

ENROLLED

CS/HB 1035

2021 Legislature

1
 2 An act relating to the Loxahatchee River Environmental
 3 Control District, Martin and Palm Beach Counties;
 4 providing legislative intent; codifying, amending,
 5 repealing, and reenacting special acts relating to the
 6 district; providing purpose and construction;
 7 providing severability; providing an effective date.
 8

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

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

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 20 District are codified, reenacted, amended, and repealed as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

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

25 Section 1. The Loxahatchee River Environmental Control

ENROLLED

CS/HB 1035

2021 Legislature

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

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

47 | Section 3. The Loxahatchee River Environmental Control
48 | District, herein referred to as the "district," shall embrace
49 | and include the following described lands in Palm Beach and
50 | Martin Counties, which include the Towns of Jupiter, Jupiter

ENROLLED

CS/HB 1035

2021 Legislature

51 Inlet Colony, and Juno Beach and the Village of Tequesta:
 52
 53 Beginning at the intersection of the waters of the
 54 Atlantic Ocean with the South line of the Blowing
 55 Rocks Preserve; thence proceed Westerly along the
 56 Westerly extension of said South line to the Easterly
 57 right-of-way line of the Intracoastal Waterway; thence
 58 Northerly, along said Easterly right-of-way line to an
 59 intersection with the Easterly extension of the
 60 Northerly Boundary line of the Jonathan Dickinson
 61 State Park; thence Westerly along said Easterly
 62 extension and along said Northerly boundary line to
 63 the Northeast corner of Section 33, Township 39 South,
 64 Range 42 East, Martin County, Florida; run West along
 65 the North section line to the Northwest corner of the
 66 Northeast Quarter; run south along the quarter line
 67 1650 feet more or less to a point; run East 1320 feet;
 68 run South 990 feet to the South line of the Northeast
 69 Quarter; run West 1320 feet to the Southwest corner of
 70 the Northeast Quarter; run South to South section
 71 line; run West 660 feet along South section line; run
 72 North 2640 feet to North line of Southwest Quarter;
 73 run West along quarter line of 1980 feet more or less
 74 to the Northwest corner of the Southwest Quarter and
 75 West line of Section 33; run South along said line

ENROLLED

CS/HB 1035

2021 Legislature

76 | 2640 feet more or less to the Southwest section
 77 | corner; thence Westerly along said Northerly Boundary
 78 | of Jonathan Dickinson State Park and the South line of
 79 | Section 32 of said Township to the Southwest corner of
 80 | said Section 32; thence Southerly, along said Boundary
 81 | and along the West line of Section 5 and Section 8 of
 82 | Township 40 South, Range 42 East, to the Southwest
 83 | corner of said Section 8; thence Westerly, along the
 84 | North line of Section 18, Township 40 South, Range 42
 85 | East to the Northwest corner of said Section 18;
 86 | thence Southerly along the line between Range 41 East
 87 | and Range 42 East, to the Southwest corner of Section
 88 | 19, Township 41 South, Range 42 East, Palm Beach
 89 | County, Florida; thence Easterly along the South line
 90 | of Sections 19, 20, 21, 22, 23, and 24 of Township 41
 91 | South, Range 42 East to the Southeast corner of said
 92 | Section 24; thence continue Easterly along the South
 93 | line of Section 19, Township 41 South, Range 43 East
 94 | to the Southwest corner of Section 20, Township 41
 95 | South, Range 43 East; thence Northerly, along the West
 96 | line of said Section 20 and the West line of Section
 97 | 17, to the Northwest corner of the Southwest one
 98 | quarter of said Section 17; thence Easterly, along the
 99 | North line of the Southwest one quarter of said
 100 | Section 17 to an intersection with the Westerly right-

ENROLLED

CS/HB 1035

2021 Legislature

101 of-way line of the Intracoastal Waterway; thence
 102 Southerly along said right-of-way line to the South
 103 line of said Section 20; thence Easterly along the
 104 South line of said Section 20 and along the South line
 105 of fractional Section 21 of said Township to the
 106 waters of the Atlantic Ocean; thence Northerly along
 107 said waters to the Point of Beginning.

108
 109 The territorial limits of the Loxahatchee River
 110 Environmental Control District shall also include the
 111 following described lands:

112
 113 Beginning at the intersection of the waters of the
 114 Atlantic Ocean with the South line of fractional
 115 Section 28, Township 41 South, Range 43 East; thence
 116 proceed Westerly along the Westerly extension of said
 117 South line to the Easterly right-of-way line of State
 118 Road A-1-A (aka Ocean Drive); thence proceed Southerly
 119 along the Southerly extension of said Easterly right-
 120 of-way line of State Road A-1-A to an intersection
 121 with the Easterly right-of-way line of U.S. Highway
 122 One; thence proceed Westerly to the Westerly right-of-
 123 way line of U.S. Highway One; thence proceed Northerly
 124 along said Westerly right-of-way line of U.S. Highway
 125 One to an intersection with the South line of said

ENROLLED

CS/HB 1035

2021 Legislature

126 Section 28; thence proceed Westerly along the Westerly
 127 extension of the South lines of said Section 28 and
 128 Section 29, Township 41 South, Range 43 East, to an
 129 intersection with the Westerly right-of-way line of
 130 the Intracoastal Waterway; thence Northerly along the
 131 Westerly right-of-way line of the Intracoastal
 132 Waterway to an intersection with the North line of
 133 said Section 29; thence Easterly along the Easterly
 134 extension of the North line of said Sections 29 and 28
 135 to the waters of the Atlantic Ocean; thence Southerly
 136 along said waters to the Point of Beginning.

137
 138 Section 4. The governing body of the district herein
 139 created shall consist of a Board of five members, who shall be
 140 qualified electors residing within said district. They shall be
 141 known and designated as the "Governing Board of the Loxahatchee
 142 River Environmental Control District."

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

150 (2) Election code.—In accordance with section

ENROLLED

CS/HB 1035

2021 Legislature

151 189.04(3)(a), Florida Statutes, elections for the purpose of
152 electing members to the Board shall conform to the Florida
153 Election Code, chapters 97-106, Florida Statutes.

154 (3) Term of office.—All Governing Board members elected by
155 qualified electors shall have terms of 4 years. Board members
156 from areas one, two, and five are elected beginning with the
157 2000 General Election, and Board members from areas three and
158 four are elected beginning with the 2002 General Election, in
159 accordance with section 100.031, Florida Statutes.

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

164 (5) Officers.—The Governing Board shall choose a secretary
165 and a treasurer, and both offices may be held by the same
166 person. The office of the treasurer and the office of secretary
167 of the district may, however, be filled by a Board member or
168 some other person appointed by the Governing Board. At least
169 once each year the Board shall cause the books and accounts of
170 the district to be thoroughly audited by a competent and
171 reliable accountant or auditor. No person in the service of or
172 employed by the district within 1 year prior to such audit shall
173 be employed for said purpose.

174 (6) Board records.—The Board members shall cause true and
175 accurate minutes and records to be kept of all business

ENROLLED

CS/HB 1035

2021 Legislature

176 transacted by them and shall keep full, true, and complete books
 177 of account. Minutes, records, and books of accounts shall at all
 178 reasonable times be open and subject to the inspection of the
 179 public, and any person desiring to do so may make or procure
 180 copies of such minutes, records, and books, or of such portions
 181 thereof as he or she may desire.

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

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

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

191 (10) Compensation.—Members shall serve with compensation
 192 in the amount of \$100 per month per member, and shall be
 193 entitled to per diem and travel expenses as provided by section
 194 112.061, Florida Statutes.

195 (11) Indemnification.—Every Board member and every officer
 196 of the district shall be indemnified by the district against all
 197 expenses and liabilities, including counsel fees, reasonably
 198 incurred by or imposed upon him or her in connection with any
 199 proceeding or any settlement of any proceeding to which he or
 200 she may be a party or in which he or she may become involved by

ENROLLED

CS/HB 1035

2021 Legislature

201 reason of his or her being or having been a Board member or
202 officer of the district, whether or not he or she is a Board
203 member or officer at the time such expenses are incurred, except
204 when the Board member or officer is adjudged guilty of willful
205 misfeasance or malfeasance in the performance of his or her
206 duties, provided that in the event of a settlement the
207 indemnification shall apply only when the Board approves such
208 settlement and reimbursement as being for the best interests of
209 the district. The foregoing right of indemnification shall be in
210 addition to and not exclusive of all other rights to which such
211 Board members or officers may be entitled.

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

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

220 (b) The petition shall be filed with the Board which shall
221 submit the petition to the supervisors of elections of the
222 counties within the district for verification of signatures.
223 Upon receipt of certification by the supervisors of elections
224 that the petition contains at least 10 percent of qualified
225 electors within the district voting in the most recent district

ENROLLED

CS/HB 1035

2021 Legislature

226 election, or 5 percent of the registered district voters,
 227 whichever is greater, the Board shall fix a day for holding a
 228 recall election to be held not fewer than 30 days nor more than
 229 60 days from the receipt of such certification.

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

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

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

250 (2) "Assessment" means fees, penalties, and other charges

ENROLLED

CS/HB 1035

2021 Legislature

251 made by the district to meet its operating cost and debt service
252 requirements for the purpose of this act.

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

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

259 (5) "Cost" as applied to the acquisition and construction
260 of a system or extensions, additions, or improvements thereto
261 means the cost of construction or reconstruction, acquisition,
262 or purchase; the cost of labor, materials, machinery, and
263 equipment; the cost of all lands and interests therein, property
264 rights, easements, and franchises of any nature whatsoever,
265 financing charges, interest prior to and during construction and
266 for not more than 2 years after completion of the construction
267 or acquisition of such system or extensions, additions, or
268 improvements thereto; the creation of initial reserve or debt
269 service funds, and bond discount; the cost of plans and
270 specifications, surveys, and estimates of costs and revenues;
271 the cost of engineering, financial, and legal services; and all
272 other expenses necessary or incidental in determining the
273 feasibility or practicability of such construction,
274 reconstruction, or acquisition, including administrative
275 expenses and such other expenses as may be necessary or

ENROLLED

CS/HB 1035

2021 Legislature

276 incidental to the financing authorized by this act, and
 277 including reimbursement of a public entity for any moneys
 278 advanced in connection with any of the foregoing items of cost.

279 (6) "Department" means all applicable state agencies and
 280 departments.

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

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

298 (9) "Sewer system" means any plant, facility, or property,
 299 and additions, extensions, and improvements thereto at any
 300 future time constructed or acquired as part thereof, useful or

ENROLLED

CS/HB 1035

2021 Legislature

301 necessary, or having the present capacity for future use in
302 connection with the collection, treatment, purification, or
303 disposal of sewage of any nature or originating from any source,
304 including industrial wastes resulting from any processes of
305 industry, manufacture, trade, or business, or from the
306 development of any natural resources; and without limiting the
307 generality of the foregoing definition shall include treatment
308 plants, pumping stations, lift stations, valves, force mains,
309 intercepting sewers, laterals, pressure lines, mains, and all
310 necessary appurtenances and equipment; all sewer mains and
311 laterals for the reception and collection of sewage from
312 premises connected therewith; and shall include all real and
313 personal property and any interest therein, rights, easements,
314 and franchises of nature whatsoever relating to any such sewer
315 system and necessary or convenient for the operation thereof.

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

323 (11) "System" means a water system, sewer system, or water
324 and sewer system; a system for the collection, treatment, and
325 disposal of solid waste; a storm and surface drainage system; or

ENROLLED

CS/HB 1035

2021 Legislature

326 | a combination thereof.

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

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

347 | (1) Employ and set the compensation of a director who
 348 | shall serve at its pleasure. Within available funds, the
 349 | director may employ and set the compensation of professional,
 350 | technical, legal, and clerical staff as may be necessary, and

ENROLLED

CS/HB 1035

2021 Legislature

351 may remove these personnel. The director, with the consent of
352 the Board, may acquire the services of consultants and enter
353 into contracts on behalf of the Board.

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

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

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

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

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

373 (7) Accept from any governmental agency grants, donations,
374 or loans to provide aid for the planning, construction,
375 reconstruction, or financing of any system; and to accept grants

ENROLLED

CS/HB 1035

2021 Legislature

376 | or donations from any other source of money, property, labor, or
 377 | other things of value, to be held, used, and applied only for
 378 | the purposes for which such grants or donations may be made.

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

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

397 | (a)1. The Governing Board of the district shall, in the
 398 | resolution providing for the issuance of either water revenue
 399 | bonds or sewer revenue bonds, or both, fix the initial schedule
 400 | of rates, fees, and other charges for the use of and for the

ENROLLED

CS/HB 1035

2021 Legislature

401 services furnished or to be furnished by the facilities, to be
 402 paid by the owner, tenant, or occupant of each lot or parcel of
 403 land which may be connected with and use any such facility by or
 404 through any part of the water system of the district.

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

421 3. Such rates, fees, and charges shall be just and
 422 equitable and may be based or computed upon the quantity of
 423 water consumed or upon the number and size of sewer connections
 424 or upon the number and kind of plumbing fixtures in use in the
 425 premises connected with the sewer system or upon the number or

ENROLLED

CS/HB 1035

2021 Legislature

426 average number of persons residing or working in or otherwise
427 connected with such premises or upon any other factor affecting
428 the use of the facilities furnished or upon any combination of
429 the foregoing factors.

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

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

449 (b) The Governing Board of the district may charge any
450 owner or occupant of any building or premises receiving the

ENROLLED

CS/HB 1035

2021 Legislature

451 services of the facilities herein provided such initial
452 installation or connection charge or fee as the district may
453 determine to be just and reasonable.

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

474 2. A copy of the schedule or schedules of such rates,
475 fees, and charges finally fixed in such resolution shall be kept

ENROLLED

CS/HB 1035

2021 Legislature

476 on file in the office of the district and shall be open to
477 inspection by all parties interested. The rates, fees, or
478 charges so fixed for any class of users or property served shall
479 be extended to cover any additional property thereafter served
480 which falls within the same class without the necessity of a
481 hearing or notice.

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

487 (d) Upon the construction of a sewage disposal system and
488 the financing of such construction by the issuance of sewer
489 revenue bonds under the provisions of this chapter, the owner,
490 tenant, or occupant of each lot or parcel of land within the
491 county which abuts upon a street or other public way containing
492 a sanitary sewer served or which may be served by such disposal
493 system and upon which lot or parcel a building shall have been
494 constructed for residential, commercial, recreational, and all
495 other uses and which lot or parcel shall not already be served
496 by, or have available to it for service, a sanitary sewer,
497 shall, if so required by the rules and regulations thereof,
498 connect such building with such sanitary sewer and shall cease
499 to use any other method for the disposal of sewage, sewage
500 water, or other polluting matter. All such connections shall be

ENROLLED

CS/HB 1035

2021 Legislature

501 made in accordance with rules and regulations which shall be
502 adopted from time to time by the Governing Board of the
503 district.

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

522 1. The district may require the owner, tenant, or occupant
523 of each lot or parcel of land within the district who is
524 obligated to pay the rates, fees, or charges for the services
525 furnished by any facility purchased, constructed, or

ENROLLED

CS/HB 1035

2021 Legislature

526 reconstructed by the district under the provisions of this
527 chapter to make a reasonable deposit with the Governing Board of
528 the district in advance to ensure the payment of such rates,
529 fees, or charges and to be subject to application to and payment
530 thereof if and when delinquent.

531 2. If any rates, fees, or charges for the use and services
532 of any sewage disposal system or sewer improvements by or in
533 connection with any premises not served by the waterworks system
534 of the district shall not be paid within 30 days after the same
535 shall become due and payable, the owner, tenant, or occupant of
536 such premises shall cease to dispose of sewage or industrial
537 waste originating from or on said premises by discharge thereof
538 directly or indirectly into the sewer system of the district
539 until such rates, fees, or charges with interest shall be paid;
540 that if such owner, tenant, or occupant shall not cease such
541 disposal at the expiration of such 30-day period it shall be the
542 duty of any district, private corporation, board, body, or
543 person supplying water to or selling water for use on such
544 premises within 5 days after the receipt of notice of such
545 delinquency from the district; and that if such district,
546 private corporation, board, body, or person shall not, at the
547 expiration of such 5-day period, cease supplying water to or
548 selling water for use on such premises, then the district may,
549 unless it has theretofore contracted to the contrary, shut off
550 the supply of water to such premises.

ENROLLED

CS/HB 1035

2021 Legislature

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

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

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

571 3. The use and disposition of moneys to the credit of such
572 sinking fund shall be subject to such regulations as may be
573 provided in the resolution authorizing the issuance of the water
574 revenue bonds or sewer revenue bonds and, except as may
575 otherwise be provided in such resolution, such sinking fund

ENROLLED

CS/HB 1035

2021 Legislature

576 shall be a fund for the benefit of all bonds without distinction
577 or priority of one over the other.

578 (g) The Governing Board of the district shall, at the
579 close of each fiscal year, make or cause to be made a
580 comprehensive report of its operations of the water supply
581 system or systems and sewage disposal system or systems under
582 its control during the preceding fiscal year, including all
583 matters relating to rates, revenues, expenses for maintenance,
584 repair, and operation and replacements and extensions, principal
585 and interest retirements, and the status of all funds, and there
586 shall be set forth in such report the budget recommended by the
587 commission for the current fiscal year. A copy of such annual
588 report shall be filed with the district office and shall be open
589 to the inspection of all interested persons. Any surplus of the
590 gross revenues remaining at the end of any fiscal year after
591 making the required deposits for the credit of the separate
592 funds set forth above, and not appropriated in the budget for
593 the then-current fiscal year, shall be paid into the sinking
594 fund.

595 (h) All moneys received pursuant to the authority of this
596 act shall be deemed to be trust funds, to be held and applied
597 solely as provided in this act. The resolution authorizing the
598 issuance of bonds shall provide that any officer to whom, or any
599 bank, trust company, or other fiscal agent to which, such moneys
600 shall be paid shall act as trustee of such moneys and shall hold

ENROLLED

CS/HB 1035

2021 Legislature

601 and apply the same for the purposes hereof, subject to such
 602 regulations as this act and such resolution may provide.

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

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

625 1. Paying the cost of any extension, addition, or

ENROLLED

CS/HB 1035

2021 Legislature

626 reconstruction of a water supply system or systems or water
627 system improvements or the cost of a new water supply system or
628 systems or water system improvements.

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

639 (k) The Governing Board of the district is hereby
640 authorized to provide by resolution for the issuance of sewer
641 revenue refunding bonds of the district for the purpose of
642 refunding any sewer revenue bonds then outstanding and issued
643 under the provisions of this act. The Governing Board of the
644 district is further authorized to provide by resolution for the
645 issuance of sewer revenue bonds of the district for the combined
646 purposes of:

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

ENROLLED

CS/HB 1035

2021 Legislature

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

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

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

674 (12) Levy special assessments against properties adjoining
675 or in close proximity to sewer and water lines of the district,

ENROLLED

CS/HB 1035

2021 Legislature

676 which would be specifically benefited by the construction,
677 acquisition, extension, and operation thereof which the system
678 is designed to serve, provided that such assessments shall not
679 exceed the cost of the assessable improvements constructed.

680 (a) The district may provide for the construction or
681 reconstruction of a facility and for the levying of special
682 assessments upon benefited property under the provisions of this
683 section. The initial proceeding hereunder shall be the passage
684 at any lawful meeting of the Governing Board of a resolution
685 ordering the construction or reconstruction of such facility
686 under and subject to the provisions of this section, indicating
687 the location by terminal points and route and either giving a
688 description of the improvement by its material, nature,
689 character, and size or giving two or more such descriptions with
690 the direction that the material, nature, character, and size
691 shall be subsequently determined in conformity with one of such
692 descriptions. Water system improvements or sewer improvements
693 need not be continuous and may be in more than one locality or
694 street. The resolution ordering any such improvement may give
695 any short and convenient designation to each improvement ordered
696 thereby, after which it shall be sufficient to refer to such
697 improvement and property by such designation in all proceedings
698 and assessments, except in the notices provided for in
699 paragraphs (c) and (d).

700 (b)1. As soon as may be practicable after the passage of

ENROLLED

CS/HB 1035

2021 Legislature

701 such resolution, the engineer for the district shall prepare in
702 duplicate plans and specifications of each improvement ordered
703 thereby and an estimate of the cost thereof. Such cost may
704 include, in addition to the items of cost set forth in
705 subsection (11) of section 5 the cost of relaying streets and
706 sidewalks necessarily torn up or damaged and shall include the
707 following items of incidental expense:

708 a. Printing and publishing of notices and proceedings.
709 b. Any other expense necessary or proper in conducting the
710 proceedings and work provided for in this section.

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

715 3. The engineer shall also prepare in duplicate a
716 tentative apportionment of the estimated cost as between the
717 district and each lot or parcel of land subject to special
718 assessment under the resolution, such apportionment to be made
719 in accordance with the provisions of the resolution and the
720 provisions of paragraph (f) in relation to apportionment of cost
721 in the preliminary assessment roll. Such tentative apportionment
722 of estimated cost shall not be held to limit or restrict the
723 duties of the engineer in the preparation of such preliminary
724 assessment roll. One of the duplicates of such plans,
725 specifications, and estimate and such tentative apportionment

ENROLLED

CS/HB 1035

2021 Legislature

726 shall be filed with the secretary of the Governing Board and the
 727 other duplicate shall be retained by the engineer in his or her
 728 files, all thereof to remain open to public inspection.

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

ENROLLED

CS/HB 1035

2021 Legislature

751 or address or to mail any such notice shall not constitute a
752 valid objection to holding the hearing as provided in this
753 section or to any other action taken under the authority of this
754 section.

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

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

ENROLLED

CS/HB 1035

2021 Legislature

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

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

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

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

ENROLLED

CS/HB 1035

2021 Legislature

801 computed as follows:

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

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

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

821 (g) The preliminary assessment roll shall be advisory only
 822 and shall be subject to the action of the Governing Board as
 823 hereinafter provided. Upon the filing with the Governing Board
 824 of the preliminary assessment roll, the Governing Board shall
 825 publish once pursuant to chapter 50, Florida Statutes, each in

ENROLLED

CS/HB 1035

2021 Legislature

826 Palm Beach County and in Martin County a notice stating that at
827 a meeting of the Governing Board to be held on a certain day and
828 hour, not less than 12 days from the date of such publication,
829 which meeting may be a regular, adjourned, or special meeting,
830 all interested persons may appear and file written objections to
831 the confirmation of such roll. Such notice shall state the class
832 of the improvement and the location thereof by terminal points
833 and route. Such meeting of the commission shall be the first
834 regular meeting following the completion of the notice
835 hereinabove required, unless the Governing Board shall have
836 provided for a special meeting for such purpose.

837 (h) At the time and place stated in such notice, the
838 Governing Board shall meet and receive the objections in writing
839 of all interested persons as stated in such notice. The
840 Governing Board may adjourn the hearing from time to time. After
841 completion thereof, the Governing Board shall either annul,
842 sustain, or modify in whole or in part the prima facie
843 assessment as indicated on such roll, either by confirming the
844 prima facie assessment against any and all lots or parcels
845 described therein, or by canceling, increasing, or reducing the
846 same, according to the special benefits which the Governing
847 Board decides each such lot or parcel has received or will
848 receive on account of such improvement. If any property which
849 may be chargeable under this section shall have been omitted
850 from the preliminary roll or if the prima facie assessment shall

ENROLLED

CS/HB 1035

2021 Legislature

851 not have been made against it, the Governing Board may place on
 852 such roll an apportionment to such property. The Governing Board
 853 shall not confirm any assessment in excess of the special
 854 benefits to the property assessed, and the assessments so
 855 confirmed shall be in proportion to the special benefits.
 856 Forthwith after such confirmation, such assessment roll shall be
 857 delivered to the county property appraisers of Martin County and
 858 Palm Beach County for the properties contained within their
 859 respective counties. The assessment so made shall be final and
 860 conclusive as to each lot or parcel assessed unless proper steps
 861 be taken in a court of competent jurisdiction to secure relief.
 862 If the assessment against any property shall be sustained,
 863 reduced, or abated by the court, the property appraiser shall
 864 note that fact on the assessment roll opposite the description
 865 of the property affected thereby. The amount of the special
 866 assessment against any lot or parcel which may be abated by the
 867 court, unless the assessment upon the entire district is abated,
 868 or the amount by which such assessment is so reduced, may be, by
 869 resolution of the Governing Board, made chargeable against the
 870 district at large; or, in the discretion of the Governing Board,
 871 a new assessment roll may be prepared and confirmed in the
 872 manner hereinabove provided for the preparation and confirmation
 873 of the original assessment roll.

874 (i) Any assessment may be paid at the Office of the Martin
 875 County Tax Collector for property within Martin County or the

ENROLLED

CS/HB 1035

2021 Legislature

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

888 (j) All assessments shall constitute a lien upon the
 889 property so assessed from the date of confirmation of the
 890 resolution ordering the improvement of the same nature and to
 891 the same extent as the lien for general county taxes falling due
 892 in the same year or years in which such assessment or
 893 installments thereof fall due, and any assessment or installment
 894 not paid when due shall be collectible in the same manner and at
 895 the same time as such general taxes are or may be collectible,
 896 with the same attorney's fee, interest, and penalties and under
 897 the same provisions as to forfeiture and the right of the
 898 district to purchase the property assessed as are or may be
 899 provided by law in the case of county taxes. However, no such
 900 sale of any property for general county taxes or for any

ENROLLED

CS/HB 1035

2021 Legislature

901 installment or installments of any such assessment and no
902 perfecting of title under any such sale shall divest the lien of
903 any installment of such assessment not due at the time of the
904 sale. Collection of such assessments, with such interest and
905 with a reasonable attorney's fee and costs, but without
906 penalties, may also be made by the district by proceedings in a
907 court of equity to foreclose the lien of assessments as a lien
908 for mortgages is or may be foreclosed under the laws of the
909 state, or by an action in rem in the manner provided by law for
910 the foreclosure and collection of ad valorem taxes, provided
911 that any such proceedings to foreclose shall embrace all
912 installments of principal remaining unpaid with accrued interest
913 thereon, which installments shall, by the institution of such
914 proceedings, immediately become and be due and payable.
915 Nevertheless, if, prior to any sale of the property under the
916 decree of foreclosure in such proceedings, payment be made of
917 the installment or installments which are shown to be due under
918 the provisions of the resolution passed pursuant to paragraph
919 (i), with interest as required by paragraph (i) and by this
920 paragraph and all costs including attorney's fees, such payment
921 shall have the effect of restoring the remaining installments to
922 their original maturities as provided by the resolution passed
923 pursuant to paragraph (i), and the proceedings shall be
924 dismissed. It shall be the duty of the district to enforce the
925 prompt collection of assessments by one or the other of the

ENROLLED

CS/HB 1035

2021 Legislature

926 | means herein provided, and such duty may be enforced at the suit
 927 | of any holder of bonds issued under this act in a court of
 928 | competent jurisdiction by mandamus or other appropriate
 929 | proceeding or action. Not later than 30 days after the annual
 930 | sale of property for delinquent taxes of the county, or if such
 931 | property or taxes are not sold by the county, then within 60
 932 | days after such taxes become delinquent, it shall be the duty of
 933 | the Governing Board to direct the attorney or attorneys whom the
 934 | Governing Board shall then designate to institute actions within
 935 | 3 months after such direction to enforce the collection of all
 936 | special assessments for local improvements made under this
 937 | section and remaining due and unpaid at the time of such
 938 | direction, unless theretofore sold at tax sale. Such action
 939 | shall be prosecuted in the manner and under the conditions in
 940 | and under which mortgages are foreclosed under the laws of the
 941 | state. It shall be lawful to join in one action the collection
 942 | of assessments against any or all property assessed by virtue of
 943 | the same assessment roll unless the court shall deem such
 944 | joinder prejudicial to the interest of any defendant. The court
 945 | shall allow a reasonable attorney's fee for the attorney or
 946 | attorneys of the district, and the same shall be collectible as
 947 | a part of or in addition to the costs of the action. At any sale
 948 | pursuant to decree in any such action, the district may be a
 949 | purchaser to the same extent as an individual person or
 950 | corporation, except that the part of the purchase price

ENROLLED

CS/HB 1035

2021 Legislature

951 represented by the assessments sued upon and the interest
952 thereon need not be paid in cash. Property so acquired by the
953 district, including the certificate of sale thereof, may be sold
954 or otherwise disposed of, for cash or upon terms, the proceeds
955 of such disposition to be placed in the fund provided in
956 paragraph (k). However, no sale or other disposition thereof
957 shall be made unless notice calling for bids therefor to be
958 received at a stated time and place shall have been published
959 pursuant to chapter 50, Florida Statutes, each in Palm Beach
960 County and in Martin County one time at least 1 week prior to
961 such disposition.

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

970 (l) Each school district and other political subdivision
971 wholly or partly within the district and each public agency or
972 instrumentality owning property within the district shall
973 possess the same power and be subject to the same duties and
974 liabilities with respect to assessment under this section
975 affecting the real estate of such county, district, political

ENROLLED

CS/HB 1035

2021 Legislature

976 subdivision, or public agency or instrumentality which private
 977 owners of real estate possess or are subject to hereunder, and
 978 such real estate shall be subject to liens for said assessments
 979 in all cases where the same property would be subject to had it
 980 at the time the lien attached been owned by a private person.

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

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

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

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

998 (17) Construct, install, erect, and acquire and to
 999 operate, maintain, improve, extend, or enlarge and reconstruct a
 1000 system or systems within the boundaries of the district and to

ENROLLED

CS/HB 1035

2021 Legislature

1001 have the control and jurisdiction thereof; and to pay all or
 1002 part of the cost of such construction, reconstruction, erection,
 1003 acquisition, or installation of such utility system or combined
 1004 utility system and additions, extensions, and improvements
 1005 thereto, except as otherwise provided in this act.

1006 (18) Acquire by purchase, gift, or condemnation in
 1007 accordance with the provisions of chapters 73 and 74, Florida
 1008 Statutes, such lands and rights and interest therein, including
 1009 lands under water and riparian rights; and to acquire such
 1010 personal property as it may deem necessary in connection with
 1011 the construction, reconstruction, improvement, extension,
 1012 installation, erection, or operation and maintenance of any
 1013 system and to hold and dispose of such real and personal
 1014 property, including, but not limited to, systems owned and
 1015 operated by municipalities and counties.

1016 (19) Exercise jurisdiction, control, and supervision over
 1017 any system or any part thereof owned, operated, and maintained
 1018 by the district; and to make and enforce such rules and
 1019 regulations for the maintenance and operation of any system and
 1020 improvements owned, operated, and maintained by the district as
 1021 may be necessary for the lawful operation of any such system or
 1022 improvements in accordance with the laws of this state and the
 1023 regulations of state departments and agencies having
 1024 jurisdiction over the systems as defined herein.

1025 (20) Furnish water and sewer collection services within

ENROLLED

CS/HB 1035

2021 Legislature

1026 the district, or to construct or acquire jointly with the county
 1027 or counties and municipality or municipalities located within
 1028 the district, systems or any parts or facilities hereof under
 1029 such terms and conditions as shall be agreed upon between the
 1030 district and such municipalities or counties; and to acquire,
 1031 from any municipality or county, and operate any system, or any
 1032 parts or facilities thereof, located within the boundaries of
 1033 the district or territory, either within or without such
 1034 municipality or county, except as otherwise provided in this
 1035 act.

1036 (21) Develop current and long-range plans to provide urban
 1037 water and sewage to present and future population centers within
 1038 the district at the earliest possible date.

1039 (22) Investigate complaints caused by inadequate services
 1040 or operation.

1041 (23) Utilize or expand existing systems to serve
 1042 population needs.

1043 (24) Provide necessary laboratories and facilities for
 1044 testing of operating systems, including assessment of water
 1045 quality, critical habitats, and environmental health within the
 1046 Loxahatchee River watershed.

1047 (25) Negotiate the provisions for assumption of current
 1048 indebtedness of any system or systems for which the district
 1049 assumes responsibility.

1050 (26) Levy an ad valorem tax in accordance with section 7.

ENROLLED

CS/HB 1035

2021 Legislature

1051 (27) Issue revenue bonds and general obligation bonds, for
 1052 the purposes of this act, in the manner set forth herein:

1053 (a) The Governing Board of the district is hereby
 1054 authorized to provide by resolution at one time or from time to
 1055 time for the issuance of either water revenue bonds, sewer
 1056 revenue bonds, or general obligation bonds of the district for
 1057 the purpose of paying all or any part of the cost of any one or
 1058 more of the following:

- 1059 1. A water supply system or systems.
- 1060 2. Extensions and additions thereto.
- 1061 3. Water system improvements.
- 1062 4. A sewage disposal system or systems.
- 1063 5. Extensions and additions thereto.
- 1064 6. Sewer improvements.

1065
 1066 The bond of each issue shall be dated, shall bear interest at
 1067 such rate or rates not exceeding 7.5 percent per annum, shall
 1068 mature at such time or times not exceeding 50 years from their
 1069 date or dates as may be determined by the Governing Board of the
 1070 district, and may be made redeemable before maturity at the
 1071 option of the district at such price or prices and under such
 1072 terms and conditions as may be fixed by the Governing Board
 1073 prior to the issuance of the bonds.

1074 (b) The Governing Board of the district shall determine
 1075 the form of the bonds, including any interest coupons to be

ENROLLED

CS/HB 1035

2021 Legislature

1076 attached thereto, and the manner of the execution of the bonds
 1077 and shall fix the denomination or denominations of the bonds and
 1078 place or places of payment of principal or interest which may be
 1079 at any bank or trust company within or without the state. In
 1080 case any officer whose signature or facsimile of whose signature
 1081 appears on any bonds or coupons ceases to be such officer before
 1082 the delivery of such bonds, such signature or facsimile shall
 1083 nevertheless be valid and sufficient for all purposes as if he
 1084 or she had remained in office until such delivery.

1085 (c) All bonds issued under the provisions of this act have
 1086 and are hereby declared to have all the qualities and incidents
 1087 of negotiable instruments. Bonds may be issued in coupon or in
 1088 registered form or both as the Governing Board may determine and
 1089 provision may be made for the registration of any coupon bonds
 1090 as to principal alone and also as to both principal and interest
 1091 and for the reconversion into coupon bonds of any bonds
 1092 registered as to bond principal and interest.

1093 (d) The issuance of such bonds shall not be subject to any
 1094 limitations or conditions contained in any other statute and the
 1095 Governing Board may sell such bonds in such manner at public or
 1096 private sale and for such price as it may determine to be for
 1097 the best interests of the district, but no such sale shall be
 1098 made at a price so low as to require the payment of interest on
 1099 the money received therefor at more than 7.5 percent per annum
 1100 computed with relation to the absolute maturity of the bonds in

ENROLLED

CS/HB 1035

2021 Legislature

1101 accordance with the standard tables of bond values, excluding
 1102 from such computations the amount of any premium to be paid on
 1103 redemption of any bonds prior to maturity. Prior to the
 1104 preparation of definitive bonds, the district may, under like
 1105 restrictions, issue interim receipts and temporary bonds with or
 1106 without coupons exchangeable for definitive bonds when such
 1107 bonds have been executed and are available for delivery. The
 1108 Governing Board of the district may also provide for the
 1109 replacement of any bonds which become mutilated, destroyed, or
 1110 lost.

1111 (e) Bonds may be issued under the provisions of this
 1112 chapter without obtaining the consent of any commission, board,
 1113 bureau, or agency of the state and without the proceeding or
 1114 happening of any other condition or thing than those
 1115 proceedings, conditions, or things which are specifically
 1116 required by this act.

1117 (f) The proceeds of such bonds shall be used solely for
 1118 the payment of costs of the water supply system or systems or
 1119 the water system improvements or the sewage disposal system or
 1120 systems or the sewer improvements, for the purchase,
 1121 construction, or reconstruction of which such bonds shall have
 1122 been authorized, and shall be disbursed in such manner and under
 1123 such restrictions, if any, as the Governing Board of the
 1124 district may provide in the authorizing resolution. If the
 1125 proceeds of such bonds, by error of estimates or otherwise,

ENROLLED

CS/HB 1035

2021 Legislature

1126 shall be less than such costs, additional bonds may in like
 1127 manner be issued to provide the amount of such deficit and
 1128 unless otherwise provided in the authorizing resolution shall be
 1129 deemed to be of the same issue and shall be entitled to payment
 1130 from the same fund without preference or priority of the bonds
 1131 first issued for the same purpose. If the proceeds of the bonds
 1132 of any issue shall exceed the amount required for the purpose
 1133 for which such bonds shall have been issued, the surplus shall
 1134 be paid into the fund provided under the provisions of this
 1135 chapter for the payment of principal of and the interest on such
 1136 bonds.

1137 (g) For the payment of the principal and interest thereon
 1138 on any general obligation bonds issued for the benefit of the
 1139 district issued under the provisions of this act, the Governing
 1140 Board of the district is hereby authorized and required to levy
 1141 annually a special tax upon all taxable property within the
 1142 district over and above all other taxes authorized or limited by
 1143 law sufficient to pay such principal and interest as the same
 1144 respectively becomes due and payable, and the proceeds of all
 1145 such taxes shall, when collected, be paid into a special fund
 1146 and used for no other purpose than the payment of such principal
 1147 and interest. However, there may be pledged to the payment of
 1148 such principal and interest the proceeds of such water service
 1149 charges or sewer service charges and in the event of such pledge
 1150 the amount of the annual tax levied herein required may be

ENROLLED

CS/HB 1035

2021 Legislature

1151 reduced in any year by the amount of such proceeds actually
 1152 received in the preceding year and then remaining on deposit to
 1153 the credit of such fund for the payment of such principal and
 1154 interest.

1155 (h) Water revenue bonds may be used only in connection
 1156 with the acquisition, construction, or operation of water supply
 1157 systems or water system improvements, and sewer revenue bonds
 1158 may be used only in connection with the acquisition,
 1159 construction, and operation of sewage disposal systems and sewer
 1160 improvements. Water revenue bonds or sewer revenue bonds issued
 1161 under the provisions of this act shall not be deemed to
 1162 constitute a pledge of the faith and credit of the district but
 1163 such bonds shall be payable solely from the funds provided
 1164 therefor under the provisions of this act. All such bonds shall
 1165 contain a statement on their face substantially to the effect
 1166 that the district is not obligated to pay such bonds or the
 1167 interest thereon except from such funds and that the faith and
 1168 the credit of the district is not pledged to the payment of the
 1169 principal of or the interest on such bonds. The issuance of
 1170 water revenue bonds or sewer revenue bonds under the provisions
 1171 of this act shall not directly or indirectly or contingently
 1172 obligate the district to levy any taxes whatever therefor or to
 1173 make any appropriation for their payment except from the funds
 1174 pledged under the provisions of this act.

1175 (i)1. The resolution authorizing the issuance of water

ENROLLED

CS/HB 1035

2021 Legislature

1176 revenue bonds under the provisions of this act shall pledge the
 1177 revenues to be received but shall not convey or mortgage any
 1178 water supply system or water system improvements or any part
 1179 thereof.

1180 2. The resolution authorizing the issuance of sewer
 1181 revenue bonds under the provisions of this act shall pledge the
 1182 revenue to be received but it shall not convey or mortgage any
 1183 sewage disposal system or sewer improvements or any part
 1184 thereof.

1185 3. Either water revenue bonds or sewer revenue bonds may
 1186 contain such provisions for protecting and enforcing the rights
 1187 and remedies of the bondholders as may be reasonable and proper
 1188 and not in violation of law, including covenants setting forth
 1189 the duties of the Governing Board of the district in relation to
 1190 the purchase, construction, reconstruction, improvement,
 1191 maintenance, operation, repair, and insurance of the water
 1192 supply system or systems and the water system improvements and
 1193 the sewage disposal system or systems and the sewer improvements
 1194 and the provisions for the custody, safeguarding, and
 1195 application of all moneys, and for the employment of consulting
 1196 engineers in connection with such purchase, construction,
 1197 reconstruction, or operation. Such resolution may set forth the
 1198 rights and remedies of the bondholders and may restrict the
 1199 individual right of action by bondholders as is customary in
 1200 trust agreements or trust indentures securing bonds or

ENROLLED

CS/HB 1035

2021 Legislature

1201 debentures or corporations.

1202 4. In addition to the foregoing, such resolution may
 1203 contain such other provisions as the Governing Board of the
 1204 district may deem reasonable and proper for the security of
 1205 bondholders. Except as in this act otherwise provided, the
 1206 Governing Board of the district may provide for the payment of
 1207 the proceeds of the sale of the bonds and revenues of the water
 1208 supply system or systems and of any water system improvements or
 1209 of the sewage disposal system or systems and of any sewer
 1210 improvements to such officer, board, or depository as it may
 1211 designate for the custody thereof, and for the method of
 1212 disbursement thereof, with such safeguards and restrictions as
 1213 it may determine.

1214 (j) The resolution providing for the issuance of water
 1215 revenue bonds or sewer revenue bonds may also contain such
 1216 limitations upon the issuance of additional water revenue bonds
 1217 or sewer revenue bonds as the Governing Board of the district
 1218 may deem proper, and such additional bonds shall be issued under
 1219 such restrictions and limitations as may be prescribed by such
 1220 resolution.

1221 (k) No water revenue bonds or sewer revenue bonds shall be
 1222 issued under the authority of this act unless the Governing
 1223 Board of the district shall have theretofore found and
 1224 determined the estimated cost of the facilities or systems on
 1225 account of which such bonds are to be issued, the estimated

ENROLLED

CS/HB 1035

2021 Legislature

1226 annual revenues of such facilities or systems, and the estimated
 1227 annual cost of maintaining, repairing, and operating such
 1228 facilities or systems, nor unless it shall appear from such
 1229 estimate that the annual revenues will be sufficient to pay such
 1230 cost of maintenance, repair, and operation and the interest on
 1231 such bonds and the principal thereof as such interest and
 1232 principal shall become due.

1233 (l) If the approval of the issuance of water revenue bonds
 1234 or sewer revenue bonds at an election of the residents who are
 1235 qualified electors residing in the district shall be required by
 1236 the State Constitution, such election shall be called, noticed,
 1237 and conducted and the result thereof determined and declared as
 1238 shall have been or may be required by law for the issuance of
 1239 bonds of the district.

1240 (m) Notwithstanding the provisions of paragraphs (h), (i),
 1241 (j), and (k), the district may issue water and sewer revenue
 1242 bonds for the purpose of construction, acquisition, or
 1243 improvement of water supply systems or water system improvements
 1244 and sewage disposal systems or sewer improvements, which have
 1245 been combined by the district. Such water and sewer revenue
 1246 bonds may also be issued for the purpose of the construction,
 1247 acquisition, or improvement of such combined system, or any part
 1248 thereof, and the refunding of any outstanding bonds or
 1249 obligations theretofore issued to finance the cost of such
 1250 combined system or any part thereof.

ENROLLED

CS/HB 1035

2021 Legislature

1251 (n) In the event that the water supply system or water
 1252 system improvements and sewage disposal systems and sewer
 1253 improvements are combined into one water and sewer system, all
 1254 of the provisions of this chapter relating to water supply
 1255 systems or water system improvements and sewage disposal systems
 1256 and sewer improvements and water revenue bonds and sewer revenue
 1257 bonds shall apply to such combined systems and water and sewer
 1258 revenue bonds to the extent the same are applicable.

1259 (28) Conduct environmental education as necessary and
 1260 appropriate to minimize damage to the area's resources and
 1261 environment, to prevent additional environmental problems from
 1262 being created, and to provide education regarding solutions to
 1263 existing problems.

1264 (29) Conduct environmental enhancements as necessary and
 1265 appropriate to minimize damage to the area's resources and
 1266 environment, to prevent additional environmental problems from
 1267 being created, and to provide solutions to existing
 1268 environmental problems. As used in this subsection, the term
 1269 "environmental enhancement" means physical activities in the
 1270 waters of the state or on adjacent uplands which involve system
 1271 repair, redesign or construction, monitoring, planting,
 1272 propagating, trimming, culturing, shoreline protection, and
 1273 hydrologic or other water quality improvements. As used in this
 1274 subsection, the phrases "solutions to existing environmental
 1275 problems" and "prevent additional environmental problems" mean

ENROLLED

CS/HB 1035

2021 Legislature

1276 "environmental enhancement," as defined in this subsection,
 1277 applied to specific problems within the district. Environmental
 1278 enhancement not conducted entirely on real property owned or
 1279 controlled by the district must be coordinated through the
 1280 Loxahatchee River Management Coordinating Council.

1281 Section 7. The Board may, subject to approval as provided
 1282 in section 17, levy upon all of the taxable property in the
 1283 district a special tax not exceeding 1/4 mill on the dollar
 1284 during each year solely for the purposes authorized and
 1285 prescribed by this act. Said levy shall be made each year not
 1286 later than July 1 by resolution of the Board of a majority
 1287 thereof duly entered upon its minutes. Certified copies of such
 1288 resolution executed in the name of the Board by the chair and
 1289 secretary and under its corporate seal shall be made and
 1290 delivered to the Boards of County Commissioners of Palm Beach
 1291 and Martin Counties and to the Department of Revenue not later
 1292 than July 1 of each year. The property appraisers of the
 1293 respective counties shall assess and the collectors of the
 1294 respective counties shall collect the amount of taxes so
 1295 assessed and levied by the Board upon all of the taxable
 1296 property in the district at the rate of taxation adopted by the
 1297 Board for the year and included in the resolution, and the levy
 1298 shall be included in the warrants of property appraisers and
 1299 attached to the assessment roll of taxes for the respective
 1300 counties each year. The tax collectors shall collect such taxes

ENROLLED

CS/HB 1035

2021 Legislature

1301 so levied by the Board in the same manner as other taxes are
 1302 collected and shall pay the same within the time and in the
 1303 manner prescribed by law to the treasurer of the Board. All
 1304 taxable property in the district shall be assessed in accordance
 1305 with chapter 193, Florida Statutes. All such taxes shall be held
 1306 by the treasurer for the credit of the Board and paid out in
 1307 accordance with the provisions of this act.

1308 Section 8. In the event that the fees, rates, or charges
 1309 for the services and facilities of any system are not paid when
 1310 due:

1311 (1) The district may, if such default continues for 30
 1312 days or more after written notice to such delinquent customer,
 1313 discontinue and shut off the supply of the services and
 1314 facilities of said system to the person, firms, corporation, or
 1315 other body, public or private, so supplied with such services or
 1316 facilities until such fees, rates, or charges, including legal
 1317 interest, penalties, and charges for the shutting off and
 1318 discontinuance or the restoration of such services or
 1319 facilities, are fully paid. Such delinquent fees or charges,
 1320 together with legal interest, penalties, and charges for the
 1321 shutting off and discontinuance or the restoration of such
 1322 services or facilities, and reasonable attorney's fees, costs,
 1323 and other expenses, may be recovered by the Board in a court of
 1324 competent jurisdiction.

1325 (2) The district shall have a lien on all lands and

ENROLLED

CS/HB 1035

2021 Legislature

1326 premises served by it for all charges, until paid, for services
 1327 provided to such lands or premises by the district, or
 1328 connection fees associated therewith, which lien shall be prior
 1329 to all other liens, except that such lien shall be on parity
 1330 with the lien of state, county, and municipal taxes, and any
 1331 lien for charges for services created pursuant to section
 1332 159.17, Florida Statutes. Such lien shall be perfected by the
 1333 district by recording in the official records of the county in
 1334 which the lands or premises are located a claim of lien in a
 1335 form substantially as provided in section 713.08, Florida
 1336 Statutes. A copy of the claim of lien shall be served as
 1337 provided in section 713.18, Florida Statutes, within 10 days
 1338 after the claim of lien is recorded. If 30 days after service
 1339 has been made liens created under this section remain
 1340 delinquent, such liens may be foreclosed by the district in the
 1341 manner provided by the laws of this state for the foreclosure of
 1342 mortgages on real property, and the district shall be entitled
 1343 to reasonable interest, attorney's fees, and other court costs.

1344 Section 9. The district may assume the operation of any
 1345 system which substantially fails to meet its financial
 1346 responsibilities or operating standards pursuant to this act or
 1347 other laws and regulations of this state.

1348 Section 10. The district may provide for the construction
 1349 or reconstruction of assessable improvements as defined in
 1350 section 5, and pay for the same by all financing, assessment,

ENROLLED

CS/HB 1035

2021 Legislature

1351 and taxing means permitted by law and this act.

1352 Section 11. The Board shall prepare an annual report,
 1353 audited by a qualified certified public accountant, including
 1354 all matters relating to revenues, expenses of maintenance,
 1355 repair, and operation and renewals and capital replacements,
 1356 principal and interest requirements, and the status of all funds
 1357 and accounts. The report shall be filed pursuant to sections
 1358 218.32 and 218.39, Florida Statutes, and published as required
 1359 by chapter 189, Florida Statutes.

1360 Section 12. No water system, storm drainage system, sewer
 1361 system, or other facility for the production, treatment of
 1362 sewage, and collection and discharge of storm drainage shall be
 1363 constructed within the district unless the Board gives its
 1364 consent thereto and approves the plans and specifications
 1365 therefor. Said consent and approval shall not be given unless
 1366 the location and design thereof and its equipment will permit it
 1367 to be operated in unison with the district's systems and other
 1368 existing systems and is adequate to meet the minimum standards
 1369 of such systems as provided by law and this act.

1370 Section 13. (1) The Board shall have the power to
 1371 transfer, sell, or assign any of the property of the district
 1372 which it finds is not needed to carry out the purposes of this
 1373 act to any other governmental agency at whatever terms it deems
 1374 reasonable.

1375 (2) The Board is authorized to lease or otherwise convey

ENROLLED

CS/HB 1035

2021 Legislature

1376 any temporary interests or rights in lands to which the district
 1377 has title, or to which it may hereafter acquire title, whenever
 1378 the Board determines it is in the best interest of the district
 1379 to do so, for such terms and conditions as the Board may in its
 1380 discretion determine. The power to lease or otherwise convey
 1381 granted herein specifically includes the power by the district
 1382 to enter into public or private partnerships regarding district
 1383 lands upon such terms and conditions as the Board may in its
 1384 discretion determine. Before leasing any land or any interest or
 1385 rights in and to any land, the Governing Board shall publish
 1386 once pursuant to chapter 50, Florida Statutes, each in Palm
 1387 Beach County and in Martin County a notice stating that at a
 1388 meeting of the Governing Board to be held on a certain day and
 1389 hour, not fewer than 12 days from the date of such publication,
 1390 which meeting may be a regular, adjourned, or special meeting,
 1391 all interested persons may appear and file written objections to
 1392 the confirmation of such action. The notice shall set forth a
 1393 description of the lands or interests or rights in lands offered
 1394 for lease.

1395 Section 14. The provisions of this act shall be liberally
 1396 construed to effect its purposes.

1397 Section 15. In case any one or more of the sections or
 1398 provisions of this act, or the application of such sections or
 1399 provisions to any situations, circumstances, or person, shall
 1400 for any reason be held to be unconstitutional or invalid, such

ENROLLED

CS/HB 1035

2021 Legislature

1401 unconstitutionally or invalidity shall not affect any other
1402 sections or provisions of this act or the application of such
1403 sections or provisions to any other situation, circumstance, or
1404 person, and it is intended that this act shall be construed and
1405 applied as if such section or provision so held unconstitutional
1406 or invalid had not been included in this act.

1407 Section 16. Nothing contained in this act shall be
1408 construed to empower the district to exercise control over the
1409 management of waters under the authority of the South Florida
1410 Water Management District, or over any of the works of the South
1411 Florida Water Management District. Nothing contained herein
1412 shall be construed to empower the district to use the power of
1413 eminent domain against the South Florida Water Management
1414 District, nor to empower the levy of special assessments or ad
1415 valorem taxes against lands held by the South Florida Water
1416 Management District.

1417 Section 17. The provisions of section 7 which authorize
1418 the levy of ad valorem taxation shall take effect only upon
1419 approval by a majority vote of the electors of the district as
1420 may be required by the State Constitution. The Board shall call
1421 and provide for the holding of a referendum at the next election
1422 of the district or at a special election called by the Board for
1423 that purpose at which a referendum of the qualified electors in
1424 the district shall approve or reject the authority to levy ad
1425 valorem taxes provided in this act, all as may be now required

ENROLLED

CS/HB 1035

2021 Legislature

1426 by the Florida Constitution; and the previous failure of the
 1427 district to previously call such referendum as required by the
 1428 former language of section 17 of chapter 71-822, Laws of
 1429 Florida, shall in no way affect the validity of the result of
 1430 such referendum to be held. If ad valorem taxation shall be
 1431 approved at said election, the Board may impose an initial tax
 1432 levy not to exceed 1/4 mill on the dollar. Any subsequent
 1433 increase in said tax levy may only be made with the approval of
 1434 the electors of said district at a special election called by
 1435 the Board and held for that purpose. Such elections shall be
 1436 held in accordance with the provisions of sections 100.211-
 1437 100.351, Florida Statutes.

1438 Section 18. The qualified electors of the district shall
 1439 have the power of initiative to propose an action to be taken by
 1440 the Board which the Board is authorized under this act to take
 1441 and the power of referendum to require reconsideration by the
 1442 Board of any action of a nature requiring full compliance with
 1443 chapter 120, Florida Statutes, the Administrative Procedure Act,
 1444 taken by the Board. If the Board fails to take the action
 1445 proposed or to repeal the action to be reconsidered, the
 1446 electors shall be entitled to approve or reject the proposed or
 1447 reconsidered action according to the following procedure:

1448 (1) A petition must be prepared and filed with the Board
 1449 within 10 days after final passage of such action which shall
 1450 contain a statement of the proposed action or of the action to

ENROLLED

CS/HB 1035

2021 Legislature

1451 be reconsidered and the signatures of at least 10 percent of the
 1452 qualified electors within the district voting in the most recent
 1453 district election, or 5 percent of the registered district
 1454 voters, whichever is greater.

1455 (2) The petition shall be filed with the Board which shall
 1456 submit the petition to the supervisors of elections of the
 1457 counties within the district for verification of signatures.
 1458 Upon receipt of certification by the supervisors of elections
 1459 that the petition contains at least 10 percent of qualified
 1460 electors within the district voting in the most recent district
 1461 election, or 5 percent of the registered district voters,
 1462 whichever is greater, the Board shall promptly consider the
 1463 proposed action or reconsider the action to be reconsidered by
 1464 voting its repeal. If the Board does not adopt the proposed
 1465 action or repeal the action to be reconsidered within 30 days
 1466 after receipt of the certification, the Board shall fix a day
 1467 for holding an election to be held not less than 60 days nor
 1468 more than 90 days from the receipt of such certification.

1469 (3) This section shall not apply to any actions of the
 1470 Board approved prior to the effective date of the 2021
 1471 amendments, nor shall the same in any manner affect obligations
 1472 and indebtedness incurred prior to the 2021 amendments. If a
 1473 majority of the votes cast in the election are in favor of the
 1474 proposed action or in favor of the repeal of the action being
 1475 reconsidered, the proposed action shall be considered adopted,

ENROLLED

CS/HB 1035

2021 Legislature

1476 or the action being reconsidered shall be considered repealed,
 1477 upon the announcement of the official canvass of the election.

1478 (4) The term "action" as used in this act shall not
 1479 include matters involving internal management or administration
 1480 of grants but does include, without limitation, any matters
 1481 arising under chapter 120, Florida Statutes.

1482 (5) Nothing in this section shall be construed to require
 1483 any person to register to vote in any election held pursuant to
 1484 this section if at the time such election is held, the person is
 1485 registered to vote in state or county elections.

1486 Section 19. The purpose of this section is to permit the
 1487 District to make suitable District land available to the public
 1488 for passive outdoor recreation and to limit its liability to
 1489 persons going thereon and to third persons who may be damaged by
 1490 the acts or omissions of persons going thereon.

1491 (1) Except as provided in subsection (2), if the District
 1492 provides the public with land for passive outdoor recreation, or
 1493 allows access to District lands for passive outdoor recreation,
 1494 or the District leases any land to any other entity for passive
 1495 outdoor recreation, or enters into a joint use agreement of any
 1496 kind, or provides access for passive outdoor recreation, the
 1497 District owes no duty of care to keep the land safe for entry or
 1498 use by others or to give warnings to persons entering or going
 1499 on such land of any hazardous conditions, structures, or
 1500 activities thereon. The District, when providing land for

ENROLLED

CS/HB 1035

2021 Legislature

1501 passive outdoor recreation, does not, by providing that land,
 1502 extend any assurance that such land is safe for any purpose,
 1503 does not incur any duty of care toward a person who goes on the
 1504 land, and is not responsible for any injury to persons or
 1505 property caused by an act or omission of a person who goes on
 1506 that land. This subsection does not apply to any commercial or
 1507 other activity from which profit is derived from the patronage
 1508 of the public on any such land or any part thereof. This section
 1509 applies to any person going on the leased land or land subject
 1510 to a joint use or similar agreement, irrespective of whether the
 1511 person goes as an invitee, licensee, or trespasser or in any
 1512 other capacity.

1513 (2) This section does not relieve the District of any
 1514 liability that would otherwise exist for gross negligence or a
 1515 deliberate, willful, or malicious injury to a person or
 1516 property. This section does not create or increase the liability
 1517 of the District or person beyond that which is authorized by
 1518 section 768.28, Florida Statutes.

1519 (3) The term "passive outdoor recreation," as used herein,
 1520 includes bicycling, hiking, walking, jogging, wildlife viewing,
 1521 outdoor photography, kayaking, canoeing, and activities similar
 1522 thereto.

1523 Section 4. Chapters 2002-358 and 2007-281, Laws of
 1524 Florida, are repealed.

1525 Section 5. If any provision of this act, or any provision

ENROLLED

CS/HB 1035

2021 Legislature

1526 | of the district's charter contained herein, is held to be
1527 | unconstitutional, such holding shall not affect the validity of
1528 | the remaining provisions of this act.

1529 | Section 6. This act shall take effect upon becoming a law.