

Enabling Act -Chapter No. 2005-298

An act relating to the Immokalee Water and Sewer District, an independent special district in Collier County, as created by chapter 78-494, Laws of Florida, as amended; providing for a codified charter of its special acts in a single act and repealing all prior special acts relating to the Immokalee Water and Sewer District, as required by chapter 97-255, Laws of Florida; defining its boundaries; providing definitions; authorizing the district to operate a water and sewer system; providing for a governing board of the district; restricting the use of funds of the district; providing the powers of the board; providing for water rates and service charges; providing for special assessments; providing for the collection of rates and charges; requiring certain persons to connect to the sewer system established under the act under certain circumstances; providing a declaration of policy; providing for annual audits; providing for a referendum; providing an effective date.

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

Section 1. Short title.--This act may be known as the Immokalee Water and Sewer District Act.

Section 2. Boundaries.--There is hereby created in Collier County a special taxing district to be known as Immokalee Water and Sewer District. The district will include all that portion of Immokalee in said county described as follows:

Sections 1 through 36 of Township 46 South, Range 28 East; together with Sections 1 through 6 of Township 47 South, Range 28 East; together with Sections 1 through 36 of Township 46 South, Range 29 East;

together with Sections 1 through 12, Sections 15 through 21 and that part of Section 13 lying Northeasterly of a diagonal line from the Northwest Corner to the Southeast Corner of said Section 13, Township 47 South, Range 29 East; together with Sections 6, 7, 18, 19, 30 and 31 of Township 46 South, Range 30 East; together with Sections 6, 7, 18, and that part of Section 19 lying Northeasterly of a diagonal line from the Northwest corner to the Southeast corner of said Section 19, Township 47 South, Range 30 East. All the lands described being in Collier County, Florida.

Section 3. Definitions.--Whenever used in this act, unless a different meaning clearly appears from the context:

- (1) "County" means Collier County.
- (2) "County commissioners" mean the Board of County Commissioners of Collier County.
- (3) "Board" means the Board of Commissioners of the Immokalee Water and Sewer District.
- (4) "Water systems" or "waterworks" means and includes all plants, systems, facilities, or properties used or useful or having the present capacity for future use in connection with the supply, transportation, or distribution of water, and any integral part thereof, including, but not limited to, water supply systems, water distribution systems, reservoirs, wells, intakes, mains, laterals, aqueducts, pumping stations, standpipes, filtration plants, purification plants, hydrants, meters, valves, and all necessary appurtenances and equipment, and all properties, rights, easements, and franchises relating thereto and deemed necessary or convenient by the district for the operation thereof.
- (5) "Sewage" means the water-carried wastes created in and carried or to be carried away from residences, hotels, schools, hospitals, industrial establishments, commercial establishments, or any other private or public building, together with such surface or groundwater or household and industrial wastes as may be present.
- (6) "Sewage disposal system" means and includes any plant, system, facility, or property used or useful or having the present capacity for future use in connection with the collection, treatment, purification, or disposal of sewage (including industrial wastes resulting from any processes of industry, manufacture, trade, or business or from the development of any natural resources), or any integral part thereof, including, but not limited to, treatment plants, pumping stations, intercepting sewers, trunk sewers, pressure lines, mains, and all necessary appurtenances and equipment, and all property, rights, easements, and franchises relating thereto and deemed necessary or convenient by the district for the operation thereof.
- (7) "Sewers" include mains, pipes, and laterals for the reception of sewage and carrying such sewage to an outfall or some part of a sewage disposal system, including pumping stations where deemed necessary by the district.

(8) "Sewer system" embraces both sewers and sewage disposal systems and all property, rights, easements, and franchises relating thereto.

(9) "System" means and includes a water system or sewer system or any one or more thereof.

(10) "District" means the Immokalee Water and Sewer District created and established in Collier County by this act.

(11) "Bonds" mean bonds or revenue certificates or other financial obligations of the district which are part or all of an issue of such obligations issued pursuant to this act.

(12) "Sewer" includes in its meaning the word sewerage.

Section 4. Objects and purposes of the district.—The objects and purposes of the district are to acquire, purchase, lease, construct, improve, extend, operate, maintain, and finance any water system or systems or parts thereof, or any sewer system or systems or parts thereof serving such unincorporated areas and other customers and users as the district may determine. The district may acquire a supply of water either within or without the county. The district may itself own and operate water and sewer systems in unincorporated territory and may also sell and transport water to other systems, whether publicly or privately owned, and other users and consumers, provided the district shall not acquire, construct, or own any water distribution system in any other area except as stated herein.

Section 5. Governing body.--

(1) The governing body of the district shall be the Immokalee board of commissioners, consisting of seven members, each of whom shall be a registered voter, resident of the district, and citizen of the United States. Members of the board of commissioners shall be appointed by the Governor for terms of 4 years. Of the initial board, two members shall serve a term of 2 years; two members shall serve a term of 3 years; and three members shall serve a term of 4 years. Appointments to fill vacancies on the board of commissioners shall be for the unexpired term only. Four members constitute a quorum for the transaction of business. Each commissioner shall, before he or she enters upon his or her duties as commissioner, execute to the Governor a good and sufficient bond in the sum of \$1,000 with a qualified corporate surety conditioned to faithfully perform the duties of such commissioner and to account for all funds to come into his or her hands as such commissioner. All premiums payable for such bonds shall be paid from the funds of the district.

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

Section 6. Organization.--The board shall organize by electing from its number a chair, a vice chair, a secretary, and a treasurer. The members of the board shall serve 4-year terms. No commissioner shall receive compensation for his or her services. Board members shall be reimbursed for travel and per diem pursuant to s. 112.061, Florida Statutes.

Section 7. Funds.--No funds of the district shall be used for any purpose other than the administration of the affairs and business of the district, the construction, care, maintenance, upkeep, operation, and repair of sewers and sewer and water systems in the

district, as the board may determine to be for the best interest of the district and the inhabitants thereof. All disbursements of the funds of the district over the sum of \$5,000 shall be made pursuant to warrants or checks signed by the chair or vice chair and countersigned by the treasurer or the secretary of the board.

Section 8. Powers of board.--The Board of Commissioners of the Immokalee Water and Sewer District is authorized and empowered:

(1) To make rules and regulations for its own government and proceedings and to adopt an official seal for the district.

(2) To employ engineers, attorneys, accountants, financial or other experts, and such other agents and employees as said district board may require or deem necessary to effectuate the purposes of this law, or to contract for any such services, provided that the board may authorize its director to hire, discipline, and terminate employees, and give salary raises to employees, subject to review and approval by the board.

(3) To construct, install, erect, and acquire and to operate, maintain, improve, extend, or enlarge and reconstruct a water system or a sewer system or both within said district and the environs thereof and to have the exclusive control and jurisdiction thereof, and to issue its general obligation bonds, revenue bonds, or assessment bonds, or any combination of the foregoing, to pay all or part of the cost of such construction, reconstruction, erection, acquisition, or installation of such water system, sewer system, or both, provided that the total amount of all general obligation indebtedness of the district issued pursuant to this law shall not exceed 15 percent of the assessed value of the taxable property in the district at the time of the creation of such district, to be ascertained by the assessed valuations for county taxes in effect at the time of the creation of such district.

(4) To regulate the use of sewers and the supply of water within the district, to prohibit the use and maintenance of outhouses, privies, septic tanks, or other unsanitary structures or appliances, and to regulate the use of sewers and the wastewater collection system within the district by instituting, maintaining, and enforcing a grease management program for the district's commercial and industrial customers.

(5) To fix and collect rates, fees, and other charges to persons or property or both for the use of the facilities and services provided by any water system or sewer system or both and to fix and collect charges for making connections with any such water system or sewer system and to provide for reasonable penalties on any users or property for any such rates, fees, or charges that are delinquent.

(6) To acquire in the name of the district, by purchase, gift, or the exercise of the right of eminent domain, such lands and rights and interest therein, including lands under water and riparian rights and to acquire personal property as it may deem necessary in connection with the construction, reconstruction, improvement, extension, installation, erection, or operation and maintenance of any water system or sewer system or both and to hold and dispose of all real and personal property under its control; however, nothing contained herein shall authorize the power of eminent domain to be exercised beyond the limits of the district.

(7) To exercise exclusive jurisdiction, control, and supervision over any water system or sewer system or both, or any part thereof, owned, operated, and maintained by the district, and to make and enforce such rules and regulations for the maintenance and operation of any water system or sewer system or both as may be, in the judgment of the

district board, necessary or desirable for the efficient operation of any such systems or improvements in accomplishing the purposes of this law.

(8) To restrain, enjoin, or otherwise prevent the violation of this law or of any resolution, rule, or regulation adopted pursuant to the powers granted by this law.

(9) To join with any other district or districts, cities, towns, counties, or other political subdivisions, public agencies, or authorities in the exercise of common powers.

(10) To contract with municipalities or other private or public corporations or persons to provide or receive a water supply or for sewage disposal, collection, or treatment.

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

(12) To require and enforce the use of its facilities whenever and wherever they are accessible.

(13) To sell or otherwise dispose of the effluent, sludge, or other byproducts as a result of sewage treatment.

(14) To accomplish construction by holding hearings, advertising for construction bids, and letting contracts for all or any part or parts of the construction of any water system or sewer system or both to the lowest responsible bidder or bidders or rejecting any and all bids at its discretion, provided that the district may purchase supplies, material, and equipment, as well as expend for construction work, in an amount not to exceed \$1,000 total cost of each transaction without advertising or receiving bids.

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

(16) Subject to such provisions and restrictions as may be set forth in the resolution authorizing or securing any bonds or other obligations issued under the provisions of this law, to enter into contracts with the Government of the United States or any agency or instrumentality thereof, or with any county, municipality, district, authority, or political subdivision, private corporation, partnership, association, or individual providing for or relating to the treatment, collection, and disposal of sewage, or the treatment, supply, and distribution of water and any other matters thereto or otherwise necessary to effect the purposes of this law, and to receive and accept from any federal agency, grants or loans for or in aid of the planning, construction, reconstruction, or financing of any water system or sewer system or both and to receive and accept aid or contributions or loans, from any other source, of money, property, labor, or other things of value, to be held, used, and applied only for the purpose for which such grants, contributions, or loans may be made.

Section 9. Assessable improvements; levy and payment of special assessments.-- Any district may provide for the construction or reconstruction of assessable improvements as defined in s. 153.52, Florida Statutes, and for the levying of special assessments upon benefited property for the payment thereof, under the provisions of this section.

(1)(a) The initial proceeding under this section shall be the passage by the district board of a resolution ordering the construction or reconstruction of such assessable improvements, indicating the location by terminal points and routes and either giving a description of the improvements by its material, nature, character, and size or giving two or more descriptions with the directions that the material, nature, character, and size shall be subsequently determined in conformity with one of such descriptions. Sewer or water improvements need not be continuous and may be in more than one locality or street. The resolution ordering any such improvement may give any short and convenient designation to each improvement ordered thereby, and the property against which assessments are to be made for the cost of such improvement may be designated as an assessment district, followed by a letter or number or name to distinguish it from other assessment districts, after which it shall be sufficient to refer to such improvement and property by such designation in all proceedings and assessments, except in the notices required by this section.

(b) A fund for the payment of bonds shall be created under this paragraph.

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

1. Printing and publishing notices and proceedings.
2. Costs of abstracts of title.

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

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

(3) The district clerk upon the filing with him or her of such plans, specifications, estimates, and tentative apportionment of cost shall publish once in a newspaper published in the county and circulating in the district, or posted as provided in s. 153.56, Florida Statutes, if there is no such newspaper, a notice stating that at a meeting of the district board on a certain day and hour, not earlier than 15 days from such publication or posting, the district board will hear objections of all interested persons to the

confirmation of such resolution, which notice shall state in brief and general terms a description of the proposed assessable improvements with the location thereof, and shall also state that plans, specifications, estimates, and tentative apportionment of cost thereof are on file with the district clerk. The district clerk shall keep a record in which shall be inscribed, at the request of any person, firm, or corporation having or claiming to have any interest in any lot or parcel of land, the name and post office address of such person, firm, or corporation, together with a brief description or designation of such lot or parcel, and it shall be the duty of the district clerk to mail a copy of such notice to such person, firm, or corporation at such address at least 10 days before the time for the hearing as stated in such notice, but the failure of the district clerk to keep such record or so to inscribe any name or address or to mail any such notice shall not constitute a valid objection to holding the hearing as provided in this section or to any other action taken under the authority of this section.

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

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

(6)(a) Whenever any resolution providing for the construction or reconstruction of assessable improvements and for the levying of special assessments upon benefited for the payment thereof have been confirmed, as hereinabove provided, or at any time thereafter, the district board may issue assessment bonds payable out of such assessments when collected. Said bonds shall mature not later than 2 years after the last installment in which said special assessments may be paid, as provided in subsection (11), and shall bear interest at a rate not exceeding 7 1/2 percent per annum. Such assessment bonds shall be executed, shall have such provisions for redemption prior to maturity, and shall be sold in the manner and be subject to all of the applicable provisions contained in s. 153.63, Florida Statutes, for revenue bonds, except as the same are inconsistent with the provisions of this section. The amount of such assessment bonds for any assessable improvement, prior to the confirmation of the preliminary assessment roll provided for in subsection (10), shall not exceed 70 percent of the estimated amount of the cost of such assessable improvements which are to be specially assessed against the land and real estate to be specially benefited thereby, as shown in the estimates of the engineer for the district referred to in subsection (2). The amount of such assessment bonds for any assessable improvement to be issued, after the confirmation of the preliminary assessment roll provided for in subsection (10), including any assessment bonds

theretofore issued, shall not exceed the amount of special assessments actually confirmed and levied by the district board as provided in subsection (10).

(b) Such assessment bonds shall be payable from the proceeds of the special assessments levied for the assessable improvement for which such assessment bonds are issued, provided that any district may pledge the full faith and credit of such district for the payment of the principal of and interest on such assessment bonds if the issuance of such assessment bonds is approved by the qualified electors who reside in said district in the manner provided in the State Constitution and statutes of Florida.

(7) After the passage of the resolution authorizing the construction or reconstruction of assessable improvements has been confirmed as provided in subsection (4), the district may publish at least once in a newspaper published in the county and circulating in the district, or post in the manner provided in s. 153.56, Florida Statutes, if there is no such newspaper, a notice calling for sealed bids to be received by the district board on a date not earlier than 15 days from the first publication for the construction of the work, unless in the initial resolution the district board has declared its intention to have the work done by district forces without contract. The notice shall refer in general terms to the extent and nature of the improvement or improvements and may identify the same by the short designation indicated in the initial resolution and by reference to the plans and specifications on file. If the initial resolution has given two or more alternative descriptions of the assessable improvements as to its material, nature, character, and size and, if the district board has not theretofore determined upon a definite description, the notice shall call for bids upon each of such descriptions. Bids may be requested for the work as a whole or for any part thereof separately and bids may be asked for any one or more of such assessable improvements authorized by the same or different resolutions, but any bid covering work upon more than one improvement shall be in such form as to permit a separation of cost as to each improvement. The notice shall require bidders to file with their bids either a certified check drawn upon an incorporated bank or trust company in such amount or percentage of their respective bids as the district board deems advisable or a bid bond in like amount with corporate surety satisfactory to the district board to ensure the execution of a contract to carry out the work in accordance with such plans and specifications and ensure the filing, at the making of such contract, of a bond in the amount of the contract price with corporate surety satisfactory to the district conditioned for the performance of the work in accordance with such contract. The district board shall have the right to reject any or all bids and, if all bids are rejected, the district board may readvertise or may determine to do the work by the district forces without contract.

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

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

feet shall be known as the frontage.

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

(9) The preliminary roll shall be advisory only and shall be subject to the action of the district board as hereinafter provided. Upon the filing with the district clerk of the preliminary assessment roll, the district clerk shall publish at least once in a newspaper published in the county, and circulating in the district or, if there is no such newspaper, post in the manner provided in s. 153.56, Florida Statutes, a notice stating that at a meeting of the district board to be held on a certain day and hour, not less than 15 days from the date of such publication or posting, which meeting may be a regular, adjourned, or special meeting, all interested persons may appear and file written objections to the confirmation of such roll. Such notice shall state the class of the assessable improvements and the location thereof by terminal points and route.

(10) At the time and place stated in such notice, the district board shall meet and receive the objections in writing of all interested persons as stated in such notice. The district board may adjourn the hearing from time to time. After the completion thereof, the district board shall either annul or sustain or modify in whole or in part the preliminary assessment as indicated on such roll, either by confirming the preliminary assessment against any or all lots or parcels described therein or by canceling, increasing, or reducing the same, according to the special benefits which the district board decided each such lot or parcel has received or will receive on account of such improvement. If any property which may be chargeable under this section has been omitted from the preliminary roll or if the preliminary assessment was not made against it, the board may place on such roll an apportionment to such property. The district board shall not confirm any assessment in excess of the special benefits to the property assessed, and the assessments so confirmed shall be in proportion to the special benefits. Immediately after such confirmation, such assessment roll shall be delivered to the district clerk. The assessment so made shall be final and conclusive as to each lot or parcel assessed unless proper steps are taken within days in a court of competent jurisdiction to secure relief. If the assessment against any property is sustained or reduced or abated by the court, the district clerk shall note that fact on the assessment roll opposite the description of the property affected thereby. The amount of the special assessment against any lot or parcel which may be reduced or abated by the court, unless the assessment upon the entire district is reduced or abated, or the amount by which such assessment is so reduced, may by resolution of the district board be made chargeable against the district at large, or, at the discretion of the district board, a new assessment roll may be prepared and confirmed in the manner hereinabove provided for the preparation and confirmation of the original assessment roll.

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

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

(c) All assessments shall constitute a lien upon the property so assessed from the date of confirmation of the resolution ordering the improvement, of the same nature and to the same extent as the lien for general county taxes falling due in the same year or years in which such assessments or installments thereof fall due, and any assessment or installment not paid when due shall be collectible with such interest and with a reasonable attorney's fee and costs, but without penalties, by the district by proceedings in a court of equity to foreclose the lien of assessments as a lien for mortgages is or may be foreclosed under the laws of the state, provided that any such proceedings to foreclose shall embrace all installments of principal remaining unpaid with accrued interest thereon, which installments shall, by virtue of the institution of such proceedings, immediately become due and payable.

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

(e) It shall be the duty of the district to enforce the prompt collection of assessments by the means herein provided, and such duty may be enforced at the suit of any holder of bonds issued under this law in a court of competent jurisdiction by mandamus or other appropriate proceedings or action.

(f) Not later than days after the annual installments are due and payable, it shall be the duty of the district board to direct the attorney or attorneys whom the district board shall then designate, to institute action within 2 months after such direction to enforce the collection of all special assessments for assessable improvements made under this section and remaining due and unpaid at the time of such direction. Such action shall be prosecuted in the manner and under the conditions in and under which mortgages are foreclosed under the laws of the state.

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

(h) At the sale pursuant to decree in any such action, the district may be a purchaser to the same extent as an individual person or corporation, except that the part of the purchase price represented by the assessments sued upon and the interest thereon need not be paid in cash. Property so acquired by a district may be sold or otherwise disposed of, the proceeds of such disposition to be placed in the fund provided by

paragraph (1)(b) of this section; however, no sale or other disposition thereof shall be made unless the notice calling for bids therefor to be received at a stated time and place have been published in a newspaper published in the county and circulating in the district, or posted in the manner provided in s. 153.56, Florida Statutes, if there is no such newspaper, at least 20 days prior to such disposition.

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

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

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

(1) To pay the cost of maintaining, repairing, and operating the waterworks and sewerage facilities of the district and to provide reserves therefor and for replacements and depreciation and necessary extensions and enlargements.

(2) To pay the principal of and the interest on all outstanding bonds for the payment of which such rates and charges are pledged as the same become due and provide reserves therefor. Said bonds shall bear interest at a rate pursuant to the applicable Florida statute, and be sold at public sale. However, in the event an offer of an issue of bonds at public sale produces no bid or in the event all bids received are rejected, the board is authorized to negotiate for the sale of such bonds under such rates and terms as are acceptable. However, no such bonds shall be sold or delivered at a higher net interest cost rate than contained in any bids rejected at the public sale thereof, or at the rate contained in the notice of public sale if no bids were received at such public sale.

(3) To provide a margin of safety for making such payments and providing such reserves. Such rates and charges shall not be subject to supervision or regulation by any commission, board, bureau, or agency of the state or any political subdivision of the state. Such rates and charges shall be just and equitable and the sewer service charges may be based or computed either upon the quantity of water used or upon the number and size of sewer connections or upon the number and kind of plumbing fixtures in use on the premises connected with the sewerage facilities or upon the number of persons residing or working in or otherwise connected with such premises or upon the type or character of such premises or upon any other factor affecting the use of the facilities furnished or

upon any combination of the foregoing factors. In cases in which the character of the sewage from any manufacturing or industrial plant, building, or premises is such that it imposes an unreasonable burden upon any sewerage facility, an additional charge may be made therefor, or the board may, if it deems advisable, compel such manufacturing or industrial plant, building, or premises to treat such sewage in a manner specified by the board before discharging the sewage into any sewer lines owned or maintained by the district.

Section 11. Collection of rates and charges.—The board of commissioners may provide in the resolution authorizing the issuance of bonds under this act or in any trust agreement securing such bonds that any sewer service shall be included in bills rendered for water used on the premises and that if any water rates or sewer service charges are not paid within days from the rendition of any such bills, the district shall discontinue furnishing water to such premises and may disconnect the same from the waterworks facilities. Any such resolution or trust agreement may include any or all of the following provisions, and may require the board to adopt such resolutions or to take such other lawful action as is necessary to effectuate such provisions, and the board is hereby authorized to adopt such resolutions and to take such other action:

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

(2) That if any water rates or sewer charges payable to the district are not paid within 30 days after the same become due and payable, the district may at the expiration of such 30-day period disconnect the premises from the waterworks or sewerage facilities; and the district may proceed to recover the amount of any such delinquent rates or charges, with interest, in an action as provided by law.

(3) That if any sewer service charges for the use of any sewerage facilities by or in connection with any premises not served by any waterworks facilities of the district are not paid within 30 days after the same become due and payable, the owner, tenant, or occupant of such premises shall cease to dispose of sewage or industrial wastes originating from or on such premises by discharge thereof directly or indirectly into the sewerage facilities of the district until such sewer service charges, with interest, are paid; that if such owner, tenant, or occupant does not cease such disposal at the expiration of the 30-day period, it shall be the duty of any public or private corporation, board, body, or person supplying water to or selling water for use on such premises to cease supplying water to or selling water for use on such premises within 5 days after the receipt of notice of such delinquency from the district; and that if such corporation, board, body, or person does not, at the expiration of the 5-day period, cease supplying water to or selling water for use on such premises, then the district may, unless it has theretofore contracted to the contrary, shut off the supply of water to such premises.

Section 12. Connection with sewer system.--Upon the construction of sewerage facilities under the provisions of this act, the owner, tenant, or occupant of each lot or parcel of land within the district which abuts upon a street or other public way containing a sanitary sewer as a part of such sewerage facility or a sanitary sewer served or which may be served by such sewerage facilities and upon which lot or parcel a building has

been constructed for residential, commercial, or industrial use, shall, if so required by the regulations and rules or a resolution of the board, connect with such building such sanitary sewer, and shall cease to use any other method for the disposal of sewage wastes or other polluting matter. All such connections shall be made in accordance with rules and regulations and may provide for a charge for making any such connection in such reasonable amount as the board may fix and establish. This act being necessary for the welfare of the inhabitants of the county shall be liberally construed to effect the purpose thereof.

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

Section 14. Audits.--The accounts and records of the board shall be postaudited annually, at the expense of the board, as required by law.

Section 15. In accordance with the provisions of s. 11(a)(21) of Article III of the State Constitution, if passed by at least three-fifths vote of the membership of each house, this act shall take effect only upon its approval by a majority vote of those qualified electors voting in a referendum election to be called by the Board of County Commissioners of Collier County, in accordance with the provisions of law relating to elections currently in force in Collier County; except that this section shall take effect upon becoming a law.