

House Bill No. 1577

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

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

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

Section 4. District powers, functions, and duties.—

(2) The district is hereby authorized and empowered:

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

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

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

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

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

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

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

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

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

(j) To fix and collect rates, rentals, fees, and charges for the use of any wastewater management system facilities. The district may provide for reasonable penalties against any user for any such rates, fees, rentals, or other charges that are delinquent. In the event that such delinquency occurs and such fees, rentals, or other charges are not paid and remain delinquent for 30 days or more, the district may discontinue and shut off services until such fees, rentals, or other charges, including interest, penalties, and charges for shutting off, discontinuing, and restoring such services, are fully paid. The district may enter on lands, waters, and premises of any person, firm, corporation, or other body for the purpose of discontinuing and shutting off services under such circumstances. Further, such delinquent fees, rentals, or other charges, together with interest, penalties, and charges for shutting off, discontinuing, and restoring such services, and reasonable attorneys' fees and other expenses may be recovered by the district by suit in any court of competent jurisdiction. The district may also enforce payment by any other lawful method of enforcement.

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

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

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

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

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

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

(q) To use any and all funds provided to it from any source to pay for the general, administrative, and overhead expenses of the district, including

compensation of the members of the governing board; provided that the district shall not use funds in a manner contrary to any express lawful restriction on the use of funds imposed by the authority granting the funds.

Section 5. Governing board.—

(6) If any vacancy occurs in a seat occupied by a governing board member elected by the qualified electors, the remaining members of the governing board shall, within 45 days after the vacancy occurs, appoint a person who would be eligible to hold the office until the end of the unexpired term or until the next general election, whichever occurs first. Any person elected at such next general election to fill such seat shall serve in such capacity for the remainder of the predecessor's term. Any vacancy in the membership of the governing board resulting from the death, resignation, change of residence, or removal of any such board member or from any other cause shall be filled, for the remainder of the term, by election within 30 days after the occurrence of such vacancy. However, in the event that the remaining term is 60 days or less, the vacancy shall be filled by election at the next general election pursuant to section 189.405(2)(a), Florida Statutes, as the same may be amended from time to time.

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

Approved by the Governor June 18, 2004.

Filed in Office Secretary of State June 18, 2004.