Taylor Coastal Water & Sewer District
2021 Board Meeting Calendar

Proposed Board Meeting dates:
4th Tuesday of each month at 3:00 pm (unless otherwise noted)

January 26, 2021	July 27, 2021
February 23, 2021	August 24, 2021
March 23, 2021	September 28, 2021
April 27, 2021	October 26, 2021
May 25, 2021	November 16, 2021
June 22, 2021	December 14, 2021

****All Board meetings are held at the District Administration Building located at 18820 Beach Road.***

The District Office will be closed for the following recognized holidays:

Holiday	Date Observed
New Years Day	January 1
Martin Luther King, Jr. Day	January 18
President's Day	February 15
Good Friday	April 2
Memorial Day	May 31
Independence Day	July 2
Labor Day	September 6
Veterans Day	November 11
Thanksgiving Holidays	November 24, 25, & 26
Christmas Holidays	December 24 to 31

Subject: Remote Attendance at Meetings
From: JD Durant <jd@boydlaw.net>
Date: 7/13/2021, 1:39 PM
To: Lynette Senter <tcwsd@fairpoint.net>

Lynette: A quorum of the Board must attend meetings in person. As long as there is an in-person quorum, the Board may allow individual Board members to attend meetings remotely if there are extraordinary circumstances such as an illness. I've attached an Attorney General opinion on this question that was issued in March of last year. Bills were filed in the last legislative session that would have allowed remote attendance, at least in times of emergency, but I do not think they passed. I'll be happy to study the question in more detail if the Board would like.

Thanks, J.D.

James M. Durant, Jr.
Board Certified Real Estate Lawyer
1407 Piedmont Drive East
Tallahassee, FL 32308
O: 850-386-2171 x 0
M: 850-445-1723
jd@boydlaw.net
Admitted in Florida and Georgia

BOYD & DURANT
ATTORNEYS AT LAW

Attachments:

AGO 2020-03.doc	44.0 KB

Fla. AGO 2020-03 (Fla.A.G.), 2020 WL 1894033

Office of the Attorney General

State of Florida
AGO 2020-03
March 19, 2020

*1 The Honorable Ron DeSantis
Governor
The Capitol
Tallahassee, Florida 32399-0001

Dear Governor DeSantis:
Our office has received your letter dated March 17, 2020, requesting an op inion pursuant to Section 16.01(3), Florida Statutes, in light of recent developments arising from the spread of COVID-19. On March 9, 2020, you issued Executive Order No. 20-52, declaring a state of emergency statewide and requiring Florida government officials to take necessary and timely precautions to protect their communities.

You state that, as a result of the dangers of COVID-19, public safety directives encourage citizens to engage in "social distancing" and to avoid public gatherings, where possible. As a result, your office "has been contacted by numerous county and local government bodies regarding concerns for public meetings held in light of the COVID-19 public health emergency. These entities raise issues involving Florida Statutes and Attorney General Advisory Opinion interpretations that limit the ability to hold public meetings using communications media technology."[1]

Question Presented

Under these circumstances, you ask the following question:
Whether, and to what extent, local government bodies may utilize teleconferencing and/or other technological means to convene meetings and conduct official business, while still providing public access to those meetings?

It is my opinion under existing law that, if a quorum is required to conduct official business, local government bodies may only conduct meetings by teleconferencing or other technological means if either (1) a statute permits a quorum to be present by means other than in person, or (2) the in-person requirement for constituting a quorum is lawfully suspended during the state of emergency. If such meetings are conducted by teleconferencing or other technological means, public access must be afforded which permits the public to attend the meeting. That public access may be provided by teleconferencing or technological means.

Discussion

Article I, Section 24(b) of the Florida Constitution provides that "[a]ll meetings ... of any collegial public body of a county, municipality, school district, or special district, at which official acts are to be taken or at which public business of such body is to be transacted or discussed, shall be open and noticed to the public[.]" Florida's Sunshine Law, found in chapter 286, Florida Statutes, provides that "[a]ll meetings of any ... agency or authority of any county, municipal corporation, or political subdivision, except as otherwise provided in the Constitution, ... at which official acts are to be taken are declared to be public meetings open to the public at all times, and no resolution, rule, or formal action shall be considered binding except as taken at such meeting." § 286.011(1), Fla. Stat. (2019). Section 286.0114, Florida Statutes, also provides, with respect to certain "propositions" before a board or commission, that an opportunity for public comment must be afforded.

*2 Though the Florida Constitution and the Sunshine Law both require that, unless exempt by law, meetings of a local government body must be "public meetings" that are "open to the public," the text of neither provision requires that members of the public body be physically present during the meeting. Nor does either provision prescribe any particular *means* of

holding meetings. Since 1997, Florida law has allowed many state agencies to conduct public meetings, hearings and workshops by "communications media technology" in full compliance with the Sunshine Law, and they regularly do so. *See* § 120.52(5)(b)2., Fla. Stat. (2019); Ch. 28-109, Fla. Adm. Code. No reported judicial decision has held that meetings conducted by such means violate the Florida Constitution or the Sunshine Law. The Legislature has also, by statute, permitted certain public entities other than state agencies to conduct meetings using communications media technology.[2]

When asked similar questions by local government bodies in the past, the Attorney General's office has made it clear that any requirement for physical presence of members derives from other law specifying that a quorum be present to lawfully conduct public business or that the meeting of a local government body be held at a place within the body's jurisdiction. *See* Ops. Att'y Gen. Fla. 1983-100 (1983), 1998-28 (1998), 2006-20 (2006). How a quorum is lawfully constituted, or where a meeting is "held," are questions distinct from the Sunshine Law and governed by other law. Indeed, a quorum is not required to be present for a meeting to be otherwise subject to the Sunshine Law.[3]

Some statutes governing the conduct of business by local government bodies (such as section 166.041, Florida Statutes) specifically include the requirement of a "quorum" or that a quorum be "present" to conduct certain kinds of public business, such as the adoption of ordinances or resolutions. See § 166.041(4), Fla. Stat. (providing that, for municipalities, a majority of members constitutes a quorum and an affirmative vote of a "majority of a quorum present" is necessary to adopt an ordinance or resolution). Other statutes require that meetings be held in a place within the jurisdiction of the local government body. For example, section 125.001(1), Florida Statutes, requires that meetings of a board of county commissioners "may be held at any appropriate place in the county." These statutes have not defined the term "quorum" or what it means to be "present." Nor have they defined what it means for a meeting to be "held" in a place.

Absent any statutory definition of these terms, the Attorney General's office has, in prior opinions, relied upon the plain meanings of the terms "quorum" and "present" by resorting to legal dictionaries and dictionaries of common usage. *See* Op. Att'y Gen. Fla. 2010-34 n.5-6 (referring to unabridged dictionary and legal dictionary for definition of term "quorum", which included the word "present", and concluding that "a quorum requirement, in and of itself, contemplates the physical presence of the members of a board or commission at any meeting subject to the requirement."). Doing so is a universally accepted mode of interpretation repeatedly endorsed by Florida courts. *See Lee Mem. Health Sys. v. Progressive Select Ins. Co.*, 260 So. 3d 1038, 1043 (Fla. 2018); *Berkovich v. Casa Paradiso North, Inc.*, 125 So. 3d 938, 941 (Fla. 4th DCA 2013) ("The common usage of the term 'quorum' requires the presence of individuals.") (citing Black's Law Dictionary 1284 (8th ed.2004)).

***3** The term "quorum" is defined as "who must be present for a deliberative assembly to legally transact business." Black's Law Dictionary (11th ed. 2019). The word "present," is defined as "in attendance; not elsewhere." Black's Law Dictionary (11th ed. 2019); *see also* Webster's Third New International Dictionary Unabridged 1793 (2002 ed.) (defining "present" as "being before, beside, with, or in the same place as someone or something <both men were present at the meeting>.").

Thus, in the absence of a statute to the contrary, the Attorney General's office historically has taken a conservative approach, out of concern for the validity of actions taken by the public body, concluding that any statutory quorum requirement to conduct public business requires the quorum of members to be physically present and that members present by electronic means could not count toward establishing the quorum. A long line of opinions by my predecessors contain conclusions to that effect.

For example, in Attorney General Opinion 83-100, Attorney General Smith concluded that a county could not conduct a meeting unless members constituting a quorum were physically present (and, even then, that a physically absent member could not participate by telephone). Op. Atty. Gen. Fla. 83-100 (1983). In Attorney General Opinion 92-44, Attorney General Butterworth concluded that a county commissioner physically unable to attend a meeting because of medical treatment could participate and vote in commission meetings where a quorum of other commissioners was physically present. Op. Att'y Gen. Fla. 92-44 (1992). In Attorney General Opinion 98-28, Attorney General Butterworth concluded that a school board member could attend a meeting by electronic means, so long as a quorum was physically present at the meeting site. Op. Att'y Gen. Fla. 98-28. In Attorney General Opinion 2002-82, Attorney General Doran concluded that physically disabled members of a city board could participate and vote on matters as long as a quorum was physically present. Op. Att'y Gen. Fla. 2002-82 (2002). In Attorney General Opinion 2003-41, Attorney General Crist concluded that a member of a city human rights board who was physically absent from a board meeting but participated by telephone conference could not be counted toward the

presence of a quorum. Op. Att'y Gen. Fla. 2003-41 (2003). And in Attorney General Opinion 2010-34, Attorney General McCollum concluded that the Coral Gables City Commission could not adopt an ordinance for the city's retirement board declaring that the requirements to create a quorum would be met if members of the board appeared via electronic means, because doing so would conflict with the statutory requirement in section 166.041, Florida Statutes that a quorum be present. Op. Att'y Gen. Fla. 2010-34 (2010).

Conclusion

The nature, extent, and potential duration of the current emergency involving COVID-19 present unique circumstances. However, without legislative action, they do not change existing law. It is my opinion that, unless and until legislatively or judicially determined otherwise, if a quorum is required to conduct official business, local government bodies may only conduct meetings by teleconferencing or other technological means if either a statute permits a quorum to be present by means other than in-person, or the in-person requirement for constituting a quorum is lawfully suspended during the state of emergency.

Sincerely,

*4 Ashley Moody
Attorney General

Footnotes

1 Letter from Governor Ron DeSantis to Attorney General Ashley Moody dated March 17, 2020.

2 *Compare, e.g.*, § 163.01, Fla. Stat. (2019) (authorizing any separate legal entity created under subsection (7) of the Florida Interlocal Cooperation Act of 1969 to conduct public meetings and workshops by means of "conference telephone, video conference, or other communications technology by which all persons attending a public meeting or workshop may audibly communicate;" providing specific requirements; and providing that the "participation by an officer, board member, or other representative of a member public agency in a meeting or workshop conducted through communications media technology constitutes that individual's presence at such meeting or workshop"); § 373.079(7), Fla. Stat. (2019) (authorizing the water management district "governing board, a basin board, a committee, or an advisory board" to "conduct meetings by means of communications media technology in accordance with rules adopted pursuant to s. 120.54"); § 374.983(3), Fla. Stat. (2019) (authorizing the Board of Commissioners of the Florida Inland Navigation District to conduct board and committee meetings "utilizing communications media technology, pursuant to s. 120.54(5)(b)2"); § 553.75(3), Fla. Stat. (2019) (authorizing the use of communications media technology in conducting meetings of the Florida Building Commission or of any meetings held in conjunction with meetings of the commission); § 1002.33(9)(p) 3, Fla. Stat. (2019) (authorizing members of each charter school's governing board to attend public meetings to "in person or by means of communications media technology used in accordance with rules adopted by the Administration Commission under s. 120.54(5), and specifying other requirements) *with* § 349.04(8), Fla. Stat. (2019) (authorizing the Jacksonville Transportation Authority to "conduct public meetings and workshops by means of communications media technology, as provided in s. 120.54(5)," but specifying that "a resolution, rule, or formal action is not binding unless a quorum is physically present at the noticed meeting location, and only members physically present may vote on any item").

3 Indeed, a quorum is not required to be present for a meeting to be otherwise subject to the Sunshine Law. *See Hough v. Stembridge*, 278 So. 2d 288 (Fla. 3d DCA 1973).

Fla. AGO 2020-03 (Fla.A.G.), 2020 WL 1894033

End of Document

ARTICLE IV. - TAYLOR COASTAL WATER AND SEWER DISTRICT

Footnotes:

— (4) —

Editor's note— *Ord. No. 2005-3, §§ 1—14 amended and restated former Art. IV in its entirety to read as herein set out. Former Art. IV pertained to similar subject matter and derived from Ord. No. 2004-8, §§ 1—13, adopted May 3, 2004.*

Sec. 66-141. - Short title.

This article may be known as the "Taylor Coastal Water and Sewer District Act."

(Ord. No. 2005-3, § 1, 4-19-2005)

Sec. 66-142. - Boundaries.

There is hereby created in Taylor County a special district to be known as Taylor Coastal Water and Sewer District. The district will include all that portion of Taylor County described as follows:

> That part of Section 4, that lies South and Westerly of Yates Creek and all of Sections 5, 6, 8, 9; all of Sections 14, 15, 16, 21, 22, 23, 24, 25, 26, 27, 35, 36, in Township 7 South, Range 7 East; all of Section 31 in Township 7 South, Range 8 East also all of Sections 1, 12, 13, Townships 8 South, Range 7 East; all of Sections 6, 7, 18, Township 8 South, Range 8 East in Taylor County, Florida.

(Ord. No. 2005-3, § 2, 4-19-2005)

Sec. 66-143. - Definitions.

Whenever used in this act, unless a different meaning clearly appears from the context:

Board means the board of commissioners of the Taylor Coastal Water and Sewer District.

Bonds mean bonds or revenue certificates or other financial obligations of the district which are part or all of an issue of such obligations, any one or more of which mature over three (3) years from date of issue, issued pursuant to this act.

County means Taylor County.

County commissioners means the board of county commissioners of Taylor County.

District means the Taylor Coastal water and Sewer District created and established by this act in Taylor County.

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 ground water or household and industrial waste as may be present.

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.

Sewer includes in its meaning the word "sewerage."

Sewer system embraces both sewers and sewage disposal systems and all property, rights, easements and franchisee relating thereto.

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.

System means and includes a water system or sewer system or any one or more thereof.

Water system 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 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.

(Ord. No. 2005-3, § 3, 4-19-2005)

Sec. 66-144. - 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, and/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 and either within or without the state. 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.

(Ord. No. 2005-3, § 4, 4-19-2005)

Sec. 66-145. - Governing body.

(a) The commissioners of the district shall be the governing board of the water system for the Taylor Coastal area, known as Taylor Coastal Utilities, Inc., a Florida not-for-profit corporation as of the date of the adoption of the ordinance from which this article derives. Such governing board shall exercise all powers and responsibilities authorized by this article.

(b) Commissioners of the district shall be owners of property within the district who are registered electors in Taylor County, Florida.

(1) The district commissioners shall consist of seven members and shall be appointed by the board of county commissioners of Taylor County. The district commissioners shall be divided into two groups. Group No. 1 shall consist of three district commissioners [with terms] ending May 2, 2006, after 2006 the said Group No. 1 shall be appointed for a four year-term beginning May 3, 2006. Group Number 2 shall consist of four district commissioners who shall first be appointed for a four-year term beginning May 3, 2004 and ending May 2, 2008. After 2008 the said Group No. 2 shall be appointed for a four-year term beginning May 3, 2008. The appointment of all district commissioners shall be by the board of county commissioners but the sitting district commissioners may present names of persons who might serve.

(2) To qualify as a district commissioner, the potential district commissioner must sign an oath stating, "I do solemnly swear or affirm that I am a registered voter within the State of Florida and that I own real property within the boundaries of the Taylor Water and Sewer District as designated in Taylor County Ordinance No. 2000-10."

(3) In the event of a vacancy due to any cause in the district board of commissioners, the same shall be filled by appointment by a majority of the members of the board of county commissioners for the unexpired term. Moreover, during their unexpired terms, members of the special district governing body are subject to removal by the governing body of Taylor County, being the board of county commissioners.

(4) In the event a TCW&SD commissioner is absent from three regularly scheduled meetings during a 12-month period, the county commission may at its' discretion, remove said commissioner and replace with a commissioner of its' choice, to serve out the remainder of the replaced commissioner's term.

(c) Each commissioner, before he or she assumes office, shall be required to give the governor a sufficient surety bond in the sum of $2,000.00, the cost thereof being borne by the district, conditioned on the faithful performance of the duties of his or her office, said bond to be approved and filed in the same manner as is that of the board of county commissioners. The failure of any person to make and file this bond within ten days after his or her appointment shall create a vacancy on said board.

(d) Members of the district board of commissioners may be entitled to compensation [reimbursement for traveling expenses incurred in the performance of their duties as provided by] F.S. ch. 153 and 112. Compensation of the district board of commissioners shall be by resolution. Reimbursement for travel expense shall be approved by a majority of the district

commissioners. The district board of commissioners shall hold a regular monthly meeting, and special meetings as needed in an appropriate place within the district. A quorum shall consist of four commissioners at any meeting.

(Ord. No. 2005-3, § 5, 4-19-2005; Ord. No. 2006-8, § 1, 6-5-2006; Ord. No. 2015-01, § 1, 2-17-2015; Ord. No. 2015-05, § 1, 12-15-2015)

Sec. 66-146. - Organization.

As soon as practical and as provided by law, after the first district commissioners have been appointed or elected and have qualified, they shall meet and organize by election from among their number a chairman, vice chairman, a secretary and a treasurer, who shall serve a term of one year, and be elected annually thereafter. The secretary need not be a commissioner. The members of the board shall serve four-year terms. Board members may be reimbursed for expenses incurred incident to the legitimate transaction of business of the district as authorized by section 112.061, Florida statutes, and only when such expenses are approved by a majority of the board members at a regular or special meeting.

(Ord. No. 2005-3, § 6, 4-19-2005)

Sec. 66-147. - 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 inhabitants thereof. All disbursements of the funds of the district shall be made pursuant to warrants or checks signed any one of the chairman, vice-chairman, or treasurer and counter-signed by another Board member or the office secretary.

(Ord. No. 2005-3, § 7, 4-19-2005)

Sec. 66-148. - Powers of board.

The board of commissioners of the Taylor Coastal Water and Sewer District, in addition to and supplementing other powers granted by law, is authorized and empowered:

(1) To acquire in the name of the district, either by purchase or the exercise of the right of eminent domain, or to construct and to reconstruct, improve, extend, enlarge, equip, territorial limits of the district.

(2) To issue revenue bonds or assessment bonds of the district payable from the water rates or sewer service charges or other revenues of the district.

(3) To fix and collect rates and charges for water furnished by any waterworks facilities and to fix and collect charges for making connections with any waterworks facilities.

(4) To fix and collect sewer service charges for the services furnished by any sewerage facilities and to fix and collect charges for making connections with any sewerage facilities.

(5) To acquire in the name of the district, either by purchase or the exercise of the right of eminent domain, such lands and rights of way and rights and interests therein, including lands under water and riparian rights, and to acquire such personal property as it may deem necessary in connection with the construction or operation of waterworks or sewerage facilities, and to hold and dispose of all real and personal property under its control.

(6) To make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this act, including a trust agreement or trust agreements securing any bonds issued hereunder, and to employ such consulting and other engineers, superintendents, managers, construction and accounting experts and attorneys, and such employees and agents as may, in the judgment of the board, be deemed necessary and to fix their compensation; provided, however, that all such expenses shall be payable solely from funds made available under the provisions of this act.

(7) To exercise jurisdiction, control and supervision over any waterworks facilities and any sewerage facilities owned, operated or maintained by it and to make and enforce [such rules and regulations for the maintenance and operation of any such facilities as may in its] judgment be necessary or desirable sewer and water service charges for the services furnished by any

sewerage or water 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:

a. To pay the cost of maintaining, repairing and operating the waterworks or sewerage facilities of the district and to provide reserves therefore and for replacements and depreciation and necessary extensions and enlargements.

b. 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 shall be come due and provide reserves therefore.

c. 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 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 in 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 of 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 where the character of sewage from any manufacturing or industrial plant, building or premises is such that it imposes an unreasonable burden upon any sewerage facilities, an additional charge may be made therefore, or the board may, if it deems advisable, compel such manufacturing or industrial plant, building or premises to treat such sewage in a manner maintained by the district.

d. No rates, fees or charges shall be fixed under the foregoing provisions of this section until after a public hearing at which all of the users of the proposed sewer system or water system, or both, or owners, tenants or occupants served or to be served thereby and all others interested shall have an opportunity to be heard concerning the proposed rates, fees and charges. Notice of such public hearing setting forth the proposed schedule or schedules of rates, fees and charges shall be given by one publication in a newspaper published in the county and circulating in the district at least ten days before the date fixed for such notice for the hearing. The hearing may be adjourned or continued from time to time. If there be no such newspaper published in the county and circulating in the district, the notice of such rate hearing shall be posted as provided for in F.S. § 153.56. After such hearing, such schedule or schedules, either as initially adopted or as modified or amended, may be finally adopted.

Sec. 66-149. - 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 shall not be paid within thirty (30) days from the rendition of any such bills, the district may discontinue furnishing water to such premises and may disconnect the same from the waterworks facilities. Moreover, the board may establish a late fee by resolution. 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 shall be 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 service charges to the or charges and to be subject to application to the payment thereof, if and when delinquent.

(2) That if any water rates or sewer service charges payable to the district shall not be paid within 30 days after the same shall be 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 and late charges, in action of assumpsit in the small claims court or otherwise 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 shall not be paid within 30 days after the same shall become due and payable, the owner, tenant or occupant of such premises shall cease to dispose of sewage or industrial 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, shall be paid; that if such owner, tenant or occupant shall not cease such disposal at the expiration of such 30-

day period it shall be the duty of any 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 five days after receipt of notice of such delinquency from the district; and that if such corporation, board, body or person shall not, at the expiration of such five-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.

(Ord. No. 2005-3, § 9, 4-19-2005)

Sec. 66-150. - Connection with sewer system.

Upon the construction of sewerage facilities under the provisions of this article, the owner, tenant or occupant of each lot or parcel of land within the district which receives water service from the district and has a privately maintained system or 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 commercial or industrial use, shall, 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 article being necessary for the welfare of the inhabitants of the district shall be liberally construed to effect the purpose thereof.

(Ord. No. 2005-3, § 10, 4-19-2005)

Sec. 66-151. - Connection with water system.

Upon the acquisition or construction of water 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 water line as a part of such water facility served or which may be served by such water facility and upon which lot or parcel a building shall have been constructed for residential, commercial or industrial use, shall, connect with such building such water facility, and shall cease to use any other water for potable purposes and, further, prohibiting from allowing any of said water from a source other than the public water system from entering any potable water line or lines on said property or elsewhere. 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 district shall be liberally construed to effect the purpose thereof.

(Ord. No. 2005-3, § 11, 4-19-2005)

Sec. 66-152. - Failure to connect to systems.

If any such owner of any parcel of land required to connect to the district's public water system and/or wastewater system in accordance with this article refuses to connect with and use the facilities of the district's public water system and/or wastewater system after notification by the board. Then, said owner, tenant or occupant shall be given 30 days to respond to district's request to connect. If no response is authorized to make such connections, entering on or upon any such lot or parcel of land for the purpose of making such connection. After successful connection to the waste water system the owner, tenant or occupant of each lot or parcel of land shall not use or install any other form of waste water disposal; including, but not limited to, septic tanks and drain fields.

The district shall thereupon be entitled to recover the cost of making such connection, together with reasonable penalties and interest and attorney's fees, by suit in any court of competent jurisdiction. In addition and as an alternative means of collecting such costs of making such connections, the district shall have a lien on such lot or parcel of land for such cost, which lien shall be of equal dignity with the lien of state and county taxes. The district may foreclose such lien in the same manner provided by the laws of Florida for the foreclosure of mortgages upon real estate.

This act being necessary for the welfare of the inhabitants of the District shall be liberally construed to effect the purpose thereof.

(Ord. No. 2005-3, § 12, 4-19-2005)

Sec. 66-153. - Declaration of policy.

The undertakings enumerated in this act constitute a proper public purpose for the benefit and welfare of the owners and 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.

(Ord. No. 2005-3, § 13, 4-19-2005)

Sec. 66-154. - Accounts and records.

The accounts and records of the district shall be post audited annually, at the expense of the district, by an independent certified public accountant.

(Ord. No. 2005-3, § 14, 4-19-2005)

Secs. 66-155—66-170. - Reserved.

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE
MAILING ADDRESS	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: ☐ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY
CITY COUNTY	NAME OF POLITICAL SUBDIVISION:
DATE ON WHICH VOTE OCCURRED	MY POSITION IS: ☐ ELECTIVE ☐ APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office MUST ABSTAIN from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also MUST ABSTAIN from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * * * * * * * * * * * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * * * * * * * * * * * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, _____, hereby disclose that on _____, 20 ____:

(a) A measure came or will come before my agency which (check one or more)

___ inured to my special private gain or loss;

___ inured to the special gain or loss of my business associate, _____;

___ inured to the special gain or loss of my relative, _____;

___ inured to the special gain or loss of _____, by whom I am retained; or

___ inured to the special gain or loss of _____, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

_____ _____

Date Filed Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED $10,000.