

By Senator Bullard

39-1546-04

See HB

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

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

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

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

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

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

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

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

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

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

1 necessary, desirable, or convenient for the purposes of this  
2 act, and to sell, convey, lease, rent, or assign all or any  
3 part thereof and to exercise all of its powers and authority  
4 with respect thereto. The exercise of eminent domain shall be  
5 as provided for by applicable general law.

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

9 (g) To issue revenue bonds, pursuant to section  
10 189.4085, Florida Statutes, and otherwise by general law, to  
11 pay the cost of purchasing or otherwise acquiring,  
12 constructing, reconstructing, improving, extending, enlarging,  
13 or equipping a wastewater management system.

14 (h) To issue refunding bonds, pursuant to section  
15 189.4085, Florida Statutes, and otherwise by general law, to  
16 refund any bonds then outstanding which shall have been issued  
17 under the provisions of this act.

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

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

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

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

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

25 (m) To enter into contracts with the government of the  
26 United States or the State of Florida or any agency or  
27 instrumentality of either thereof, or with any county,  
28 municipality, district, corporation, public or private, or  
29 individual providing for or relating to wastewater management  
30 system facilities.

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

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

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

10           (q) To use any and all funds provided to it from any  
11 source to pay for the general, administrative, and overhead  
12 expenses of the district, including compensation of the  
13 members of the governing board, provided that the district  
14 shall not use funds in a manner contrary to any express lawful  
15 restriction on the use of funds imposed by the authority  
16 granting the funds.

17           Section 5. Governing board.--

18           (6) If any vacancy occurs in a seat occupied by a  
19 governing board member elected by the qualified electors, the  
20 remaining members of the governing board shall, within 45 days  
21 after the vacancy occurs, appoint a person who would be  
22 eligible to hold the office for the remainder of the unexpired  
23 term.~~Any vacancy in the membership of the governing board~~  
24 ~~resulting from the death, resignation, change of residence, or~~  
25 ~~removal of any such board member or from any other cause shall~~  
26 ~~be filled, for the remainder of the term, by election within~~  
27 ~~30 days after the occurrence of such vacancy. However, in the~~  
28 ~~event that the remaining term is 60 days or less, the vacancy~~  
29 ~~shall be filled by election at the next general election~~  
30 ~~pursuant to section 189.405(2)(a), Florida Statutes, as the~~  
31 ~~same may be amended from time to time.~~

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