

1 A bill to be entitled
 2 An act relating to Monroe County; amending chapter 2002-
 3 337, Laws of Florida, as amended; providing conditions for
 4 use of certain funds by the Key Largo Wastewater Treatment
 5 District; revising provisions relating to vacancies on the
 6 governing board; providing an effective date.

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

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 10 Section 1. Subsection (2) of section 4 and subsection (6)
 11 of section 5 of section 1 of chapter 2002-337, Laws of Florida,
 12 as amended by chapters 2003-303 and 2003-306, Laws of Florida,
 13 are amended to read:

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

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

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

18 (b) To adopt resolutions and policies necessary for
 19 implementation, regulation, and enforcement, consistent with the
 20 purposes of the district.

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

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

27 (e) To acquire by grant, loan, purchase, gift, or devise
 28 or by the exercise of the right of eminent domain all property,
 29 real or personal, or any estate or interest therein necessary,

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30 desirable, or convenient for the purposes of this act, and to
31 sell, convey, lease, rent, or assign all or any part thereof and
32 to exercise all of its powers and authority with respect
33 thereto. The exercise of eminent domain shall be as provided for
34 by applicable general law.

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

38 (g) To issue revenue bonds, pursuant to section 189.4085,
39 Florida Statutes, and otherwise by general law, to pay the cost
40 of purchasing or otherwise acquiring, constructing,
41 reconstructing, improving, extending, enlarging, or equipping a
42 wastewater management system.

43 (h) To issue refunding bonds, pursuant to section
44 189.4085, Florida Statutes, and otherwise by general law, to
45 refund any bonds then outstanding which shall have been issued
46 under the provisions of this act.

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

49 (j) To fix and collect rates, rentals, fees, and charges
50 for the use of any wastewater management system facilities. The
51 district may provide for reasonable penalties against any user
52 for any such rates, fees, rentals, or other charges that are
53 delinquent. In the event that such delinquency occurs and such
54 fees, rentals, or other charges are not paid and remain
55 delinquent for 30 days or more, the district may discontinue and
56 shut off services until such fees, rentals, or other charges,
57 including interest, penalties, and charges for shutting off,
58 discontinuing, and restoring such services, are fully paid. The

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59 district may enter on lands, waters, and premises of any person,
 60 firm, corporation, or other body for the purpose of
 61 discontinuing and shutting off services under such
 62 circumstances. Further, such delinquent fees, rentals, or other
 63 charges, together with interest, penalties, and charges for
 64 shutting off, discontinuing, and restoring such services, and
 65 reasonable attorneys' fees and other expenses may be recovered
 66 by the district by suit in any court of competent jurisdiction.
 67 The district may also enforce payment by any other lawful method
 68 of enforcement.

69 (k) To make and enter into contracts and agreements
 70 necessary or incidental to the performance of the duties imposed
 71 and the execution of the powers granted under this act, and to
 72 employ such consulting and other engineers, superintendents,
 73 managers, construction and financial experts, and attorneys, and
 74 such employees and agents as may, in the judgment of the
 75 district, be necessary, and to fix their compensation, provided
 76 that all such expenses shall be payable solely from funds made
 77 available under the provisions of this act.

78 (l) To establish, or otherwise make available, a plan for
 79 retirement, disability, death, hospitalization, and other
 80 appropriate benefits for officers and employees of the district.

81 (m) To enter into contracts with the government of the
 82 United States or the State of Florida or any agency or
 83 instrumentality of either thereof, or with any county,
 84 municipality, district, corporation, public or private, or
 85 individual providing for or relating to wastewater management
 86 system facilities.

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

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

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

96 (q) To use any and all funds provided to it from any
 97 source to pay for the general, administrative, and overhead
 98 expenses of the district, including compensation of the members
 99 of the governing board; provided that the district shall not use
 100 funds in a manner contrary to any express lawful restriction on
 101 the use of funds imposed by the authority granting the funds.

102 Section 5. Governing board.--

103 (6) If any vacancy occurs in a seat occupied by a
 104 governing board member elected by the qualified electors, the
 105 remaining members of the governing board shall, within 45 days
 106 after the vacancy occurs, appoint a person who would be eligible
 107 to hold the office until the end of the unexpired term or until
 108 the next general election, whichever occurs first. Any person
 109 elected at such next general election to fill such seat shall
 110 serve in such capacity for the remainder of the predecessor's
 111 term. ~~Any vacancy in the membership of the governing board~~
 112 ~~resulting from the death, resignation, change of residence, or~~
 113 ~~removal of any such board member or from any other cause shall~~
 114 ~~be filled, for the remainder of the term, by election within 30~~
 115 ~~days after the occurrence of such vacancy. However, in the event~~

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116 ~~that the remaining term is 60 days or less, the vacancy shall be~~
117 ~~filled by election at the next general election pursuant to~~
118 ~~section 189.405(2)(a), Florida Statutes, as the same may be~~
119 ~~amended from time to time.~~

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