the special benefits which the Governing Board decides each such lot or parcel has received or will receive on account of such improvement. If any property which may be chargeable under this section shall have been omitted from the preliminary roll or if the prima facie assessment shall not have been made against it, the Governing Board may place on such roll an apportionment to such property. The Governing Board shall not confirm any assessment in excess of the special benefits to the property assessed, and the assessments so confirmed shall be in proportion to the special benefits. Forthwith after such confirmation, such assessment roll shall be delivered to the county property appraisers of

Martin County and Palm Beach County for the properties contained within their respective counties. The assessment so made shall be final and conclusive as to each lot or parcel assessed unless proper steps be taken in a court of competent jurisdiction to secure relief. If the assessment against any property shall be sustained, reduced, or abated by the court, the property appraiser shall note that fact on the assessment roll opposite the description of the property affected thereby. The amount of the special assessment against any lot or parcel which may be abated by the court, unless the assessment upon the entire district is abated, or the amount by which such assessment is so reduced, may be, by resolution of the Governing Board, made chargeable against the district at large; or, in the discretion of the Governing Board, a new assessment roll may be prepared and confirmed in the manner hereinabove provided for the preparation and confirmation of the original assessment roll.

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

(j) All assessments shall constitute a lien upon the property so assessed from the date of confirmation of the resolution ordering the improvement of the same nature and to the same extent as the lien for general county taxes falling due in the same year or years in which such assessment or installments thereof fall due, and any assessment or installment not paid when due shall be collectible in the same manner and at the same time as such general taxes are or may be collectible, with the same attorney's fee, interest, and penalties and under the same provisions as to forfeiture and the right of the district to purchase the property assessed as are or may be provided by law in the case of county taxes. However, no such sale of any property for general county taxes or for any installment or installments of any such assessment and no perfecting of title under any such sale shall divest the lien of any installment of such assessment not due at the time of the sale. Collection of such assessments, with such interest and with a reasonable attorney's fee and costs, but without penalties, may also be made by the district by proceedings in a court of equity to foreclose the lien of assessments as a lien for mortgages is or may be foreclosed under the laws of the state, or by an action in rem in the manner provided by law for the foreclosure and collection of ad valorem taxes, provided that any such proceedings to foreclose shall embrace all installments of principal remaining unpaid with accrued interest thereon, which installments shall, by the institution of such proceedings, immediately become and be due and

payable. Nevertheless, if, prior to any sale of the property under the decree of foreclosure in such proceedings, payment be made of the installment or installments which are shown to be due under the provisions of the resolution passed pursuant to paragraph (i), with interest as required by paragraph (i) and by this paragraph and all costs including attorney's fees, such payment shall have the effect of restoring the remaining installments to their original maturities as provided by the resolution passed pursuant to paragraph (i), and the proceedings shall be dismissed. It shall be the duty of the district to enforce the prompt collection of assessments by one or the other of the means herein provided, and such duty may be enforced at the suit of any holder of bonds issued under this act in a court of competent jurisdiction by mandamus or other appropriate proceeding or action. Not later than 30 days after the annual sale of property for delinquent taxes of the county, or if such property or taxes are not sold by the county, then within 60 days after such taxes become delinquent, it shall be the duty of the Governing Board to direct the attorney or attorneys whom the Governing Board shall then designate to institute actions within 3 months after such direction to enforce the collection of all special assessments for local improvements made under this section and remaining due and unpaid at the time of such direction, unless theretofore sold at tax sale. Such action shall be prosecuted in the manner and under the conditions in and under which mortgages are foreclosed under the laws of the state. It shall be lawful to join in one action the collection of assessments against any or all property assessed by virtue of the same assessment roll unless the court shall deem such joinder prejudicial to the interest of any defendant. The court shall allow a reasonable attorney's fee for the attorney or attorneys of the district, and the same shall be collectible as a part of or in addition to the costs of the action. At any sale pursuant to decree in any such action, the district may be a purchaser to the same extent as an individual person or corporation, except that the part of the purchase price represented by the assessments sued upon and the interest thereon need not be paid in cash. Property so acquired by the district, including the certificate of sale thereof, may be sold or otherwise disposed of, for cash or upon terms, the proceeds of such disposition to be placed in the fund provided in paragraph (k). However, no sale or other disposition thereof shall be made unless notice calling for bids therefor to be received at a stated time and place shall have been published pursuant to chapter 50, Florida Statutes, each in Palm Beach County and in Martin County one time at least 1 week prior to such disposition.

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

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

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

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

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

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

(17) Construct, install, erect, and acquire and to operate, maintain, improve, extend, or enlarge and reconstruct a system or systems within the boundaries of the district and to have the control and jurisdiction thereof; and to pay all or part of the cost of such construction, reconstruction, erection, acquisition, or installation of such utility system or combined utility system and additions, extensions, and improvements thereto, except as otherwise provided in this act.

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

(19) Exercise jurisdiction, control, and supervision over any system or any part thereof owned, operated, and maintained by the district; and to make and enforce such rules and regulations for the maintenance and operation of any system and improvements owned, operated, and

maintained by the district as may be necessary for the lawful operation of any such system or improvements in accordance with the laws of this state and the regulations of state departments and agencies having jurisdiction over the systems as defined herein.

(20) Furnish water and sewer collection services within the district, or to construct or acquire jointly with the county or counties and municipality or municipalities located within the district, systems or any parts or facilities hereof under such terms and conditions as shall be agreed upon between the district and such municipalities or counties; and to acquire, from any municipality or county, and operate any system, or any parts or facilities thereof, located within the boundaries of the district or territory, either within or without such municipality or county, except as otherwise provided in this act.

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

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

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

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

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

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

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

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

1. A water supply system or systems.
2. Extensions and additions thereto.
3. Water system improvements.
4. A sewage disposal system or systems.
5. Extensions and additions thereto.
6. Sewer improvements.

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

(b) The Governing Board of the district shall determine the form of the bonds, including any interest coupons to be attached thereto, and the manner of the execution of the bonds and shall fix the denomination or denominations of the bonds and place or places of payment of principal or interest which may be at any bank or trust company within or without the state. In case any officer whose signature or facsimile of whose signature appears on any bonds or coupons ceases to be such officer before the delivery of such bonds, such signature or facsimile shall nevertheless be valid and sufficient for all purposes as if he or she had remained in office until such delivery.

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

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

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

(f) The proceeds of such bonds shall be used solely for the payment of costs of the water supply system or systems or the water system improvements or the sewage disposal system or systems or the sewer improvements, for the purchase, construction, or reconstruction of which such bonds shall have been authorized, and shall be disbursed in such manner and under such restrictions, if any, as the Governing Board of the district may provide in the authorizing resolution. If the proceeds of such bonds, by error of estimates or otherwise, shall be less than such costs, additional bonds may in like manner be issued to provide the amount of such deficit and unless otherwise provided in the authorizing resolution shall be deemed to be of the same issue and shall be entitled to payment from the same fund without preference or priority of the bonds first issued for the same purpose. If the proceeds of the bonds of any issue shall exceed the amount required for the purpose for which such bonds shall have been issued, the surplus shall be paid into the fund provided under the provisions of this chapter for the payment of principal of and the interest on such bonds.

(g) For the payment of the principal and interest thereon on any general obligation bonds issued for the benefit of the district issued under the provisions of this act, the Governing Board of the district is hereby authorized and required to levy annually a special tax upon all taxable property within the district over and above all other taxes authorized or limited by law sufficient to pay such principal and interest as the same respectively becomes due and payable, and the proceeds of all such taxes shall, when collected, be paid into a special fund and used for no other purpose than the payment of such principal and interest. However, there may be pledged to the payment of such principal and interest the proceeds of such water service charges or sewer service charges and in the event of such pledge the amount of the annual tax levied herein required may be reduced in any year by the amount of such proceeds actually received in the preceding year and then remaining on deposit to the credit of such fund for the payment of such principal and interest.

(h) Water revenue bonds may be used only in connection with the acquisition, construction, or operation of water supply systems or water system improvements, and sewer revenue bonds may be used only in connection with the acquisition, construction, and operation of sewage disposal systems and sewer improvements. Water revenue bonds or sewer revenue bonds issued under the provisions of this act shall not be deemed to constitute a pledge of the faith and credit of the district but such bonds shall be payable solely from the funds provided therefor under the provisions of this act. All such bonds shall contain a statement on their face substantially to the effect that the district is not obligated to pay such bonds or the interest thereon except from such funds and that the faith and the credit of the district is not pledged to the payment of the principal of or the interest on such bonds. The issuance of water revenue bonds or sewer revenue bonds under the provisions of this act shall not directly or indirectly or contingently obligate the district to levy any taxes whatever therefor or to make any

appropriation for their payment except from the funds pledged under the provisions of this act.

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

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

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

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

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

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

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

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

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

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

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

(29) Conduct environmental enhancements as necessary and appropriate to minimize damage to the area's resources and environment, to prevent additional environmental problems from being created, and to provide solutions to existing environmental problems. As used in this subsection, the term "environmental enhancement" means physical activities in the waters of the state or on adjacent uplands which involve system repair, redesign or construction, monitoring, planting, propagating, trimming, culturing, shoreline protection, and hydrologic or other water quality improvements. As used in this subsection, the phrases "solutions to existing environmental problems" and "prevent additional environmental problems" mean "environmental enhancement," as defined in this subsection, applied to specific problems within the district. Environmental enhancement not conducted entirely on real property owned or controlled by the district must be

coordinated through the Loxahatchee River Management Coordinating Council.

Section 7. The Board may, subject to approval as provided in section 17, levy upon all of the taxable property in the district a special tax not exceeding $\frac{1}{4}$ mill on the dollar during each year solely for the purposes authorized and prescribed by this act. Said levy shall be made each year not later than July 1 by resolution of the Board of a majority thereof duly entered upon its minutes. Certified copies of such resolution executed in the name of the Board by the chair and secretary and under its corporate seal shall be made and delivered to the Boards of County Commissioners of Palm Beach and Martin Counties and to the Department of Revenue not later than July 1 of each year. The property appraisers of the respective counties shall assess and the collectors of the respective counties shall collect the amount of taxes so assessed and levied by the Board upon all of the taxable property in the district at the rate of taxation adopted by the Board for the year and included in the resolution, and the levy shall be included in the warrants of property appraisers and attached to the assessment roll of taxes for the respective counties each year. The tax collectors shall collect such taxes so levied by the Board in the same manner as other taxes are collected and shall pay the same within the time and in the manner prescribed by law to the treasurer of the Board. All taxable property in the district shall be assessed in accordance with chapter 193, Florida Statutes. All such taxes shall be held by the treasurer for the credit of the Board and paid out in accordance with the provisions of this act.

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

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

(2) The district shall have a lien on all lands and premises served by it for all charges, until paid, for services provided to such lands or premises by the district, or connection fees associated therewith, which lien shall be prior to all other liens, except that such lien shall be on parity with the lien of state, county, and municipal taxes, and any lien for charges for services created pursuant to section 159.17, Florida Statutes. Such lien shall be perfected by the district by recording in the official records of the county in which the lands or premises are located a claim of lien in a form substantially as provided in section 713.08, Florida Statutes. A copy of the claim of lien shall

be served as provided in section 713.18, Florida Statutes, within 10 days after the claim of lien is recorded. If 30 days after service has been made liens created under this section remain delinquent, such liens may be foreclosed by the district in the manner provided by the laws of this state for the foreclosure of mortgages on real property, and the district shall be entitled to reasonable interest, attorney's fees, and other court costs.

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

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

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

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

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

(2) The Board is authorized to lease or otherwise convey any temporary interests or rights in lands to which the district has title, or to which it may hereafter acquire title, whenever the Board determines it is in the best interest of the district to do so, for such terms and conditions as the Board may in its discretion determine. The power to lease or otherwise convey granted herein specifically includes the power by the district to enter into public or private partnerships regarding district lands upon such terms and conditions as the Board may in its discretion determine. Before leasing any land or any interest or rights in and to any land, the Governing Board shall publish once pursuant to chapter 50, Florida Statutes, each in Palm Beach County and in Martin County a notice stating that at a meeting of the

Governing Board to be held on a certain day and hour, not fewer than 12 days from the date of such publication, which meeting may be a regular, adjourned, or special meeting, all interested persons may appear and file written objections to the confirmation of such action. The notice shall set forth a description of the lands or interests or rights in lands offered for lease.

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

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

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

Section 17. The provisions of section 7 which authorize the levy of ad valorem taxation shall take effect only upon approval by a majority vote of the electors of the district as may be required by the State Constitution. The Board shall call and provide for the holding of a referendum at the next election of the district or at a special election called by the Board for that purpose at which a referendum of the qualified electors in the district shall approve or reject the authority to levy ad valorem taxes provided in this act, all as may be now required by the Florida Constitution; and the previous failure of the district to previously call such referendum as required by the former language of section 17 of chapter 71-822, Laws of Florida, shall in no way affect the validity of the result of such referendum to be held. If ad valorem taxation shall be approved at said election, the Board may impose an initial tax levy not to exceed ¼ mill on the dollar. Any subsequent increase in said tax levy may only be made with the approval of the electors of said district at a special election called by the Board and held for that purpose. Such elections shall be held in accordance with the provisions of sections 100.211-100.351, Florida Statutes.

Section 18. The qualified electors of the district shall have the power of initiative to propose an action to be taken by the Board which the Board is authorized under this act to take and the power of referendum to require reconsideration by the Board of any action of a nature requiring full

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

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

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

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

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

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

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

(1) Except as provided in subsection (2), if the District provides the public with land for passive outdoor recreation, or allows access to District lands for passive outdoor recreation, or the District leases any land to any other entity for passive outdoor recreation, or enters into a joint use agreement of any kind, or provides access for passive outdoor recreation, the District owes no duty of care to keep the land safe for entry or use by others or to give warnings to persons entering or going on such land of any hazardous conditions, structures, or activities thereon. The District, when providing land for passive outdoor recreation, does not, by providing that land, extend any assurance that such land is safe for any purpose, does not incur any duty of care toward a person who goes on the land, and is not responsible for any injury to persons or property caused by an act or omission of a person who goes on that land. This subsection does not apply to any commercial or other activity from which profit is derived from the patronage of the public on any such land or any part thereof. This section applies to any person going on the leased land or land subject to a joint use or similar agreement, irrespective of whether the person goes as an invitee, licensee, or trespasser or in any other capacity.

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

(3) The term “passive outdoor recreation,” as used herein, includes bicycling, hiking, walking, jogging, wildlife viewing, outdoor photography, kayaking, canoeing, and activities similar thereto.

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

Section 5. If any provision of this act, or any provision of the district’s charter contained herein, is held to be unconstitutional, such holding shall not affect the validity of the remaining provisions of this act.

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

Approved by the Governor June 29, 2021.

Filed in Office Secretary of State June 29, 2021.