

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; providing for termination
23 of district; authorizing levy of ad valorem
24 taxes for a certain time period subject to
25 approval of electors; specifying method of
26 collection and enforcement of taxes;
27 authorizing property appraiser's and tax
28 collector's fees or commissions; amending
29 chapter 76-441, Laws of Florida, as amended,
30 and terminating certain jurisdiction of the
31 Florida Keys Aqueduct Authority; providing for

1 severability; prohibiting conflict of interest;
2 providing an effective date.

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

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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:

12 (1) "District" means the Key Largo Wastewater
13 Treatment District and, unless the context indicates
14 otherwise, means the special district created by this act and
15 identified in section 3 to be known as the district and the
16 territory 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 hereby created and incorporated as
10 an independent special district, pursuant to chapter 189,
11 Florida Statutes, to be known as the Key Largo Wastewater
12 Treatment District (district), in Monroe County, which special
13 district 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
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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 may be set forth in
7 chapter 189, Florida Statutes, as the same may be amended from
8 time to time.

9 (2) The district is hereby 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 attorneys' 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 may, in the
9 judgment of the district, be 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 may
24 execute notes, mortgages, or deeds, to secure debt, trust
25 deeds, trust agreements, and such other instruments as may be
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 shall 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
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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 on an annual basis.

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,

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

1 whatever therefor or to make any appropriation for their
2 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 hereby vested in the district until such
15 obligations, together with the interest thereon, are fully met
16 and discharged and such contracts are fully performed on the
17 part 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.

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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 hereby authorized
8 to exercise any or all powers herein granted the district for
9 the purposes expressed herein, or for any other legal purpose.

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

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

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1 Section 18. Property appraiser and tax collector; fees
2 or commissions.--The Property Appraiser and Tax Collector of
3 Monroe County shall be entitled to applicable fees,
4 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 hereby terminated for
14 the geographical area described in section 3 of the charter
15 created by this act.

16 Section 3. The provisions of this act are severable,
17 and it is the intention to confer the whole or any part of the
18 powers herein provided for and if any of the provisions of
19 this act or any of the powers granted by this act shall be
20 held unconstitutional by any court of competent jurisdiction,
21 the decision of such court shall not affect or impair any of
22 the remaining provisions of this act or any of the remaining
23 power granted by this act. It is hereby declared to be the
24 legislative intent that this act would have been adopted had
25 such unconstitutional provision or power not been included
26 therein.

27 Section 4. In the event of a conflict of the
28 provisions of this act with the provisions of any other act,
29 the provisions of this act shall control to the extent of such
30 conflict.

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1 Section 5. This act shall take effect upon becoming a
2 law.
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