

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

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

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

**Amendment (with title amendment)**

Remove everything after the enacting clause

and insert:

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

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

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

(1) "District" means the Key Largo Wastewater Treatment District and, unless the context indicates otherwise, means the special district created by this act and identified in section 3 to be known as the district and the territory included within the special district.

(2) "Project" means and includes a wastewater management system, including any and all parts thereof, and all appurtenant and related facilities necessary or convenient

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

1 for the complete acquisition or establishment, management,  
2 operation, and maintenance of such wastewater management  
3 system, and business facilities incidental thereto; all  
4 appurtenant to and located within the special district.

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

9 (4) "Wastewater management system" means and includes  
10 sewage disposal systems, including wastewater reuse systems,  
11 or sanitary sewer systems, including facilities and land used  
12 or useful in providing service and any integral part thereof,  
13 whether inside or outside the district, and shall include, but  
14 not be limited to, sewage disposal plants or facilities,  
15 sanitary sewers, pumping stations, intercepting or trunk or  
16 lateral sewers, and any other properties or works or equipment  
17 necessary for the collection, treatment, and disposal of  
18 sewage and wastewater, including wastewater reuse.

19 Section 3. District; creation, jurisdiction, and  
20 purpose.--

21 (1) The district is hereby created and incorporated as  
22 an independent special district, pursuant to chapter 189,  
23 Florida Statutes, to be known as the Key Largo Wastewater  
24 Treatment District (district), in Monroe County, which special  
25 district shall be a public body corporate and politic.

26 (2) The district boundaries shall embrace and include  
27 the territory consisting of Key Largo, including all lands  
28 east of Tavernier Creek, including Tavernier, Key Largo, and  
29 Cross Key, with the exception of Ocean Reef, all in Monroe  
30 County, Florida.

31 (3) The district is created for all purposes set forth

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

1 in this act and chapter 189, Florida Statutes, as the same may  
2 be amended from time to time.

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

5 (5) The purpose of the district shall be to perform  
6 such acts as shall be necessary for the sound planning,  
7 acquisition, development, operation, and maintenance of a  
8 wastewater management system within the district, including  
9 all business facilities necessary and incidental thereto. The  
10 district shall have exclusive jurisdiction over the  
11 acquisition, development, operation, and management of a  
12 wastewater management system in and for the district  
13 boundaries.

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

15 (1) In addition to any powers, functions, and duties  
16 set forth in this act, the district shall likewise exercise  
17 such powers, functions, and duties as may be set forth in  
18 chapter 189, Florida Statutes, as the same may be amended from  
19 time to time.

20 (2) The district is hereby authorized and empowered:

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

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

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

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

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

1           (e) To acquire by grant, loan, purchase, gift, or  
2 devise or by the exercise of the right of eminent domain all  
3 property, real or personal, or any estate or interest therein  
4 necessary, desirable, or convenient for the purposes of this  
5 act, and to sell, convey, lease, rent, or assign all or any  
6 part thereof and to exercise all of its powers and authority  
7 with respect thereto. The exercise of eminent domain shall be  
8 as provided for by applicable general law.

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

12           (g) To issue revenue bonds, pursuant to section  
13 189.4085, Florida Statutes, and otherwise by general law, to  
14 pay the cost of purchasing or otherwise acquiring,  
15 constructing, reconstructing, improving, extending, enlarging,  
16 or equipping a wastewater management system.

17           (h) To issue refunding bonds, pursuant to section  
18 189.4085, Florida Statutes, and otherwise by general law, to  
19 refund any bonds then outstanding which shall have been issued  
20 under the provisions of this act.

21           (i) To lease, rent, or contract for the operation of  
22 all or any part of any wastewater management system  
23 facilities.

24           (j) To fix and collect rates, rentals, fees, and  
25 charges for the use of any wastewater management system  
26 facilities. The district may provide for reasonable penalties  
27 against any user for any such rates, fees, rentals, or other  
28 charges that are delinquent. In the event that such  
29 delinquency occurs and such fees, rentals, or other charges  
30 are not paid and remain delinquent for 30 days or more, the  
31 district may discontinue and shut off services until such

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

1 fees, rentals, or other charges, including interest,  
2 penalties, and charges for shutting off, discontinuing, and  
3 restoring such services, are fully paid. The district may  
4 enter on lands, waters, and premises of any person, firm,  
5 corporation, or other body for the purpose of discontinuing  
6 and shutting off services under such circumstances. Further,  
7 such delinquent fees, rentals, or other charges, together with  
8 interest, penalties, and charges for shutting off,  
9 discontinuing, and restoring such services, and reasonable  
10 attorneys' fees and other expenses may be recovered by the  
11 district by suit in any court of competent jurisdiction. The  
12 district may also enforce payment by any other lawful method  
13 of enforcement.

14 (k) To make and enter into contracts and agreements  
15 necessary or incidental to the performance of the duties  
16 imposed and the execution of the powers granted under this  
17 act, and to employ such consulting and other engineers,  
18 superintendents, managers, construction and financial experts,  
19 and attorneys, and such employees and agents as may, in the  
20 judgment of the district, be necessary, and to fix their  
21 compensation, provided that all such expenses shall be payable  
22 solely from funds made available under the provisions of this  
23 act.

24 (l) To establish, or otherwise make available, a plan  
25 for retirement, disability, death, hospitalization, and other  
26 appropriate benefits for officers and employees of the  
27 district.

28 (m) To enter into contracts with the government of the  
29 United States or the State of Florida or any agency or  
30 instrumentality of either thereof, or with any county,  
31 municipality, district, corporation, public or private, or

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

1 individual providing for or relating to wastewater management  
2 system facilities.

3 (n) To borrow money for any district purpose and may  
4 execute notes, mortgages, or deeds, to secure debt, trust  
5 deeds, trust agreements, and such other instruments as may be  
6 necessary or convenient to evidence and secure such borrowing.

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

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

12 Section 5. Governing board.--

13 (1) The business and affairs of the district shall be  
14 conducted and administered by a five-member governing board  
15 elected pursuant to chapter 189, Florida Statutes, by the  
16 electors of the district in a nonpartisan election held at the  
17 time and in the manner prescribed for holding general  
18 elections in section 189.405(2)(a), Florida Statutes, as the  
19 same may be amended from time to time.

20 (2) Any individual desiring to be elected to the  
21 governing board must qualify pursuant to section  
22 189.405(2)(c), Florida Statutes, as the same may be amended  
23 from time to time. Additionally, in accordance with section  
24 189.4051, Florida Statutes, as the same may be amended from  
25 time to time, each member of the governing board shall be a  
26 registered elector, residing within the boundaries of the  
27 district at the time he or she qualifies and continually  
28 through his or her term.

29 (3) At the initial election of the governing board,  
30 the candidates receiving the highest five vote totals,  
31 consistent with section 189.405(4), Florida Statutes, as the

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

1 same may be amended from time to time, shall be deemed elected  
2 to the initial governing board. Thereafter, at the time of  
3 subsequent elections, available governing board positions  
4 shall be filled by those candidates receiving the highest vote  
5 totals.

6 (4) The term of office shall be 4 years and shall  
7 begin and end on the same dates as do the terms of the members  
8 of the Monroe County Board of County Commissioners; however,  
9 at the initial election, in order to stagger terms of office,  
10 the governing board members elected with the two lowest vote  
11 totals shall each serve a term of only 2 years. Thereafter,  
12 all governing board member terms shall be for 4 years.

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

16 (6) Any vacancy in the membership of the governing  
17 board resulting from the death, resignation, change of  
18 residence, or removal of any such board member or from any  
19 other cause shall be filled, for the remainder of the term, by  
20 election within 30 days after the occurrence of such vacancy.  
21 However, in the event that the remaining term is 60 days or  
22 less, the vacancy shall be filled by election at the next  
23 general election pursuant to section 189.405(2)(a), Florida  
24 Statutes, as the same may be amended from time to time.

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

29 Section 6. Chair, vice chair, secretary-treasurer.--At  
30 the first meeting of the governing board, the governing board  
31 members shall elect one of their members to be, respectively,

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

1 the chair, vice chair, and secretary-treasurer of the board.  
2 Thereafter, the chair, vice chair, and secretary-treasurer  
3 shall be so elected on an annual basis.

4 Section 7. Governing board; compensation, expense  
5 reimbursement.--The members of the governing board shall  
6 receive as compensation for their services a fee of \$300 per  
7 meeting, not to exceed three meetings per month. The amount of  
8 compensation shall be adjusted annually based upon the index  
9 provided in section 287.017(2), Florida Statutes. In addition,  
10 each board member shall be reimbursed for expenses as provided  
11 in section 112.061, Florida Statutes.

12 Section 8. Quorum; transaction of business.--A  
13 majority of the members of the district governing board shall  
14 constitute a quorum for the transaction of the business of the  
15 district. The affirmative vote of a majority of the governing  
16 board members present and voting shall be necessary to  
17 transact business.

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

21 Section 10. Reports, budgets, audits.--The district  
22 shall prepare and submit reports, budgets, and audits as  
23 provided in sections 189.415 and 189.418, Florida Statutes.

24 Section 11. Creation of state, county, or municipal  
25 debts prohibited.--The district shall not be empowered or  
26 authorized in any manner to create a debt as against the  
27 state, county, or any or all of the cities, and may not pledge  
28 the full faith and credit of the state, county, or any of the  
29 cities. All revenue bonds or debt obligations shall contain on  
30 the face thereof a statement to the effect that the state,  
31 county, or any of the cities shall not be obligated to pay the



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

1 same or the interest and that they are only payable from  
2 revenues of the project or the portion thereof for which they  
3 are issued and that neither the full faith and credit nor the  
4 taxing power of the state or of any political subdivision  
5 thereof is pledged to the payment of the principal of or the  
6 interest on such bonds. The issuance of revenue or refunding  
7 bonds under the provisions of this act shall not directly or  
8 indirectly or contingently obligate the state, county, or any  
9 of the cities to levy or to pledge any form of taxation  
10 whatever therefor or to make any appropriation for their  
11 payment.

12 Section 12. Liberal construction of act.--This act,  
13 being for the purpose of developing and promoting the public  
14 good and the welfare of the district, the territory included  
15 in the special district, and the citizens, inhabitants, and  
16 taxpayers residing therein, shall be liberally construed to  
17 effect the purposes of the act.

18 Section 13. Limitation of state authority.--The state  
19 does hereby pledge to and agree with the holders of any debt  
20 obligations issued under this act, and with those parties who  
21 may enter into contracts with the district pursuant to the  
22 provision of this act, that the state will not limit or alter  
23 the rights hereby vested in the district until such  
24 obligations, together with the interest thereon, are fully met  
25 and discharged and such contracts are fully performed on the  
26 part of the district.

27 Section 14. Conflicts of interest prohibited.--No  
28 member, officer, agent, or employee of the district, either  
29 for himself or herself, or as agent for anyone else, or as a  
30 stockholder or owner in any other legal entity, shall  
31 participate or benefit directly or indirectly in or from any

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

1 sale, purchase, lease, franchise, contract, or other  
2 transaction entered into by the district. If any such person  
3 violates the provisions of this section, he or she shall be  
4 guilty of a misdemeanor. The provisions of this section shall  
5 be cumulative to any general laws of the state which are from  
6 time to time applicable to members, officers, agents, or  
7 employees of the district, and which require the disclosure  
8 of, or prohibit, conflicts of interest.

9 Section 15. Termination of district.--If for any  
10 reason the district or its successors shall terminate, be  
11 terminated, or cease operation or existence for any cause or  
12 reason, then upon such termination or cessation, all property,  
13 real, personal, or mixed, tangible or intangible, of  
14 whatsoever kinds and wheresoever located, shall immediately  
15 become the property of the county, which is hereby authorized  
16 to exercise any or all powers herein granted the district for  
17 the purposes expressed herein, or for any other legal purpose.

18 Section 16. Ad valorem; millage rate.--The district is  
19 authorized to assess and impose ad valorem taxes for 3 years  
20 as follows: at the rate of 0.5 mill for fiscal year 2003-2004,  
21 0.4 mill for fiscal year 2004-2005, and 0.3 mill for fiscal  
22 year 2005-2006 upon approval by referendum of electors of the  
23 district. Such ad valorem taxes shall be levied for, and  
24 applied to, the purposes of the district.

25 Section 17. Enforcement of taxes.--The collection and  
26 enforcement of all non-ad valorem assessments and taxes levied  
27 by the district shall be at the same time and in like manner  
28 as county taxes; and the provisions of general law relating to  
29 the sale of lands for unpaid and delinquent county taxes, the  
30 issuance, sale, and delivery of tax certificates for such  
31 unpaid and delinquent county taxes, the redemption thereof,

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

1 the issuance to individuals of tax deeds based thereon, and  
2 all other procedures in connection therewith shall be  
3 applicable to the district and the delinquent and unpaid  
4 assessments and taxes of the district to the same extent as if  
5 said statutory provisions were expressly set forth in this  
6 act. All taxes shall be subject to the same discounts as  
7 county taxes.

8 Section 18. Property appraiser and tax collector; fees  
9 or commissions.--The Property Appraiser and Tax Collector of  
10 Monroe County shall be entitled to applicable fees,  
11 commissions, and costs for the levy and collection of ad  
12 valorem taxes and non-ad valorem assessments pursuant to  
13 sections 197.3632 and 192.091, Florida Statutes.

14 Section 2. Amendment of chapter 76-441, Laws of  
15 Florida; termination of a geographic portion of the wastewater  
16 management jurisdiction of the Florida Keys Aqueduct  
17 Authority.--This act amends chapter 76-441, Laws of Florida,  
18 as amended. The jurisdiction of the Florida Keys Aqueduct  
19 Authority over wastewater management as re-created by chapter  
20 76-441, Laws of Florida, as amended, is hereby terminated for  
21 the geographical area described in section 3 of the charter  
22 created by this act.

23 Section 3. The provisions of this act are severable,  
24 and it is the intention to confer the whole or any part of the  
25 powers herein provided for and if any of the provisions of  
26 this act or any of the powers granted by this act shall be  
27 held unconstitutional by any court of competent jurisdiction,  
28 the decision of such court shall not affect or impair any of  
29 the remaining provisions of this act or any of the remaining  
30 power granted by this act. It is hereby declared to be the  
31 legislative intent that this act would have been adopted had

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

1 such unconstitutional provision or power not been included  
2 therein.

3 Section 4. In the event of a conflict of the  
4 provisions of this act with the provisions of any other act,  
5 the provisions of this act shall control to the extent of such  
6 conflict.

7 Section 5. This act shall take effect upon becoming a  
8 law.

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11 ===== T I T L E A M E N D M E N T =====

12 And the title is amended as follows:

13 remove: the entire title

14

15 and insert:

16

A bill to be entitled

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An act relating to Monroe County; creating the

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Key Largo Wastewater Treatment District;

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creating a short title; providing definitions;

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creating a district charter; creating an

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independent special district; providing a

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district boundary; providing for amendment only

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by special act; providing powers, functions,

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and duties; providing for a governing board,

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elections, qualification, term of office,

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staggering terms of office, removal from

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office, and filling vacancies; providing for

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election of chair, vice chair, and

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secretary-treasurer; providing for board member

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compensation and reimbursement of expenses;

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providing a quorum; providing requirements for

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

1 meetings and notice; providing requirements for  
2 reports, budgets, and audits; prohibiting  
3 creation of state, county, or municipal debt;  
4 providing for liberal construction; providing  
5 limitation of state authority; prohibiting  
6 conflict of interest; providing for termination  
7 of district; authorizing levy of ad valorem  
8 taxes for a certain time period subject to  
9 approval of electors; specifying method of  
10 collection and enforcement of taxes;  
11 authorizing property appraiser's and tax  
12 collector's fees or commissions; amending  
13 chapter 76-441, Laws of Florida, as amended,  
14 and terminating certain jurisdiction of the  
15 Florida Keys Aqueduct Authority; providing for  
16 severability; prohibiting conflict of interest;  
17 providing an effective date.

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