

By Senator Jones

40-1016A-02

1                                   A bill to be entitled  
2           An act relating to Monroe County; creating the  
3           Key Largo Wastewater Treatment District;  
4           creating a short title; providing definitions;  
5           creating a district charter; creating an  
6           independent special district; providing a  
7           district boundary; providing for amendment only  
8           by special act; providing powers, functions,  
9           and duties; providing for a governing board,  
10          elections, qualification, term of office,  
11          staggering terms of office, removal from  
12          office, and filling vacancies; providing for  
13          election of chair, vice chair, and  
14          secretary-treasurer; providing for board member  
15          compensation and reimbursement of expenses;  
16          providing a quorum; providing requirements for  
17          meetings and notice; providing requirements for  
18          reports, budgets, and audits; prohibiting  
19          creation of state, county, or municipal debt;  
20          providing for liberal construction; providing  
21          limitation of state authority; prohibiting  
22          conflict of interest and providing a penalty;  
23          providing for termination of district;  
24          authorizing levy of ad valorem taxes for a  
25          certain time period subject to approval of  
26          electors; specifying method of collection and  
27          enforcement of taxes; authorizing property  
28          appraiser's and tax collector's fees or  
29          commissions; amending chapter 76-441, Laws of  
30          Florida, as amended, and terminating certain  
31          jurisdiction of the Florida Keys Aqueduct

1 Authority; providing for severability;  
2 providing an effective date.

3  
4 Be It Enacted by the Legislature of the State of Florida:

5  
6 Section 1. The Key Largo Wastewater Treatment District  
7 and its charter are created to read:

8 Section 1. Short title.--This act may be cited as the  
9 "Key Largo Wastewater Treatment District Act."

10 Section 2. Definitions.--When used in this act, unless  
11 a different meaning appears clearly from the context, the  
12 term:

13 (1) "District" means the Key Largo Wastewater  
14 Treatment District created by this act and identified in  
15 section 3, to be known as the district, and the territory  
16 included within the special district.

17 (2) "Project" means and includes a wastewater  
18 management system, including any and all parts thereof, and  
19 all appurtenant and related facilities necessary or convenient  
20 for the complete acquisition or establishment, management,  
21 operation, and maintenance of such wastewater management  
22 system, and business facilities incidental thereto; all  
23 appurtenant to and located within the special district.

24 (3) "Wastewater" means the combination of the liquid  
25 and water-carried pollutants from a residence, commercial  
26 building, industrial plant, or institution, together with any  
27 groundwater, surface runoff, or leachate that may be present.

28 (4) "Wastewater management system" means and includes  
29 sewage disposal systems, including wastewater reuse systems,  
30 or sanitary sewer systems, including facilities and land used  
31 or useful in providing service and any integral part thereof,

1 whether inside or outside the district, and shall include, but  
2 not be limited to, sewage disposal plants or facilities,  
3 sanitary sewers, pumping stations, intercepting or trunk or  
4 lateral sewers, and any other properties or works or equipment  
5 necessary for the collection, treatment, and disposal of  
6 sewage and wastewater, including wastewater reuse.

7 Section 3. District; creation, jurisdiction, and  
8 purpose.--

9 (1) The district is created and incorporated as an  
10 independent special district, pursuant to chapter 189, Florida  
11 Statutes, to be known as the Key Largo Wastewater Treatment  
12 District (district), in Monroe County, which special district  
13 shall be a public body corporate and politic.

14 (2) The district boundaries shall embrace and include  
15 the territory consisting of Key Largo, including all lands  
16 east of Tavernier Creek, including Tavernier, Key Largo, and  
17 Cross Key, with the exception of Ocean Reef, all in Monroe  
18 County, Florida.

19 (3) The district is created for all purposes set forth  
20 in this act and chapter 189, Florida Statutes, as the same may  
21 be amended from time to time.

22 (4) The district charter created by this act may be  
23 amended only by special act of the Legislature.

24 (5) The purpose of the district shall be to perform  
25 such acts as shall be necessary for the sound planning,  
26 acquisition, development, operation, and maintenance of a  
27 wastewater management system within the district, including  
28 all business facilities necessary and incidental thereto. The  
29 district shall have exclusive jurisdiction over the  
30 acquisition, development, operation, and management of a  
31

1 wastewater management system in and for the district  
2 boundaries.

3 Section 4. District powers, functions, and duties.--

4 (1) In addition to any powers, functions, and duties  
5 set forth in this act, the district shall likewise exercise  
6 such powers, functions, and duties as are set forth in chapter  
7 189, Florida Statutes, as the same may be amended from time to  
8 time.

9 (2) The district is authorized and empowered:

10 (a) To adopt bylaws for the regulation of its affairs  
11 and the conduct of its business.

12 (b) To adopt rules pursuant to chapter 120, Florida  
13 Statutes, as necessary for implementation, regulation, and  
14 enforcement, consistent with the purposes of the district.

15 (c) To adopt an official seal for the district and to  
16 alter the same at its pleasure.

17 (d) To plan, develop, purchase or otherwise acquire,  
18 construct, reconstruct, improve, extend, enlarge, equip,  
19 repair, maintain, and operate any wastewater management system  
20 and facilities within the territorial limits of the district.

21 (e) To acquire by grant, loan, purchase, gift, or  
22 devise or by the exercise of the right of eminent domain all  
23 property, real or personal, or any estate or interest therein  
24 necessary, desirable, or convenient for the purposes of this  
25 act, and to sell, convey, lease, rent, or assign all or any  
26 part thereof and to exercise all of its powers and authority  
27 with respect thereto. The exercise of eminent domain shall be  
28 as provided for by applicable general law.

29 (f) To assess and impose ad valorem taxes, and non-ad  
30 valorem assessments, upon the lands in the district, as  
31 provided by this act and chapter 197, Florida Statutes.

1           (g) To issue revenue bonds, pursuant to section  
2 189.4085, Florida Statutes, and otherwise by general law, to  
3 pay the cost of purchasing or otherwise acquiring,  
4 constructing, reconstructing, improving, extending, enlarging,  
5 or equipping a wastewater management system.

6           (h) To issue refunding bonds, pursuant to section  
7 189.4085, Florida Statutes, and otherwise by general law, to  
8 refund any bonds then outstanding which shall have been issued  
9 under the provisions of this act.

10           (i) To lease, rent, or contract for the operation of  
11 all or any part of any wastewater management system  
12 facilities.

13           (j) To fix and collect rates, rentals, fees, and  
14 charges for the use of any wastewater management system  
15 facilities. The district may provide for reasonable penalties  
16 against any user for any such rates, fees, rentals, or other  
17 charges that are delinquent. In the event that such  
18 delinquency occurs and such fees, rentals, or other charges  
19 are not paid and remain delinquent for 30 days or more, the  
20 district may discontinue and shut off services until such  
21 fees, rentals, or other charges, including interest,  
22 penalties, and charges for shutting off, discontinuing, and  
23 restoring such services, are fully paid. The district may  
24 enter on lands, waters, and premises of any person, firm,  
25 corporation, or other body for the purpose of discontinuing  
26 and shutting off services under such circumstances. Further,  
27 such delinquent fees, rentals, or other charges, together with  
28 interest, penalties, and charges for shutting off,  
29 discontinuing, and restoring such services, and reasonable  
30 attorney's fees and other expenses, may be recovered by the  
31 district by suit in any court of competent jurisdiction. The

1 district may also enforce payment by any other lawful method  
2 of enforcement.

3 (k) To make and enter into contracts and agreements  
4 necessary or incidental to the performance of the duties  
5 imposed and the execution of the powers granted under this  
6 act, and to employ such consulting and other engineers,  
7 superintendents, managers, construction and financial experts,  
8 and attorneys, and such employees and agents as are, in the  
9 judgment of the district, necessary, and to fix their  
10 compensation, provided that all such expenses shall be payable  
11 solely from funds made available under the provisions of this  
12 act.

13 (l) To establish, or otherwise make available, a plan  
14 for retirement, disability, death, hospitalization, and other  
15 appropriate benefits for officers and employees of the  
16 district.

17 (m) To enter into contracts with the government of the  
18 United States or the State of Florida or any agency or  
19 instrumentality of either thereof, or with any county,  
20 municipality, district, corporation, public or private, or  
21 individual providing for or relating to wastewater management  
22 system facilities.

23 (n) To borrow money for any district purpose and  
24 execute notes, mortgages, or deeds to secure debt, trust  
25 deeds, trust agreements, and such other instruments as are  
26 necessary or convenient to evidence and secure such borrowing.

27 (o) To invest surplus funds of the district consistent  
28 with the "Investment of Local Government Surplus Funds Act,"  
29 part IV, chapter 218, Florida Statutes.

30 (p) To do all acts or things necessary or convenient  
31 to carry out the powers expressly granted in this act.

1           Section 5. Governing board.--

2           (1) The business and affairs of the district shall be  
3 conducted and administered by a five-member governing board  
4 elected pursuant to chapter 189, Florida Statutes, by the  
5 electors of the district in a nonpartisan election held at the  
6 time and in the manner prescribed for holding general  
7 elections in section 189.405(2)(a), Florida Statutes, as the  
8 same may be amended from time to time.

9           (2) Any individual desiring to be elected to the  
10 governing board must qualify pursuant to section  
11 189.405(2)(c), Florida Statutes, as the same may be amended  
12 from time to time. Additionally, in accordance with section  
13 189.4051, Florida Statutes, as the same may be amended from  
14 time to time, each member of the governing board must be a  
15 registered elector, residing within the boundaries of the  
16 district at the time he or she qualifies and continually  
17 through his or her term.

18           (3) At the initial election of the governing board,  
19 the candidates receiving the highest five vote totals,  
20 consistent with section 189.405(4), Florida Statutes, as the  
21 same may be amended from time to time, shall be deemed elected  
22 to the initial governing board. Thereafter, at the time of  
23 subsequent elections, available governing board positions  
24 shall be filled by those candidates receiving the highest vote  
25 totals.

26           (4) The term of office shall be 4 years and shall  
27 begin and end on the same dates as do the terms of the members  
28 of the Monroe County Board of County Commissioners; however,  
29 at the initial election, in order to stagger terms of office,  
30 the governing board members elected with the two lowest vote

31

1 totals shall each serve a term of only 2 years. Thereafter,  
2 all governing board member terms shall be for 4 years.

3 (5) Any member of the governing board may be removed  
4 by a majority vote of the governing board for misfeasance,  
5 malfeasance, or neglect of duty.

6 (6) Any vacancy in the membership of the governing  
7 board resulting from the death, resignation, change of  
8 residence, or removal of any such board member or from any  
9 other cause shall be filled, for the remainder of the term, by  
10 election within 30 days after the occurrence of such vacancy.  
11 However, in the event that the remaining term is 60 days or  
12 less, the vacancy shall be filled by election at the next  
13 general election pursuant to section 189.405(2)(a), Florida  
14 Statutes, as the same may be amended from time to time.

15 (7) The governing board shall have those  
16 administrative duties set forth in this act and chapter 189,  
17 Florida Statutes, as the same may be amended from time to  
18 time.

19 Section 6. Chair, vice chair, secretary-treasurer.--At  
20 the first meeting of the governing board, the governing board  
21 members shall elect one of their members to be, respectively,  
22 the chair, vice chair, and secretary-treasurer of the board.  
23 Thereafter, the chair, vice chair, and secretary-treasurer  
24 shall be so elected annually.

25 Section 7. Governing board; compensation, expense  
26 reimbursement.--The members of the governing board shall  
27 receive as compensation for their services a fee of \$300 per  
28 meeting, not to exceed three meetings per month. The amount of  
29 compensation shall be adjusted annually based upon the index  
30 provided in section 287.017(2), Florida Statutes. In addition,  
31

1 each board member shall be reimbursed for expenses as provided  
2 in section 112.061, Florida Statutes.

3 Section 8. Quorum; transaction of business.--A  
4 majority of the members of the district governing board shall  
5 constitute a quorum for the transaction of the business of the  
6 district. The affirmative vote of a majority of the governing  
7 board members present and voting shall be necessary to  
8 transact business.

9 Section 9. Meetings, notice.--The governing board  
10 shall hold meetings pursuant to sections 189.416 and 189.417,  
11 Florida Statutes.

12 Section 10. Reports, budgets, audits.--The district  
13 shall prepare and submit reports, budgets, and audits as  
14 provided in sections 189.415 and 189.418, Florida Statutes.

15 Section 11. Creation of state, county, or municipal  
16 debts prohibited.--The district is not empowered or authorized  
17 in any manner to create a debt as against the state, county,  
18 or any or all of the municipalities, and may not pledge the  
19 full faith and credit of the state, county, or any of the  
20 municipalities. All revenue bonds or debt obligations shall  
21 contain on the face thereof a statement to the effect that the  
22 state, county, or any of the municipalities shall not be  
23 obligated to pay the same or the interest and that they are  
24 only payable from revenues of the project or the portion  
25 thereof for which they are issued and that neither the full  
26 faith and credit nor the taxing power of the state or of any  
27 political subdivision thereof is pledged to the payment of the  
28 principal of or the interest on such bonds. The issuance of  
29 revenue or refunding bonds under the provisions of this act  
30 shall not directly or indirectly or contingently obligate the  
31 state, county, or any of the municipalities to levy or to

1 pledge any form of taxation whatever therefor or to make any  
2 appropriation for their payment.

3 Section 12. Liberal construction of act.--This act,  
4 being for the purpose of developing and promoting the public  
5 good and the welfare of the district, the territory included  
6 in the special district, and the citizens, inhabitants, and  
7 taxpayers residing therein, shall be liberally construed to  
8 effect the purposes of the act.

9 Section 13. Limitation of state authority.--The state  
10 does hereby pledge to and agree with the holders of any debt  
11 obligations issued under this act, and with those parties who  
12 may enter into contracts with the district pursuant to the  
13 provision of this act, that the state will not limit or alter  
14 the rights vested in the district until such obligations,  
15 together with the interest thereon, are fully met and  
16 discharged and such contracts are fully performed on the part  
17 of the district.

18 Section 14. Conflicts of interest prohibited.--No  
19 member, officer, agent, or employee of the district, either  
20 for himself or herself, or as agent for anyone else, or as a  
21 stockholder or owner in any other legal entity, shall  
22 participate or benefit directly or indirectly in or from any  
23 sale, purchase, lease, franchise, contract, or other  
24 transaction entered into by the district. If any such person  
25 violates the provisions of this section, he or she shall be  
26 guilty of a misdemeanor. The provisions of this section shall  
27 be cumulative to any general laws of the state which are from  
28 time to time applicable to members, officers, agents, or  
29 employees of the district, and which require the disclosure  
30 of, or prohibit, conflicts of interest.

31

1           Section 15. Termination of district.--If for any  
2 reason the district or its successors shall terminate, be  
3 terminated, or cease operation or existence for any cause or  
4 reason, then upon such termination or cessation, all property,  
5 real, personal, or mixed, tangible or intangible, of  
6 whatsoever kinds and wheresoever located, shall immediately  
7 become the property of the county, which is authorized to  
8 exercise any or all powers granted the district by this act  
9 for the purposes expressed in this act, or for any other legal  
10 purpose.

11           Section 16. Ad valorem; millage rate.--The district is  
12 authorized to assess and impose ad valorem taxes for 3 years  
13 as follows: at the rate of 0.5 mill for fiscal year 2003-2004,  
14 0.4 mill for fiscal year 2004-2005, and 0.3 mill for fiscal  
15 year 2005-2006 upon approval by referendum of electors of the  
16 district. Such ad valorem taxes shall be levied for, and  
17 applied to, the purposes of the district.

18           Section 17. Enforcement of taxes.--The collection and  
19 enforcement of all non-ad valorem assessments and taxes levied  
20 by the district shall be at the same time and in like manner  
21 as county taxes; and the provisions of general law relating to  
22 the sale of lands for unpaid and delinquent county taxes, the  
23 issuance, sale, and delivery of tax certificates for such  
24 unpaid and delinquent county taxes, the redemption thereof,  
25 the issuance to individuals of tax deeds based thereon, and  
26 all other procedures in connection therewith shall be  
27 applicable to the district and the delinquent and unpaid  
28 assessments and taxes of the district to the same extent as if  
29 such statutory provisions were expressly set forth in this  
30 act. All taxes shall be subject to the same discounts as  
31 county taxes.

1           Section 18. Property appraiser and tax collector; fees  
2 or commissions.--The Offices of the Property Appraiser and the  
3 Tax Collector of Monroe County shall be entitled to applicable  
4 fees, commissions, and costs for the levy and collection of ad  
5 valorem taxes and non-ad valorem assessments pursuant to  
6 sections 197.3632 and 192.091, Florida Statutes.

7           Section 2. Amendment of chapter 76-441, Laws of  
8 Florida; termination of a geographic portion of the wastewater  
9 management jurisdiction of the Florida Keys Aqueduct  
10 Authority.--This act amends chapter 76-441, Laws of Florida,  
11 as amended. The jurisdiction of the Florida Keys Aqueduct  
12 Authority over wastewater management as re-created by chapter  
13 76-441, Laws of Florida, as amended, is terminated for the  
14 geographical area described in section 3 of the charter  
15 created by this act.

16           Section 3. If any provision of this act of its  
17 application to any person or circumstance is held invalid, the  
18 invalidity does not affect other provisions or applications of  
19 the act which can be given effect without the invalid  
20 provision or application, and to this end the provisions of  
21 this act are declared severable.

22           Section 4. In the event of a conflict of the  
23 provisions of this act with the provisions of any other act,  
24 the provisions of this act shall control to the extent of such  
25 conflict.

26           Section 5. This act shall take effect upon becoming a  
27 law.

28  
29  
30  
31