

Amendment No. 01 (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
1		.	
2		.	
3		.	
4		.	

ORIGINAL STAMP BELOW

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

The Committee on Local Government & Veterans Affairs offered the following:

Amendment

Remove from the bill: Everything after the enacting clause and insert in lieu thereof:

Section 1. Pursuant to section 189.429, Florida Statutes, this act constitutes the codification of all special acts relating to the Solid Waste Authority of Palm Beach County. It is the intent of the Legislature in enacting this law to provide a single, comprehensive special act charter for the Solid Waste Authority of Palm Beach County, including all current legislative authority granted to the Authority by its several legislative enactments and any additional authority granted by this act.

Section 2. Chapters 75-473, 77-626, 79-536, 79-539, 79-542, 84-501, 84-502, 86-433, 88-544, 91-334, 93-345, and 94-462, Laws of Florida, relating to the Solid Waste Authority of Palm Beach County, are codified, reenacted, amended, and repealed as herein provided.

Amendment No. 01 (for drafter's use only)

1 Section 3. The charter for the Solid Waste Authority
2 of Palm Beach County is re-created and reenacted to read:

3 Section 1. Short title.--This act may be known and
4 cited as the "Palm Beach County Solid Waste Act."

5 Section 2. Declaration of legislative intent.--In
6 order to enhance the beauty and quality of our environment,
7 conserve our natural resources, prevent the spread of disease
8 and creation of nuisances, protect the public health, safety,
9 and welfare, and provide a coordinated resource recovery and
10 waste management program for Palm Beach County, it is
11 necessary to form a countywide authority for the management of
12 solid waste to meet the expanding problems related to the
13 processing and disposal of solid waste within Palm Beach
14 County and to:

15 (1) Provide for the safe and sanitary processing and
16 disposal of solid waste.

17 (2) Provide a coordinated countywide program for the
18 management of hazardous waste and control of solid waste
19 processing and disposal in cooperation with federal, state,
20 and local agencies responsible for the prevention, control, or
21 abatement of air, water, and land pollution.

22 (3) Require the municipalities and the county to plan
23 for and develop an adequate solid waste collection system.

24 Section 3. Creation of countywide solid waste
25 authority.--In order to effectuate the intent and purpose of
26 this act as set forth in section 2, the Solid Waste Authority
27 of Palm Beach County is created as a dependent special
28 district. Its board shall consist of the seven members of the
29 Board of County Commissioners of Palm Beach County. A quorum
30 of the board shall be four members.

31 Section 4. Application to incorporated and

Amendment No. 01 (for drafter's use only)

1 unincorporated areas.--This act shall apply to both the
2 incorporated and unincorporated areas of Palm Beach County.

3 Section 5. Definitions.--As used in this act, unless
4 some other meaning is plainly intended:

5 (1) "Act" means this act and all amendments thereto.

6 (2) "Authority" means the Solid Waste Authority of
7 Palm Beach County.

8 (3) "Clerk" means Clerk of the Circuit Court of Palm
9 Beach County, Florida.

10 (4) "Cost of acquisition and/or construction" means
11 the cost of acquiring, constructing, reconstructing,
12 improving, extending, equipping, and furnishing any resource
13 recovery and solid waste management facilities, including the
14 cost of demolishing, removing, or relocating any buildings,
15 structures, or utilities on lands acquired or to be acquired,
16 including the cost of acquiring lands to which such buildings,
17 structures, or utilities may be moved or relocated, the cost
18 of all labor and materials, the cost of financing charges,
19 discount on the purchase price of bonds otherwise permitted
20 hereunder, and interest on the bonds of the Authority prior
21 to, during, and for a period not exceeding 2 years after
22 completion thereof, payments under and fees and expenses in
23 connection with any derivative agreements, the cost of
24 establishing and funding initial reserves, the cost of
25 engineering, financial, and legal services plans,
26 specifications, studies, surveys, estimates of cost and of
27 revenues, and other expenses necessary or incidental to
28 determining the feasibility or practicability of any such
29 construction or acquisition, administrative expenses, and such
30 other costs and expenses as may be necessary or incidental to
31 such acquisition, construction, reconstruction, improvement,

Amendment No. 01 (for drafter's use only)

1 extension, equipping, or furnishing, the financing thereof,
2 placing such resource recovery and solid waste management
3 facilities in operation, and the issuance of bonds under this
4 act.

5 (5) "County" means Palm Beach County, Florida.

6 (6) "Department" means the Department of Environmental
7 Protection or any successor agency performing a like function.

8 (7) "Derivative agreements" means contracts commonly
9 known as investment contracts, interest rate swap agreements,
10 or contracts providing for payments based on levels of or
11 changes in interest rates, or contracts to exchange cash flows
12 or a series of payments, to hedge payment, rate, spread, or
13 similar exposure, which the governing body of the Authority
14 determines to be necessary, desirable, or appropriate to
15 achieve a desirable effective interest rate in connection with
16 bonds, notes, or bond anticipation notes issued by the
17 Authority.

18 (8) "Director" means the Executive Director of the
19 Solid Waste Authority of Palm Beach County or his or her duly
20 authorized representative.

21 (9) "Disposal" means the disposition of solid waste by
22 resource recovery, processing, recycling, or the placing of
23 solid waste materials on the land for final disposition, or
24 any combination thereof.

25 (10) "Fiscal year" means the year beginning October 1
26 of each year and ending September 30 of the following year.

27 (11) "General obligation bonds" means bonds or other
28 obligations secured by the full faith and credit and taxing
29 power of the Authority and payable from ad valorem taxes
30 levied and collected on all taxable property in Palm Beach
31 County, without limitation of rate or amount, and may be

Amendment No. 01 (for drafter's use only)

1 additionally secured by the pledge of either or both the
2 proceeds of special assessments levied against benefited
3 property or revenues derived from solid waste disposal
4 systems.

5 (12) "Hazardous waste" has the same meaning as the
6 term is defined in section 403.703(21), Florida Statutes, or
7 any successor law or regulation.

8 (13) "Municipality" means all incorporated
9 municipalities or special taxing districts exercising
10 municipal powers in relation to collection and disposal of
11 solid waste, lying and being in Palm Beach County, Florida.

12 (14) "Person" or "persons" means any and all persons,
13 natural or artificial, including any individual, firm, or
14 association, any facility, or any municipal or private
15 corporation organized or existing under the laws of the State
16 of Florida or any other state and any county or governmental
17 agency of this state or the Federal Government.

18 (15) "Processing" means the act of modifying or
19 altering the nature of solid waste materials to facilitate
20 reuse, transfer, transport, and disposal, including, but not
21 limited to, systems employing physical, thermal, organic, or
22 chemical techniques.

23 (16) "Property appraiser" means the Property Appraiser
24 of Palm Beach County, Florida.

25 (17) "Recycling" means any process by which solid
26 waste materials are recovered and reused in manufacturing,
27 agricultural, power production, and other processes.

28 (18) "Resource recovery" means the process by which
29 materials in solid waste retaining useful physical or chemical
30 properties are reused or recycled for the same or other
31 purposes, including use as an energy source.

Amendment No. 01 (for drafter's use only)

1 (19) "Revenue bonds" means bonds or other obligations
2 of the Authority secured by and payable from the rates, fees,
3 charges, and other income collected by the Authority from the
4 users of its resource recovery and solid waste management
5 facilities, or by pledge of the full faith and credit of the
6 Authority, or by a combination thereof.

7 (20) "Solid waste" means garbage, sewage, sludge,
8 septage, rubbish, refuse, and other discarded solid or liquid
9 materials resulting from domestic, industrial, commercial,
10 agricultural, and governmental operations, but does not
11 include solid or dissolved materials in domestic sewage, storm
12 drainage, or other significant pollutants in water resources,
13 such as silt, dissolved or suspended solids in industrial
14 wastewater effluents, dissolved materials in irrigation return
15 flows, or other common water pollutants.

16 (21) "Solid waste system" or "resource recovery and
17 solid waste management facilities" or "project" means any
18 plant, facility, or property and additions, extensions, and
19 improvements thereto, at any time constructed or acquired as
20 part thereof, useful or necessary or having the capacity for
21 future use for resource recovery or solid waste management
22 and, without limiting the generality of the foregoing, shall
23 include vehicles used for transport from transfer stations to
24 treatment sites and incinerators for the purposes of reducing
25 the volume of or disposing of solid waste by burial, as well
26 as proper disposal of residue from incineration, and shall
27 include all real and personal property and any interest
28 therein, rights, easements, and franchises of any nature
29 whatsoever, and equipment, machinery, furnishings, fixtures,
30 and replacements, relating to any such solid waste system and
31 necessary or convenient for the operation thereof.

Amendment No. 01 (for drafter's use only)

1 (22) "Tax collector" means the Tax Collector of Palm
2 Beach County, Florida.

3 (23) "Transport" means the act of movement of solid
4 waste materials to facilitate processing, reuse, and disposal.

5 (24) "Waste management" means the systematic control
6 of the generation, storage, collection, transport, treatment,
7 processing, recycling, recovery, and disposal of solid waste.

8 Section 6. Purposes and powers.--For the purposes of
9 this act, all of Palm Beach County is deemed to be a special
10 district. In addition to other powers, duties, and
11 responsibilities necessary to carry out the provisions of this
12 act, the Authority shall have the power to:

13 (1) Adopt and from time to time thereafter alter,
14 rescind, modify, or amend rules, guidelines, and orders
15 necessary for its operation in accordance with chapter 403,
16 Florida Statutes, and all successor laws. No such rules or
17 amendments thereto shall be adopted or become effective until
18 after a public hearing has been held by the Authority pursuant
19 to notice published in a newspaper of general circulation in
20 the county at least 21 days prior to the hearing. When
21 approved by the Authority, such rules shall have the force and
22 effect of law. Nothing in this act shall be construed so as to
23 prevent the Authority from adopting rules which are more
24 strict and extensive than those imposed by the department.

25 (2) Adopt a resource recovery and waste management
26 program for Palm Beach County that shall provide for the
27 transportation, storage, separation, processing, recovery,
28 recycling, or disposal of solid waste generated or existing
29 within the county and modify and update such program or plan
30 as necessary or as may be required by law.

31 (3) Acquire, at its discretion, personal or real

Amendment No. 01 (for drafter's use only)

1 property or any interest therein by gifts, lease, eminent
2 domain, or purchase. The Authority may enter upon any land or
3 water for the purpose of making surveys and may exercise the
4 right of eminent domain whenever public necessity or
5 convenience requires in accordance with chapters 73 and 74,
6 Florida Statutes, and other applicable law.

7 (4) Appoint an executive director to be responsible to
8 the Authority and who shall serve at its pleasure. There shall
9 be such other officers and employees as may be provided by the
10 Authority. The officers shall be appointed or removed by the
11 executive director subject to confirmation by the Authority.
12 The employees shall be appointed and removed by the executive
13 director. The Authority shall fix the salary of the executive
14 director and shall have, but may delegate to the executive
15 director, the power to fix the salaries of all other officers
16 and employees of the Authority. The Authority shall also have
17 the power to employ or appoint engineers, accountants,
18 attorneys, and such other personnel as may be required for the
19 operation and management of the Authority and to fix their
20 compensation.

21 (5) Require surety bonds for any of the officers and
22 employees in such amounts as the Authority deems necessary.
23 The premiums for the bonds shall be paid in the same manner as
24 any other operating expense.

25 (6) Sue and be sued, implead and be impleaded, and
26 complain and defend in all courts.

27 (7) Adopt, use, and alter a corporate seal.

28 (8) Acquire, construct, reconstruct, improve,
29 maintain, equip, furnish, and operate at its discretion such
30 resource recovery and waste management facilities as are
31 required to carry out the purposes and intent of this act and

Amendment No. 01 (for drafter's use only)

1 to meet the requirements of chapter 403, Florida Statutes, and
2 other applicable law.

3 (9) Conduct studies, develop programs, provide
4 continuing management and monitoring of waste projects,
5 programs, and facilities directly or indirectly affecting the
6 solid waste management system in Palm Beach County, and
7 contract, for such periods as may be agreed upon by the
8 parties, with governmental agencies, individuals, public or
9 private corporations, municipalities, or any other person in
10 carrying out the purposes of this act and the requirements of
11 chapter 403, Florida Statutes, and other applicable law.

12 (10) Fix, alter, charge, and establish reasonable
13 rates, fees, and other charges for the facilities provided by
14 the Authority, including, but not limited to, planning,
15 permitting, inspection, collection, enforcement, and disposal
16 site developing and operation, which rates, fees, and charges
17 must be sufficient to cover all costs for said normal
18 functions and facilities, including, but not limited to,
19 permits, fees, and disposal costs.

20 (11) Without limitation, borrow money and issue
21 evidence of indebtedness and accept property, gifts, or grants
22 or loans of money from the Federal Government, state
23 government, and other sources, public or private, which loans
24 and grants shall be expended in accordance with the purposes
25 and provisions of this act.

26 (12) Issue revenue bonds.

27 (a) The Authority shall have the power and is hereby
28 authorized to issue revenue bonds for the purpose of paying
29 all or part of the costs of acquisition and/or construction of
30 resource recovery and waste management facilities. The
31 issuance of such revenue bonds shall be authorized by

Amendment No. 01 (for drafter's use only)

1 resolution of the Authority, which resolution may be adopted
2 at a regular or special meeting by a majority vote of members
3 voting thereon and at the same meeting at which it is
4 introduced. Such revenue bonds may be issued in one or more
5 series and shall bear such date or dates of issuance, bear
6 interest at such rate or rates, not exceeding the maximum rate
7 permitted under section 215.84, Florida Statutes, or any
8 successor statute, mature at such time or times, not exceeding
9 40 years from their respective dates of issuance, be subject
10 to such terms of redemption, with or without premium, be
11 issued in such form, registered or not, with or without
12 interest coupons, entitle the holder thereof to such
13 conversion or registration privileges, be executed in such
14 manner, be in such denomination or denominations, be payable
15 in such medium of payment at such place or places, which may
16 be any bank or trust company within or without the state, have
17 such rank or priority, be secured in such manner, and have
18 such other characteristics as may be provided in the
19 resolution of the Authority authorizing the issuance of such
20 bonds or in such subsequent resolutions as the Authority may
21 adopt prior to the issuance of such bonds. All bonds issued
22 under this act shall have and are hereby declared to be and to
23 have all the qualities and incidents of negotiable instruments
24 under the Uniform Commercial Code--Investment Securities Law
25 of the state. The Authority may sell such bonds at private
26 sale and in such manner and for such price or prices as it may
27 determine to be in the best interest of the Authority, but no
28 such bonds shall be sold at a price as will yield to the
29 purchaser thereof income at a rate exceeding the maximum rate
30 permitted under section 215.84, Florida Statutes, or any
31 successor statute, as computed according to the standard

Amendment No. 01 (for drafter's use only)

1 tables of bond values. If said bonds are sold at public sale,
2 a notice of such sale shall be published at least once at
3 least 10 days prior to the date of such sale in a newspaper
4 published and circulating in the county and in a financial
5 newspaper or journal circulating in New York City, New York.
6 The Authority may issue interim bonds, notes, certificates, or
7 receipts, with or without coupons, exchangeable for definitive
8 bonds when such bonds have been executed and are available for
9 delivery.

10 (b) The Authority shall fix and revise from time to
11 time the rates, fees, or other charges for the services and
12 facilities furnished by the Authority, and such rates, fees,
13 or other charges shall be so fixed and adjusted as to provide
14 sufficient funds to pay the principal of and interest on all
15 bonds issued as the same become due and payable for such
16 purposes, and including the cost of operating, maintaining,
17 and repairing the facilities of the Authority and all such
18 other payments required by the proceedings providing for the
19 issuance of such bonds. Such rates, fees, or other charges
20 shall not be subject to supervision or regulation by the
21 state, any political subdivision, or any commission, board, or
22 agency.

23 (c) The Authority, in the issuance of revenue bonds,
24 shall have the authority to pledge all or any part of the
25 revenues derived from the operation of the facilities of the
26 Authority and shall have the power to determine the rank or
27 priority of such pledge of revenues for any purpose, including
28 different issues of bonds, and to grant to the holders of the
29 bonds a lien on all or any part of the revenues prior to the
30 use of such revenues for any other purposes.

31 (d) All revenues received by the Authority shall be

Amendment No. 01 (for drafter's use only)

1 deemed to be trust funds to be held and applied as provided in
2 this act. The Authority may also provide that each issue of
3 bonds or any combined issue of bonds may be secured by a trust
4 agreement by and between the Authority and a corporate
5 trustee, which may be any trust company or bank within or
6 without the state. Such trust agreement may pledge or assign
7 the revenues to be received and provide for the rank and
8 priority between different trust agreements for different
9 issues of bonds. The resolution or resolutions providing for
10 the issuance of bonds or such trust agreements may contain
11 such provisions for protecting and enforcing the rights and
12 remedies of the holders of the bonds as may be reasonable and
13 proper, not in violation of the law, including covenants
14 setting forth the duties of the Authority relating to the
15 construction, acquisition, improvement, maintenance,
16 operation, repair, and cost of any project or facility, as is
17 customary in trust agreements or trust indentures securing
18 bonds or debentures of corporations, and may contain such
19 other provisions as the Authority may deem reasonable and
20 proper for the security of the holders of such bonds.

21 (e) The Authority is also hereby authorized to issue
22 refunding bonds for the purpose of refunding any bonds of the
23 Authority then outstanding, including the payment of any
24 redemption premium thereon, and interest accrued or to accrue
25 to maturity or to the prior redemption of such outstanding
26 bonds, as the case may be, or for the combined purpose of
27 refunding such outstanding bonds and paying the cost of
28 acquisition and/or construction of one or more projects. The
29 issuance of such revenue refunding bonds shall be authorized
30 by resolution of the board of the Authority in the same manner
31 as provided in paragraph (a). Such refunding bonds may be

Amendment No. 01 (for drafter's use only)

1 issued to refund such outstanding bonds as they mature and
2 become payable, or as they are called for redemption prior to
3 their stated dates of maturity, and the Authority shall be
4 authorized to invest the proceeds or part of the proceeds of
5 such refunding bonds, pending the dates of maturity of such
6 outstanding bonds or the dates upon which such outstanding
7 bonds are to be called prior to their stated dates of
8 maturity, in such lawful securities as the Authority shall
9 deem desirable, for the purpose of refunding such outstanding
10 bonds in the manner provided in this paragraph. The issuance
11 of such revenue refunding bonds, the maturities and other
12 details thereof, the rights of the holders thereof, the
13 security for the payment thereof, and the rights, duties, and
14 obligations of the Authority in respect of the same shall be
15 governed by the provisions of this act insofar as the same may
16 be applicable.

17 (f) The Authority shall also have power to issue notes
18 prior to the issuance of bonds, but such notes shall mature in
19 not less than 3 years and the payment thereof shall be subject
20 to any prior pledge of the revenues of the Authority or any ad
21 valorem taxes of the Authority.

22 (g) The Authority may also issue bond anticipation
23 notes after the authorization of the issuance of bonds in the
24 manner provided in section 215.431, Florida Statutes, or
25 successor law.

26 (13) Enter into interest rate swap agreements in
27 connection with tax-exempt bonds and to issue debt to finance
28 payments under such interest rate swap agreements. The use of
29 interest rate swap agreements to reduce borrowing costs will
30 enable the Authority to have flexibility to finance or
31 refinance projects relating to its solid waste system in a

Amendment No. 01 (for drafter's use only)

1 more economically efficient manner. The Authority, other
2 special districts, and municipalities already have the express
3 power to enter into interest rate swap agreements and other
4 derivative products with respect to their taxable bonds under
5 the Taxable Bond Act of 1987, part VII, chapter 159, Florida
6 Statutes. The Legislature finds that the ability of the
7 Authority to enter into derivative agreements shall serve a
8 public purpose by reducing interest costs to the Authority and
9 enhancing the marketability of the Authority's bonds, notes,
10 or bond anticipation notes. Further, such derivative
11 agreements afford the Authority the ability to achieve the
12 lowest effective borrowing costs or terms most suitable to the
13 Authority. The provisions of this paragraph are designed to
14 serve a public purpose by providing for the health, safety,
15 welfare, and economic well-being of the people of the county.
16 Further, these provisions are intended to provide express
17 authority to exercise the powers granted hereby and shall not
18 be construed in limitation of any existing powers of the
19 Authority to enter into or carry out any derivative
20 agreements. This paragraph shall be a supplemental and
21 alternative authority to any other provisions of special or
22 general law.

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

28 (15) Sell or otherwise dispose of any byproducts
29 produced by the operation of resource recovery or waste
30 management facilities to any governmental agency, individual,
31 public or private corporation, municipality, or any other

Amendment No. 01 (for drafter's use only)

1 person.

2 (16) Levy ad valorem tax on the taxable property in
3 the special district solely for the purposes of this act and
4 not to exceed 1 mill on the dollar, subject to referendum.
5 Property taxes determined and levied under this section shall
6 be certified by the Authority to the property appraiser and
7 extended, assessed, and collected in accordance with the
8 provisions of chapter 197, Florida Statutes. At any time after
9 making a tax levy under this section and certifying the same
10 to the county and the state, the Authority may issue tax
11 anticipation notes of indebtedness in anticipation of the
12 collection of such taxes.

13 (17) When the fees or charges for the services and
14 facilities and any waste disposal or resource recovery
15 facility are not paid when due and payable and are in default
16 for 30 days or more, following written notice to such
17 delinquent customer, discontinue and shut off the supply of
18 the services and facilities of said system to the person,
19 firm, corporation, or other body, public or private, so
20 supplied with such services or facilities until such fees,
21 rates, or charges, including legal interest, penalties, and
22 charges for the shutting off and discontinuance or the
23 restoration of such services or facilities, are fully paid.
24 Such delinquent fees or charges, together with legal interest,
25 penalties, and charges for the shutting off and discontinuance
26 or the restoration of such services or facilities, and
27 reasonable attorney's fees, costs, and other expenses may be
28 recovered by the Authority in a court of competent
29 jurisdiction.

30 (18) Transfer, sell, or assign to any governmental
31 agency, individual, public or private corporation,

Amendment No. 01 (for drafter's use only)

1 municipality, or other person, at whatever terms it deems
2 reasonable, any property which it finds is not needed to carry
3 out the purposes of this act.

4 (19) As necessary to carry out its resource recovery
5 and/or disposal plans or programs or when necessary to carry
6 out any other provision of this act, require that all wastes
7 collected by public or private agencies from any municipality
8 or unincorporated area of the county be transported to
9 Authority-designated processing and disposal facilities in a
10 manner and form as may be mandated in accordance with this
11 act, particularly paragraphs (2) and (8) of this section. This
12 act shall not be construed to preclude public or private
13 agencies from operating permitted transfer stations, provided
14 that solid waste transferred or transported therefrom shall be
15 delivered to Authority-designated processing and disposal
16 facilities as set forth in this section.

17 (20) Perform any and all governmental functions of the
18 county, or of any municipality, related to solid waste
19 provided for by general law, including, but not limited to,
20 chapter 403, Florida Statutes, or any successor law, pursuant
21 to written contract or interlocal agreement. For those
22 purposes, the Authority may employ the special assessment
23 procedures contained in sections 7 and 8 of this act. The Palm
24 Beach County Board of County Commissioners shall set for the
25 unincorporated portions of the county all fees necessary to
26 accomplish the purposes of this paragraph, and the governing
27 body of any municipality shall set the required fees for its
28 respective jurisdiction. Any such fees must be sufficient to
29 pay all costs incurred by the Authority in connection with the
30 solid waste services to be provided, including the cost of
31 billing services.

Amendment No. 01 (for drafter's use only)

1 (21) Establish a mandatory collection system for the
2 county and impose reasonable rates, fees, and charges to all
3 users of said system. The Authority may establish annual
4 collection special assessments for users of this collection
5 system in like manner as the disposal assessments provided for
6 in this section or sections 7 or 8.

7 (22) Grant franchises and contracts, issue permits, or
8 otherwise provide for the collection of solid waste in the
9 county and receive the assignment of such franchises,
10 contracts, and permits, and establish reasonable rates, fees,
11 and charges therefor.

12 (23) In connection with, or incidental to, the sale
13 and issuance of bonds, enter into any contracts which the
14 Authority determines to be necessary or appropriate to achieve
15 a desirable, effective interest rate in connection with the
16 bonds or notes by means of, but not limited to, contracts
17 commonly known as investment contracts, funding agreements,
18 interest rate swap agreements, currency swap agreements,
19 forward payment conversion agreements, or futures; contracts
20 providing for payments based on levels of or changes in
21 interest rates; contracts to exchange cash flows or a series
22 of payments; or contracts including, without limitation,
23 options, puts, or calls to hedge payment, rate, spread, or
24 similar exposure. Such contracts or arrangements may also be
25 entered into by the Authority in connection with, or
26 incidental to, entering into any agreement which secures bonds
27 or provides liquidity therefor. Such contracts and
28 arrangements shall be made upon the terms and conditions
29 established by the Authority after giving due consideration
30 for the credit worthiness of the counterparties, where
31 applicable, including any rating by a nationally recognized

Amendment No. 01 (for drafter's use only)

1 rating service or by any other criteria as may be appropriate.

2 (24) Notwithstanding the prohibition against extra
3 compensation set forth in section 215.425, Florida Statutes,
4 provide for an extra compensation program, including a
5 lump-sum bonus payment program, to reward outstanding
6 employees whose performances exceed standards, if the program
7 provides that a bonus payment may not be included in an
8 employee's regular base rate of pay and may not be carried
9 forward in subsequent years.

10 Section 7. Special assessments; method of levy and
11 collection.--Since all improved properties in the county
12 receive a direct, substantial benefit by the provision of
13 solid waste disposal and collection services by the Authority,
14 the Authority shall have the additional power to impose, levy,
15 collect, or have collected, in accordance with the provisions
16 of chapter 197, Florida Statutes or sections 7, 8 or 9 of this
17 charter, the annual disposal special assessments herein
18 authorized and defined as a means of financing the
19 construction and/or acquisition of additions, extensions, and
20 improvements to the solid waste system, the payment of the
21 principal of and interest on bonds issued pursuant to this
22 act, the cost of operating, maintaining, and repairing the
23 solid waste system, and all other payments that are required
24 to be made by the Authority in connection with the purposes of
25 this act.

26 (1) Definitions.--For the purposes of this section and
27 sections 8 and 9, the following terms shall have the following
28 meanings:

29 (a) "Addendum to annual disposal special assessments
30 roll" or "addendum" means the list prepared by and confirmed
31 by the Authority each fiscal year containing the same

Amendment No. 01 (for drafter's use only)

1 information as the annual disposal special assessment roll as
2 to any parcels of improved real property not incorporated on
3 the corresponding annual disposal special assessment roll and
4 incorporating any changes as to the information specified for
5 any parcel of improved real property on the corresponding
6 annual disposal special assessment roll, including any
7 additions to or deletions from such annual disposal special
8 assessment roll.

9 (b) "Annual disposal special assessments" means the
10 annual disposal special assessments imposed upon a parcel or
11 parcels of improved real property for the disposal of solid
12 waste for the applicable fiscal year based upon the
13 classification of the use of such parcel or parcels of
14 improved real property as set forth in the rate resolution.

15 (c) "Annual disposal special assessment roll" means
16 the list prepared and confirmed by the Authority each fiscal
17 year containing a summary description of each parcel of
18 improved real property, the name and address of the owner of
19 each such parcel as indicated on the records maintained by the
20 property appraiser, and the amount of the annual disposal
21 special assessments applicable to each parcel of improved real
22 property.

23 (d) "Collection" means, with respect to solid waste
24 services, the process whereby solid waste is removed and
25 transported to a solid waste facility.

26 (e) "Governmental agencies" means all state, federal,
27 or local agencies or units of government located within the
28 county, including, but not limited to, the School Board of
29 Palm Beach County, all county agencies and departments, all
30 municipalities within the county, all special districts and
31 municipal service taxing units with all or part of their

Amendment No. 01 (for drafter's use only)

1 boundaries within the county, and any municipality or special
2 district or other unit of government, the boundaries of which
3 are not within the county but which is the owner of improved
4 real property within the county.

5 (f) "Improved real property" means all real property
6 located within the county that generates or is capable of
7 generating solid waste and that contains buildings,
8 structures, or other improvements designed or constructed for
9 and capable of use or used for human habitation, human
10 activity, or commercial enterprises.

11 (g) "Owner" means the person or persons owning an
12 interest in improved real property.

13 (h) "Rate resolution" means the resolution or
14 resolutions of the Authority described in paragraph (3)(b) of
15 this section and paragraph (2)(b) of section 8 of this
16 charter.

17 (2) Purpose.--It is the purpose of this section to
18 require all persons within the county and all governmental
19 agencies to use exclusively the solid waste system operated
20 and maintained by the Authority or designated by the Authority
21 for the disposal of all solid waste generated within both the
22 incorporated and unincorporated areas of the county; to
23 establish a schedule of assessments for all improved real
24 property in both the incorporated and unincorporated areas of
25 the county to pay for the cost of financing, operating, and
26 maintaining the solid waste system; to establish the method
27 and procedure for the classification of such improved real
28 property in the establishment of such schedule of annual
29 disposal special assessments; to provide for a method and
30 procedure for the collection of such assessments from the
31 owners of such improved real property; and to provide for the

Amendment No. 01 (for drafter's use only)

1 operation of the solid waste system.

2 (3) Determination of annual disposal special
3 assessments; public hearing.--On or before October 1 of each
4 year, the Authority shall hold a public hearing for the
5 following purposes:

6 (a) To adopt a budget for the operation and
7 maintenance of the solid waste system for the ensuing fiscal
8 year, including moneys for the payment of the principal of and
9 interest on bonds and other outstanding or anticipated
10 indebtedness, including all reserves necessary therefor, for
11 the payment of necessary reserves for capital expenditures and
12 the renovation, improvements, and replacements of existing
13 facilities of the solid waste system, for the enforcement and
14 administration of the billing and collection of the annual
15 disposal special assessments provided for hereunder, including
16 necessary reserves for anticipated delinquent or uncollectible
17 annual disposal special assessments, and for the payment of
18 the current operation and maintenance of the solid waste
19 system.

20 (b) To adopt a rate resolution incorporating a
21 schedule of annual disposal special assessments to impose upon
22 the owners of all improved real property in both the
23 incorporated and unincorporated areas of the county which
24 shall constitute a lien as provided for in paragraph (5) and
25 to establish the classification of the use of such parcel of
26 improved real property in order to provide revenues which,
27 together with other moneys of the Authority lawfully available
28 therefor, shall be sufficient to fund the budget referred to
29 in paragraph (a). The rates established by the Authority in
30 each year under the provisions of the rate resolution shall be
31 sufficient to provide moneys for the purposes described in

Amendment No. 01 (for drafter's use only)

1 paragraph (a), and the Authority shall not establish rates
2 over and above the rates that are necessary to comply with the
3 provisions of paragraph (a) and the budgetary requirements of
4 any proceedings of the Authority heretofore or hereafter
5 adopted in connection with the issuance of any of its bonds,
6 notes, or other evidences of indebtedness.

7
8 Notice of said public hearing shall be published in a
9 newspaper of general circulation in the county at least twice,
10 with the first publication being at least 20 days prior to the
11 date set for the public hearing. Said public hearing may be
12 continued to a date certain without the necessity of further
13 newspaper advertisement or public notice.

14 (4) Scope of annual disposal special assessments;
15 discount for early payment; delinquency.--

16 (a) The annual disposal special assessments
17 incorporated in the rate resolution applicable to each parcel
18 of improved real property shall be the annual disposal special
19 assessments for each such parcel of improved real property for
20 the disposal of all solid waste generated or capable of being
21 generated as determined by the Authority on each such parcel
22 of improved real property during the ensuing fiscal year.

23 (b) The annual disposal special assessments shall be
24 imposed against the owners of all improved real property in
25 both the incorporated and unincorporated areas of the county
26 if such real property is improved real property on or before
27 September 1 prior to the fiscal year in which the annual
28 disposal special assessments are imposed.

29 (c) The owner and description of each parcel of
30 improved real property shall be that designated on the real
31 property records maintained by the property appraiser.

Amendment No. 01 (for drafter's use only)

1 (d) The annual disposal special assessments shall be
2 due and payable 30 days after the mailing of the original
3 annual disposal special assessments billing. On all annual
4 disposal special assessments imposed and collected, discounts
5 for early payment thereof shall be at the rate of 4 percent in
6 the month of November and at any time within 30 days after the
7 mailing of the original annual disposal special assessments
8 billings; 3 percent in the month of December; 2 percent in the
9 month of January; and 1 percent in the month of February. The
10 annual disposal special assessments paid in March shall be
11 without discount. The annual disposal special assessments
12 shall become delinquent if not fully paid by March 31 of the
13 fiscal year for which the annual disposal special assessments
14 are imposed. All delinquent annual disposal special
15 assessments shall bear an initial penalty of 3 percent of the
16 full amount of the annual disposal special assessments if not
17 paid by March 31 of the fiscal year for which the annual
18 disposal special assessments are imposed and an additional
19 penalty of 1 percent per month on the delinquent principal
20 amount on the first day of June and on the first day of each
21 month thereafter until the annual disposal special assessments
22 are paid in full.

23 (5) Annual disposal special assessments shall
24 constitute a lien on improved real property.--All annual
25 disposal special assessments imposed against the owners of
26 improved real property shall constitute, and are hereby
27 imposed as, liens against such improved real property as of
28 October 1 of the fiscal year for which the annual disposal
29 special assessments are imposed. Until fully paid and
30 discharged or barred by law, the annual disposal special
31 assessments shall be prior to all other liens, except that

Amendment No. 01 (for drafter's use only)

1 such liens shall be on parity with a lien of state, county,
2 and municipal taxes, and any lien for charges for services
3 created pursuant to section 159.17, Florida Statutes. If any
4 annual disposal special assessment liens become delinquent by
5 not being fully paid by March 31 of the fiscal year for which
6 the annual disposal special assessments are imposed and remain
7 delinquent, the Authority shall cause to be prepared a notice
8 of lien containing the amount of the delinquent annual
9 disposal special assessments, including the amount of the
10 first penalty, a legal description of the improved real
11 property against which the lien is imposed, and the name of
12 the owner of such real property as indicated on the real
13 property records maintained by the property appraiser of the
14 county. Said notice of lien shall be recorded in the public
15 records of the county on or about September 30 of the fiscal
16 year for which the annual disposal special assessments were
17 levied, or as soon thereafter as the Authority shall
18 determine. A copy of the notice of lien shall be served on the
19 owner of record as provided in section 713.18, Florida
20 Statutes, within 10 days after the notice of lien is recorded.

21 (6) Notification and payment of annual disposal
22 special assessments; discharge of recorded liens.--The
23 Authority shall collect the payment of all current or
24 delinquent annual disposal special assessments from November 1
25 of the fiscal year for which the annual disposal special
26 assessments are imposed until paid or satisfied as herein
27 provided. The Authority shall mail notices of the annual
28 disposal special assessments to the owners of each parcel of
29 improved real property in the manner and containing the
30 information as follows:

31 (a) The first notice shall be mailed on or about

Amendment No. 01 (for drafter's use only)

1 November 1 of each fiscal year to all owners, and such notice
2 shall contain the amount of the annual disposal special
3 assessments for the then-current fiscal year and a schedule of
4 the discounts available to the owners for early payments. Such
5 notice shall further advise the owners that failure to pay the
6 annual disposal special assessments in a timely manner may
7 result in a loss of title.

8 (b) The second notice shall be mailed on or about
9 March 31 of such fiscal year to those owners who have failed
10 to pay any or all of the then-due-and-owing annual disposal
11 special assessments, and such notice shall contain a schedule
12 of the initial penalty for nonpayment and shall further advise
13 the owner that a notice of lien will be filed by the Authority
14 against that parcel of improved real property on the public
15 records of the county provided for that purpose. However, if
16 such annual disposal special assessments, together with any
17 penalties thereon, are received prior to September 30 of the
18 fiscal year for which the annual disposal special assessments
19 were levied, then such notice of lien will not be filed. Such
20 notice shall further advise the owners that failure to pay the
21 annual disposal special assessments in a timely manner may
22 result in a loss of title.

23 (c) The third notice shall be mailed on or before June
24 1 of such fiscal year to those owners who have failed to pay
25 any or all of the then-due-and-owing annual disposal special
26 assessments, and such notice shall contain a schedule of the
27 additional penalty incurred by the owners for each month from
28 June 1 and thereafter.

29
30 In addition to the collection of any penalties, the Authority
31 shall recover from the owner any cost that may be incurred in

Amendment No. 01 (for drafter's use only)

1 connection with such delinquent payments. When any such lien
2 or liens have been fully paid or discharged, the Authority
3 shall properly cause evidence of the satisfaction and
4 discharge of such lien to be provided. Said lien or liens
5 shall not be assigned by the Authority to any person.

6 (7) Enforcement of delinquent annual disposal special
7 assessments.--All delinquent annual disposal special
8 assessment liens may be enforced at any time by the Authority
9 at least 30 days subsequent to the date of the service of the
10 notice of lien for the amount due under such recorded liens,
11 including all penalties, plus costs and a reasonable
12 attorney's fee, by proceeding in a court of equity to
13 foreclose such liens in the manner in which a mortgage lien is
14 foreclosed under the laws of Florida, or the collection and
15 enforcement of payment thereof may be accomplished by any
16 other method authorized by law. It shall be lawful to join in
17 any complaint or foreclosure, or any such legal proceeding,
18 any one or more lots or parcels of land that are the subject
19 of a lien or liens. The Authority is authorized and directed
20 to execute and deliver, upon request, a written certification
21 certifying the amount, including all penalties, plus costs,
22 due for delinquent annual disposal special assessments or
23 under any recorded liens for any parcel of real property, or
24 certifying that no such annual disposal special assessments
25 are due, except current and nondelinquent annual disposal
26 special assessments.

27 (8) Calculation of annual disposal special
28 assessments.--

29 (a) Based upon the rate resolution, the Authority
30 shall cause to be prepared an annual disposal special
31 assessment roll. Such annual disposal special assessment roll

Amendment No. 01 (for drafter's use only)

1 shall contain a summary description of each parcel of improved
2 real property within the county on or before September 1 prior
3 to the fiscal year for which the annual disposal special
4 assessments are to be imposed, the name and address of the
5 owner of each parcel of improved real property, the rate
6 applicable to each parcel of improved real property as
7 specified in the rate resolution, and the amount of the annual
8 disposal special assessments applicable to each parcel of
9 improved real property. The summary description of each parcel
10 of improved real property shall be in such detail as to permit
11 ready identification of each parcel on the real property
12 records. The information specified above to be included in the
13 annual disposal special assessment roll shall conform to that
14 maintained by the property appraiser on the real property
15 records.

16 (b) Upon completion of the preparation of the annual
17 disposal special assessment roll, the Authority shall at any
18 regular or special meeting review the annual disposal special
19 assessment roll for preparation in conformity with the rate
20 resolution. The Authority shall make such changes or additions
21 as necessary to conform such annual disposal special
22 assessment roll to the rate resolution. If, upon the
23 completion of such review, the Authority shall be satisfied
24 that the annual disposal special assessment roll has been
25 prepared in conformity with the rate resolution, the Authority
26 shall ratify and confirm the annual disposal special
27 assessment roll and certify that the annual disposal special
28 assessment roll is correct and proper and is to be used in
29 collecting the annual disposal special assessments.

30 (c) On or before October 1 of the fiscal year for
31 which the annual disposal special assessment roll is

Amendment No. 01 (for drafter's use only)

1 confirmed, the Authority shall cause to be prepared an
2 addendum to the annual disposal special assessment roll
3 containing the addition or deletion of any parcels of improved
4 real property not incorporated into or deleted from the annual
5 disposal special assessment roll but constituting improved
6 real property on September 1 prior to the fiscal year for
7 which the annual disposal special assessments are imposed.
8 Included in such addendum shall be any change in the
9 information specified for each parcel of improved real
10 property on the annual disposal special assessment roll. Such
11 addendum to the annual disposal special assessment roll shall
12 contain information required for the annual disposal special
13 assessment roll and shall be reviewed by the authority and
14 certified as the annual disposal special assessment roll of
15 the Authority.

16 Section 8. Collection of annual disposal special
17 assessments by tax collector; alternative method of levy and
18 collection.--The Authority may, to the extent permitted by
19 law, utilize the office of the tax collector for the purpose
20 of collecting the annual disposal special assessments imposed
21 under this act. The Authority may, in connection with the
22 collection of the annual disposal special assessments, proceed
23 in the manner set forth in this section as an alternative to
24 that set forth in section 7 of this charter, or as provided by
25 chapter 197, Florida Statutes, as it may be amended from time
26 to time. In the event the Authority chooses to follow the
27 method of collection set forth in this section, it must first
28 enter into written agreements with the property appraiser and
29 the tax collector to perform the duties as outlined in this
30 section. Said agreements shall be entered into voluntarily and
31 at the sole options of the property appraiser and the tax

Amendment No. 01 (for drafter's use only)

1 collector, and shall provide for reimbursement to them of all
2 costs associated with their duties hereunder.

3 (1) Purpose.--It is the purpose of this section to
4 provide for an additional and alternative, but in no event
5 exclusive, method and procedure for the collection of annual
6 disposal special assessments from the owners of all improved
7 real property in both the incorporated and unincorporated
8 areas of the county, in the same manner as the collection of
9 ad valorem taxes by the county and through the tax bill issued
10 by the tax collector.

11 (2) Determination of annual disposal special
12 assessments; public hearing.--On or before July 30 of each
13 year, or such other date as may be specified by chapter 197,
14 Florida Statutes, the Authority shall hold a public hearing
15 for the following purposes:

16 (a) To adopt a budget for the operation and
17 maintenance of the solid waste system for the ensuing fiscal
18 year, including moneys for the payment of the principal and
19 interest on bonds and other outstanding or anticipated
20 indebtedness, including all reserves necessary therefrom, for
21 the payment of necessary reserves for capital expenditures and
22 the renovation, improvements, and replacements of existing
23 facilities of the solid waste system, for the enforcement and
24 administration of the billing and collection of the annual
25 disposal special assessments provided for hereunder, including
26 necessary reserves for anticipated delinquent or uncollectible
27 annual disposal special assessments, and for the payment of
28 the current operation and maintenance of the solid waste
29 system.

30 (b) To adopt a rate resolution incorporating a
31 schedule of annual disposal special assessments to be imposed

Amendment No. 01 (for drafter's use only)

1 upon the owners of all improved real property in both the
2 incorporated and unincorporated areas of the county to
3 establish the classification of the use of such parcel or
4 parcels of improved real property in order to provide the
5 revenues to fund the budget referred to in paragraph (a). Such
6 rate resolution adopted at the public hearing shall further
7 authorize the collection of the annual disposal special
8 assessments in the same manner as the collection of ad valorem
9 taxes by the county and through the utilization of the office
10 of the tax collector of the county.

11
12 Notice of said public hearing shall be published in a
13 newspaper of general circulation in the county at least twice,
14 with the first publication being at least 20 days prior to the
15 public hearing. Additional notice shall also be provided to
16 each affected property owner by first class mail of both the
17 potential for loss of his or her title through the use of the
18 ad valorem collection method and the time and place of said
19 public hearing. Said public hearing may be continued to a date
20 certain without the necessity of further newspaper
21 advertisement or public notice.

22 (3) Scope of annual disposal special assessments.--

23 (a) The annual disposal special assessments
24 incorporated in the rate resolution applicable to each parcel
25 of improved real property shall be the annual disposal special
26 assessments for each such parcel of improved real property for
27 the disposal of all solid waste generated on each such parcel
28 of improved real property during the ensuing fiscal year.

29 (b) The annual disposal special assessments shall be
30 imposed against the owners of all real property in both the
31 incorporated and unincorporated areas of the county if such

Amendment No. 01 (for drafter's use only)

1 real property is improved real property on or before January 1
2 prior to the fiscal year in which the annual disposal special
3 assessments are imposed.

4 (c) The owner and description of each parcel of
5 improved real property shall be that designated on the real
6 property records maintained by the property appraiser.

7 (4) Enforcement and collection.--The annual disposal
8 special assessments shall be due and payable on November 1 of
9 each year or at such other times as prescribed by the amended
10 tax bill. Such annual disposal special assessments shall be
11 collected and enforced by the tax collector in the same manner
12 that ad valorem taxes are collected, including, but not
13 limited to, provisions of law relating to discount for early
14 payment, prepayment by installment method, and penalty for
15 delinquent payment.

16 (5) Annual disposal special assessments shall
17 constitute a lien on improved real property.--All annual
18 disposal special assessments imposed against the owners of
19 improved real property shall constitute, and are hereby
20 imposed as, liens against such improved real property as of
21 October 1 of the fiscal year for which the annual disposal
22 special assessments are imposed. Until fully paid and
23 discharged or barred by law, the annual disposal special
24 assessments shall remain liens equal in rank and dignity with
25 the lien of the county ad valorem taxes and superior in rank
26 and dignity to all other liens, encumbrances, titles, and
27 claims in, to, or against the real property involved. If any
28 annual disposal special assessment liens become delinquent by
29 not being fully paid by March 31 of the fiscal year for which
30 the annual disposal special assessments are imposed and remain
31 delinquent, the Authority shall cause to be prepared a notice

Amendment No. 01 (for drafter's use only)

1 of lien containing the amount of the delinquent annual
2 disposal special assessments, including the amount of the
3 first penalty, a legal description of the improved real
4 property against which the lien is imposed, and the name of
5 the owner of such real property as indicated on the real
6 property records maintained by the property appraiser of the
7 county. The Authority shall cause to be mailed on or before
8 June 1 of such fiscal year to those owners who have failed to
9 pay any or all of the then-due-and-owing annual disposal
10 special assessments a notice of intention to file lien, and
11 such notice shall contain a schedule of the additional penalty
12 incurred by the owners for each month from June 1 and
13 thereafter and a notice that a lien will be filed if not paid
14 on or before September 30. If the assessment is not paid, a
15 notice of lien shall be recorded in the public records of the
16 county on or about September 30 of the fiscal year for which
17 the annual disposal special assessments were levied, or as
18 soon thereafter as the Authority shall determine.

19 (6) Payment of annual disposal special
20 assessments.--It shall be the duty of the tax collector,
21 pursuant to law, to collect payments of all annual disposal
22 special assessments referred to in this section. The tax
23 collector shall distribute the annual disposal special
24 assessments so collected to the Authority at the times and in
25 the manner provided by law. The tax collector shall mail to
26 all owners of improved real property such notices as are
27 required by law.

28 (7) Enforcement of delinquent annual disposal special
29 assessments.--All delinquent annual disposal special
30 assessment liens may be enforced by the Authority in the
31 manner provided by law.

Amendment No. 01 (for drafter's use only)

1 (8) Certification to property appraiser and tax
2 collector.--

3 (a) Upon adoption by the Authority of the rate
4 resolution provided herein, the Authority shall forthwith
5 deliver a certified copy of the rate resolution to the
6 property appraiser and tax collector. Based upon said rate
7 resolution and pursuant to written contracts between the
8 Authority and the property appraiser and the Authority and the
9 tax collector, the property appraiser shall include the annual
10 disposal special assessments on the tax notice issued pursuant
11 to section 197.3635, Florida Statutes, or any successor laws,
12 and the tax collector shall collect the annual disposal
13 special assessments as provided by law.

14 (b) Nothing contained in this section shall be
15 construed or interpreted to preclude the Authority from
16 submitting, within its discretion, a separately prepared
17 notice of the annual disposal special assessments imposed on
18 certain improved real property to the owner of such property
19 if, in the opinion of the Authority, such procedure shall
20 facilitate the billing and collection of such annual disposal
21 special assessments, which notice shall be in addition to the
22 notice submitted by the property appraiser.

23 (9) Additional proceedings.--The Authority shall
24 conform with and shall do and provide such additional
25 proceedings as may be necessary to enable the Authority to
26 collect the annual disposal special assessments in the same
27 manner as the collection of ad valorem taxes of the county and
28 through the utilization of the office of the tax collector to
29 the extent that the general law relating to the method of
30 collection shall require further and additional notices or
31 other proceedings of the Authority.

Amendment No. 01 (for drafter's use only)

1 Section 9. Annual disposal special assessments to
2 governmental agencies; applicability of annual disposal
3 special assessments to tax-exempt improved real property.--

4 (1)(a) The Authority shall bill all governmental
5 agencies owning improved real property within both the
6 incorporated and unincorporated areas of the county and said
7 governmental agencies shall pay the annual disposal special
8 assessments imposed under the applicable classification
9 specified in the rate resolution.

10 (b) The discounts for early payment shall not be
11 applicable to the annual disposal special assessments imposed
12 against governmental agencies owning real property. Such
13 governmental agencies shall pay in the manner provided herein
14 the full annual disposal special assessments imposed.

15 (c) The annual disposal special assessments imposed
16 against governmental agencies shall become delinquent if not
17 fully paid within 60 days from the date the notice of such
18 annual disposal special assessments is mailed. All delinquent
19 annual disposal special assessments shall bear an initial
20 penalty of 4 percent of the full amount of the annual disposal
21 special assessments if not paid by the expiration of the
22 60-day period and an additional penalty of 1 percent per month
23 on the delinquent amount, plus the initial penalty, on the
24 first day of each month thereafter until said annual disposal
25 special assessments are paid in full.

26 (d) The Authority shall have the authority to enforce
27 the collections of any delinquent annual disposal special
28 assessments by the institution of an appropriate action
29 against the governmental agency in a court of competent
30 jurisdiction for a judgment for the amount due under such
31 annual disposal special assessments, including all penalties,

Amendment No. 01 (for drafter's use only)

1 plus costs and a reasonable attorney's fee.

2 (e) The provisions of paragraphs (5), (6), and (7) of
3 section 7 of this charter and paragraphs (5) and (6) of
4 section 8 of this charter shall not be applicable to the
5 annual disposal special assessments imposed against improved
6 real property owned by any governmental agency.

7 (2) Applicability of annual disposal special
8 assessments to tax-exempt improved real property.--The tax
9 exemption of property form taxation under chapter 196, Florida
10 Statutes, or any other law or constitutional provision shall
11 not relieve the owner of any improved real property in the
12 county from the provisions hereof or from the imposition by
13 the Authority of the annual disposal special assessments
14 applicable to such improved real property as specified in the
15 rate resolution.

16 Section 10. Limitations on franchises.--The Authority
17 shall adopt by resolution a procedure for granting exclusive
18 franchises, subject to the following limitations:

19 (1) No franchise, contract, or permit shall be granted
20 or extended for a period of time exceeding 5 years.

21 (2) A public hearing shall be held prior to the
22 adoption of any rates, fees, or charges to the public.

23 (3) No exclusive franchise shall be granted except
24 pursuant to a procedure adopted by the Authority which shall
25 include the following minimum requirements:

26 (a) The entire process shall comply with chapter 286,
27 Florida Statutes.

28 (b) The procedure shall encourage competition among
29 potential franchisees.

30 (c) The franchise award shall occur at a regular
31 meeting of the Authority and shall be confirmed by a

Amendment No. 01 (for drafter's use only)

1 subsequent resolution, which shall contain sufficient findings
2 to demonstrate that the award was in the best interest of the
3 public to be served thereby.

4 (d) Any party aggrieved by the franchise award may
5 appeal the award in writing, within 30 days after the award,
6 to the Authority, which shall decide said appeal by written
7 order within 60 days after its receipt by the Authority. An
8 unsuccessful appellant may thereafter appeal the Authority's
9 decision by writ of certiorari to the circuit court.

10 Section 11. Exemption from taxation.--The property,
11 moneys, and other assets of any countywide authority created
12 hereunder and all of its revenues or other income shall be
13 exempt from all taxation, licenses, fees, or other charges of
14 any kind imposed by the state or by the county or by any
15 municipality, political subdivision, taxing district, or other
16 public agency or body of the state.

17 Section 12. Prohibition; permits; penalty.--

18 (1) It is unlawful to violate this act or the rules
19 duly adopted pursuant to it. After the effective date of this
20 act, no person shall:

21 (a) Place or deposit any solid waste in or on the
22 lands or waters located within the county except in a manner
23 consistent with the countywide solid waste program.

24 (b) Burn solid waste except in a manner consistent
25 with the countywide solid waste program.

26 (c) Accomplish or authorize any act inconsistent with
27 the provisions of this act and those of chapter 403, Florida
28 Statutes.

29 (2) No person shall operate, maintain, construct,
30 expand, or modify any resource recovery or waste management
31 facility without first having applied for and received a valid

Amendment No. 01 (for drafter's use only)

1 operating permit from the Authority.

2 (3) Any person found in violation of any provision of
3 this act or any rules adopted pursuant to it commits a
4 misdemeanor of the second degree and shall be punished as
5 provided by law. If such violation be continuing, each 24-hour
6 day or fraction thereof during which such violation occurs
7 shall constitute a separate offense.

8 Section 13. Enforcement.--The director of the Palm
9 Beach County Health Department shall determine compliance with
10 the provisions of this act which relate to sanitary
11 collection, storage, processing, and disposal of solid waste,
12 in accordance with the provisions of Palm Beach County
13 Environmental Control Ordinance No. 78-5 and any amendments
14 thereto. Any and all violations shall be reported in writing
15 and a copy of the official inspection report shall be
16 presented to the violator and a copy of said inspection report
17 shall also be delivered to the executive director of the
18 Authority.

19 (1) If any resource recovery or management facility
20 fails to comply with the provisions of the rules adopted by
21 the department or the Authority pursuant to chapter 403,
22 Florida Statutes, or under this act, the director of the Palm
23 Beach County Health Department shall give the violator a
24 reasonable time, by formal notice, within which to correct
25 such violation. Should the violation continue beyond the time
26 specified for correction, the director of the Palm Beach
27 County Health Department shall notify the environmental
28 control officer, in writing, of such failure to correct the
29 violation.

30 (2) Upon notice of the director of the Palm Beach
31 County Health Department that a resource recovery or waste

Amendment No. 01 (for drafter's use only)

1 management facility has failed to correct violations, the
2 environmental control officer shall notify the Palm Beach
3 County Environmental Control Hearing Board of such
4 noncompliance, whereupon the hearing board shall, within 45
5 days after such notice, order the violator to appear before it
6 to show cause why remedial action should not be taken. Any
7 meetings before the hearing board shall be conducted in
8 accordance with the provisions of Palm Beach County
9 Environmental Control Ordinance No. 78-5 and any amendments
10 thereto.

11 (3) If, after due public hearing, the hearing board
12 upholds the violation, the hearing board shall make a decision
13 setting forth findings of fact and such conclusions of law as
14 are required in view of the issues presented. The decision
15 shall contain an order framed in the manner of a writ of
16 injunction requiring the violator to refrain from committing,
17 creating, maintaining, or permitting the violation and take
18 such affirmative action as the hearing board deems reasonable
19 and necessary under the circumstances to correct such
20 violation.

21 Section 14. Injunctive relief.--If preventive or
22 corrective measures are not taken in accordance with any order
23 of the hearing board, or if the environmental control officer
24 finds that a violation of the provisions of this act exists so
25 as to create an emergency requiring immediate action to
26 protect human health or welfare, the environmental control
27 officer may institute proceedings in the Circuit Court for
28 Palm Beach County to enforce this act or rules or orders
29 pursuant thereto. Such injunctive relief may include both
30 temporary and permanent injunctions. Any proceedings initiated
31 under this section shall be brought for and in the name of the

Amendment No. 01 (for drafter's use only)

1 Authority.

2 Section 15. Judicial review.--Any person aggrieved by
3 any action or decision of the hearing board may seek
4 appropriate judicial review.

5 Section 4. If any provision of this act or the
6 application thereof to any person or circumstance is held
7 invalid, the invalidity shall not affect other provisions or
8 applications of the act which can be given effect without the
9 invalid provision or application, and to this end the
10 provisions of this act are declared severable.

11 Section 5. This act shall be construed as a remedial
12 act and shall be liberally construed to promote the purpose
13 for which it is intended.

14 Section 6. Chapters 75-473, 77-626, 79-536, 79-539,
15 79-542, 84-501, 84-502, 86-433, 88-544, 91-334, 93-345, and
16 94-462, Laws of Florida, are repealed.

17 Section 7. This act shall take effect upon becoming a
18 law.

19
20
21
22
23
24
25
26
27
28
29
30
31