

Section 1. Short title.

This act may be cited as the Punta Gorda Utility District Boundary Codification and Utility Transfer Act.

Section 2. Legislative intent.

The Legislature finds that:

(1) ~~The boundaries of the Punta Gorda Utility District (the “District”) must be established should be codified to accurately reflect the existing corporate limits of the City of Punta Gorda.~~

(2) ~~The District is wholly located within the corporate boundaries of Charlotte County, which provides potable water and wastewater utility services. Charlotte County is prepared to assume responsibility for potable water utility operations within the district immediately, while the transition of wastewater utility functions will require additional time.~~

(3) ~~It is in the~~ The public interest is best served by authorizing the County to provide potable water and wastewater utility services for certain uncertificated lands lying outside the District, which will to authorize the phased transfer of utility functions to ensure uninterrupted service and efficient regional utility management.

Section 3. Establishment ~~Codification~~ of district boundaries.

(1) Chapter ___, Laws of Florida, as amended, is amended to read:

“The boundaries of the Punta Gorda Utility District are hereby codified to include all lands lying within the corporate limits of the City of Punta Gorda, Charlotte County, Florida, as such municipal boundaries exist on the effective date of this act.”

(2) The City of Punta Gorda shall provide the Department of State and the Department of Economic Opportunity a certified map and metes-and-bounds legal description of the city’s municipal boundaries as of the effective date of this act. This map and description are incorporated by reference and constitute the official boundaries of the district.

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Section 4. Provision Immediate transfer of potable water and wastewater utility services functions.

(1) Notwithstanding any provision of chapter ___, Laws of Florida, as amended, or any interlocal agreement to the contrary, Charlotte County is authorized to assume responsibility for potable water and wastewater utility service, operations, billing, management, and associated assets and obligations for utility functions located in certain lands lying outside the District ~~the area within the codified district boundaries immediately upon this act becoming a law.~~

(2) The City of Punta Gorda and Charlotte County shall enter into one or more interlocal agreements as necessary ~~may execute any interlocal agreement necessary~~ the assumption described to effectuate the transfer described in subsection (1). The first interlocal agreement shall be entered into no later than 180 days after the date upon which this act becomes law. The initial

interlocal agreement shall memorialize the steps needed to develop the fully executable transition plan as described in subsection (3).

(3) The City of Punta Gorda and Charlotte County shall provide a written report, either jointly or separately, to the Charlotte County legislative delegation no later than 365 days after of the date upon which this act becomes law. The report or reports shall describe the fully executable transition plans for potable water and wastewater utility service, funding plan, operations, billing, management, and associated assets and obligations for utility functions located in certain lands lying outside the District.

(4) Until the assumption described in subsection (2) is finalized pursuant to one or more interlocal agreements, the City of Punta Gorda shall continue to provide potable water and wastewater utility functions to existing and new customers and, as owner, must maintain its potable water and wastewater utility infrastructure for so long as is necessary to provide continuity of service.

(5) Nothing in this act shall prohibit the City of Punta Gorda and Charlotte County from addressing related or necessary matters as interlocal provisions.

~~Such agreement(s) may address ownership of facilities, rate-setting authority, personnel, and transition procedures:~~

Section 5. ~~Deferred transfer of wastewater utility (sewer) functions:~~

~~(1) The transfer of wastewater utility service, operations, management, assets, obligations, or authority from the Punta Gorda Utility District or the City of Punta Gorda to Charlotte County may occur at a later date as determined by the parties:~~

~~(2) The City of Punta Gorda and Charlotte County shall enter into one or more interlocal agreements to establish the effective date of the wastewater utility transfer and to set forth the terms, conditions, and transition procedures:~~

~~(3) Until such transfer becomes effective under an executed interlocal agreement, the City of Punta Gorda shall continue to provide wastewater utility services within the district boundaries:~~

Section 6. Construction.

(1) Nothing in this act shall be construed to impair, alter, or invalidate any existing bonds, capital improvement commitments, franchise agreements, interlocal agreements, or financial obligations of the district, the City of Punta Gorda, or Charlotte County.

(2) All powers, duties, and obligations of the Punta Gorda Utility District and the City of Punta Gorda shall continue until such powers are lawfully transferred under Sections 3 and 4 ~~and 5~~ of this act.

Section ~~6~~7. Effective date.

This act shall take effect upon becoming a law.