

CHAPTER 75-473, AS AMENDED SPECIAL ACT

SECTION 1: Short title. This Act may be known and cited as the "Palm Beach County Solid Waste Act".

SECTION 2: Declaration of legislative intent. In order to enhance the beauty and quality of our environment, conserve our natural resources, prevent the spread of disease and creation of nuisances, protect the public health, safety, and welfare, and provide a coordinated resource recovery and waste management program for Palm Beach County. It is necessary to form a county-wide Authority for the management of solid waste to meet the expanding problems related to the processing and disposal of solid waste within Palm Beach County and to:

Section 2. Amended by: C. 77-626

- (1) Provide for the safe and sanitary processing and disposal of solid waste.

Section 2(l). Amended by: C. 77-626

- (2) Provide for coordinated county-wide program for the management of hazardous waste and control of solid waste processing and disposal in cooperation with federal, state, and local agencies responsible for the prevention, control, or abatement of air, water and land pollution.

Section 2(2). Amended by: C. 84-502

- (3) Require the municipalities and the county to plan for and develop an adequate solid waste collection system.

Section 2(3). Amended by: C. 77-626
C. 86-433

SECTION 3: Creation of county-wide Solid Waste Authority. In order to effectuate the intent and purpose of this Act as set forth in Section 2, the Solid Waste Authority of Palm Beach County is created. Its Board shall consist of the seven members of the Board of County Commissioners of Palm Beach County.

A quorum of the Board shall be four members.

Section 3. Amended by: C. 77-626
C. 79-542
C. 88-544
C. 91-334

SECTION 4: Appropriations. The Board of County Commissioners of Palm Beach County shall provide for an annual appropriation to the Authority of not less than \$150,000 until October 1, 1983, at which time said appropriation shall cease. Such funding by the Board of County Commissioners shall begin with the fiscal year commencing October 1, 1977, and shall be included in the annual budget adopted by Palm Beach County Commission effective October 1, 1977, and each annual budget thereafter until October 1, 1983, at which time said appropriation shall cease. The Authority shall provide a yearly audit of its receipts and expenditures and shall provide a copy of said audit to the Palm Beach County Commission and to the Palm Beach County Municipal League. Moneys advanced to the Authority by the County shall be considered repaid in full at such time as the Authority assumes financial responsibility for all existing County landfills in Palm Beach County.

Section 4. Amended by: C. 77-626
C. 84-501

SECTION 5: Application to incorporated and unincorporated areas. This Act shall apply to both the incorporated and unincorporated areas of Palm Beach County.

Section 5. Amended by: C. 79-539

SECTION 6: Definitions. As used in this Act, unless some meaning is plainly intended:

(1) "Authority" means the Solid Waste Authority of Palm Beach County.

Section 6(1). Amended by: C. 84-502
C. 88-544

(2) "County" means Palm Beach County, Florida.

Section 6(2). Amended by: C. 77-626

(3) "Municipality" shall mean all incorporated municipalities or special taxing districts exercising municipal powers in relation to collection and disposal of solid waste, lying and being in Palm Beach County, Florida.

Section 6(3). Created by: C. 77-626

(4) "Department" means the Department of Environmental Regulation or any successor or agency performing a like function.

Section 6(4). Formerly Section 6(3) Renumbered by: C. 77-626
Amended by: C. 77-626

(5) "Recycling" means any process by which solid waste materials are recovered and reused in manufacturing, agricultural or power production, and other processes.

Section 6(5). Formerly Section 6(4). Renumbered by: C. 77-626
Amended by: C. 77-626

(6) "Waste Management" means the systematic control of the generation, storage, collection, transport, treatment, processing, recycling, recovery and disposal of solid waste.

Section 6(6). Formerly Section 6(5). Renumbered by: C. 77-626
Amended by: C. 77-626
C. 79-536
C. 88-544

(7) "Resource Recovery" means the process by which materials in solid waste retaining useful physical and/or chemical properties are reused or recycled for the same or other purposes including use as an energy source.

Section 6(7). Formerly Section 6(6). Renumbered by: C. 77-626
Amended by: C. 77-626

(8) "Solid waste" means garbage, sewage, sludge, septage, rubbish, refuse, and other discarded solid or liquid materials resulting from domestic, industrial, commercial, agricultural, and governmental operations, but does not include solid or dissolved materials in domestic sewage, storm drainage or other significant pollutants in water resources such as silt, dissolved or suspended solids in industrial wastewater effluents, dissolved materials in irrigation return flows, or other common water pollutants.

Section 6(8). Formerly Section 6(7). Renumbered by: C. 77-626
Amended by: C. 77-626
C. 84-502

(9) "Person" means any and all persons, natural or other artificial, including any individual, firm, or association, facility or any municipal or private corporation organized or existing under the laws of the State of Florida or any other state and any county or governmental agency of this state or the federal government.

(10) "Director" means the director of the Solid Waste Authority of Palm Beach County(*) or his duly authorized representative.

Section 6(10). Amended by: C. 77-626

***NOTE. Text of the Act contains the words "Palm Beach County Solid Waste Authority" but has been changed as an editorial correction to be consistent with the present name.**

(11) "Processing" means the act of modifying or altering the nature of solid waste materials to facilitate reuse, transfer, transport, and/or disposal including but not limited to, systems employing physical, thermal, organic and/or chemical techniques.

Section 6(11). Created by: C. 77-626

(12) "Disposal" means the disposition of solid waste by resource recovery, processing, recycling, or the placing of solid waste materials on the land for final disposition, or any combination thereof.

Section 6(12). Created by: C. 77-626
Amended by: C. 88-544

(13) "Transport" means the act of movement of solid waste materials to facilitate processing, reuse, and/or disposal.

Section 6(13). Created by: C. 77-626
Amended by: C. 88-544

(14) "Revenue Bonds" means bonds or other obligations of the Authority secured by and payable from revenues derived from the rates, fees, and charges and other income collected by the Authority from the users of its resource recovery and solid waste management facilities, or by pledge of the full faith and credit of the Authority or a combination thereof.

Section 6(14). Formerly 6(11). Renumbered by: C. 77-626
Amended by: C. 79-536

(15) "General obligation bonds" shall mean bonds or other obligations secured by the full faith and credit and taxing power of the Authority and payable from ad valorem taxes levied and collected on all taxable property in Palm Beach County, except as limited by Section 5 above, without limitation of rate or amount, and may be additionally secured by the pledge of either or both the proceeds of special assessments levied against benefited property or revenues derived from solid waste disposal systems.

Section 6(15). Formerly 6(12). Renumbered by: C. 77-626
Amended by: C. 77-626

(16) "Solid Waste System" or "Resource Recovery and Solid Waste Management Facilities" or "Project" means any plant, facility or property and additions, extensions and improvements thereto, at any time constructed or acquired as part

thereof, useful or necessary or having the capacity for future use for resource recovery or solid waste management and, without limiting the generality of the foregoing, shall include vehicles used for transport from transfer stations to treatment sites and incinerators for the purposes of reducing the volume of or disposing of solid waste by burial as well as proper disposal of residue from incineration and shall include all real and personal property and any interest therein, rights, easements and franchises of any nature whatsoever, equipment, machinery, furnishings, fixtures and replacements, relating to any such solid waste system and necessary or convenient for the operation thereof.

Section 6(16). Formerly 6(13) Renumbered by: C. 77-626
Amended by: C. 79-536

(17) "Cost of Acquisition and/or Construction" means the cost of acquiring, constructing, reconstructing, improving, extending, equipping and furnishing any resource recovery and solid waste management facilities, including the cost of demolishing, removing or relocating any buildings, structures or utilities on lands acquired or to be acquired, including the cost of acquiring lands to which such buildings, structures or utilities may be moved or relocated, the cost of all labor and materials, the cost of financing charges, discount on the purchase price of bonds otherwise permitted hereunder, and interest on the bonds of the Authority prior to, during and for a period not exceeding two (2) years after completion thereof, payments under and fees and expenses in connection with any derivative agreements, the cost of establishing and funding initial reserves, the cost of engineering, financial and legal services, plans, specifications, studies, surveys, estimates of cost and of revenues and other expenses necessary or incidental to determining the feasibility or practicability of any such construction or acquisition, administrative expenses and such other costs and expenses as may be necessary or incidental to such acquisition, construction, reconstruction, improvement, extension, equipping or furnishing, the financing thereof, placing such resource recovery and solid waste management facilities in operation and the issuance of bonds under this Act.

Section 6(17). Created by: C. 79-536
Amended by: C. 93-345

(18) "Hazardous Waste" shall be defined as in Chapter 17-30, Section 1730.02, Definitions, Florida Administrative Code.

Section 6(18). Created by: C. 84-502

(19) "Act" means Chapter 75-473, Laws of Florida, and all amendments thereto.

Section 6(19). Created by: C. 88-544

(20) "Derivative agreements" means contracts commonly known as investment contracts, interest rate swap agreements, or contracts providing for payments based on

levels of or changes in interest rates, or contracts to exchange cash flows or a series of payments, to hedge payment, rate, spread, or similar exposure, which the governing body of the Authority determines to be necessary, desirable, or appropriate to achieve a desirable effective interest rate in connection with bonds, notes or bond anticipation notes issued by the Authority.

Section 6(20). Created by: C. 93-345

SECTION 7. Purposes and powers. In addition to other powers, duties, and responsibilities necessary to carry out the provisions of this Act, the Authority shall have the power to:

(1) Adopt and from time to time thereafter alter, rescind, modify, or amend rules, guidelines and orders necessary for its operation in accordance with Chapters 403 and 120, Florida Statutes, and all successor laws. No such rules or amendments thereto shall be adopted or become effective until after public hearing has been held by the Authority pursuant to notice published in a newspaper of general circulation in the county at least twenty-one (21) days prior to the hearing. When approved by the Authority, such rules shall have the force and effect of law. Nothing in this Act shall be construed so as to prevent the Authority from adopting rules which are more strict and extensive than those imposed by the Department.

Section 7(1). Amended by: C. 77-626

(2) Adopt a resource recovery and waste management program for Palm Beach County within 2 years after the Department adopts such state program, which shall provide for the transportation, storage, separation, processing, recovery, recycling, or disposal of solid waste generated or existing within the county and modify and update such program or plan as necessary or as may be required by law.

*Section 7(2). Amended by: C. 77-626
C. 88-544*

(3) Acquire, at its discretion, personal or real property or any interest therein by gifts, lease, eminent domain, or purchase. The Authority may enter upon any land or water for the purpose of making surveys and may exercise the right of eminent domain whenever public necessity or convenience requires in accordance with Chapters 73 and 74, Florida Statutes, and other applicable law.

*Section 7(3). Amended by: C. 77-626
C. 88-544*

(4) The Authority shall have the power to appoint a director to be responsible to the Authority and who shall serve at its pleasure. There shall be such other officers and employees as may be provided by the Authority. The officers shall be appointed or

removed by the director subject to confirmation by the Authority. The employees shall be appointed and removed by the director. The Authority shall fix the salary of the director, and shall have, but may delegate to the director, the power to fix the salaries of all other officers and employees of the Authority. The Authority shall also have the power to employ or appoint engineers, accountants, lawyers, and such other personnel as may be required for the operation and management of the Authority and to fix their compensation.

Section 7(4). Created by: C. 77-626

(5) The Authority may require surety bonds for any of the officers and employees in such amounts as the Authority deems necessary. The premiums for the bonds shall be paid in the same manner as any other operating expense.

Section 7(5). Created by: C. 77-626

(6) Sue and be sued, implead and be impleaded, complain and defend in all courts.

Section 7(6) Formerly Section 7(4). Renumbered by: C. 77-626

(7) Adopt, use, and alter a corporate seal.

Section 7(7). Formerly Section 7(5). Renumbered by: C. 77-626

(8) Acquire, construct, reconstruct, improve, maintain, equip, furnish, and operate at its discretion such resource recovery and waste management facilities as are required to carry out the purposes and intent of this Act and to meet the requirements of Chapter 403, Florida Statutes, and other applicable law.

*Section 7(8). Formerly Section 7(6). Renumbered by: C. 77-626
Amended by: C. 88-544*

(9) Conduct studies and contract, for such periods as may be agreed upon by the parties, with governmental agencies, public or private corporations, municipalities or any other person in carrying out the purposes of this Act and the requirements of Chapter 403, Florida Statutes, and other applicable law.

*Section 7(9). Formerly Section 7(7). Renumbered by: C. 77-626
Amended by: C. 77-626
C. 79-536
C. 84-502
C. 88-544*

(10) Fix, alter, charge, and establish reasonable rates, fees, and other charges for the facilities provided by the Authority, including, but not limited to, planning, permitting, inspection, collection, enforcement, and disposal site developing and

operation, which rates, fees and charges must be sufficient to cover all costs for said normal functions and facilities including, but not limited to, permits, fees, and disposal costs.

Section 7(10). Formerly Section 7(8).

*Renumbered by: C. 77-626
Amended by: C. 77-626
C. 88-544*

(11) Without limitation, borrow money and issue evidence of indebtedness and accept property, gifts, or grants or loans of money from the federal and state government and from other sources, public or private, which loans and grants shall be expended in accordance with the purposes and provisions of this Act.

Section 7(11). Formerly Section 7(9).

Renumbered by: C. 77-626

(12) Issue revenue bonds. The Authority shall have the power and is hereby authorized to issue revenue bonds for the purpose of paying all or part of the costs of acquisition and/or construction of resource recovery and waste management facilities. The issuance of such revenue bonds shall be authorized by resolution of the Authority, which resolution may be adopted at a regular or special meeting by a majority vote of members voting thereon and at the same meeting at which it is introduced. Such revenue bonds may be issued in one or more series and shall bear such date or dates of issuance, bear interest at such rate or rates, not exceeding nine per centum per annum (9%), mature at such time or times, not exceeding 40 years from their respective dates of issuance, be subject to such terms of redemption, with or without premium, be issued in such form, registered or not, with or without interest coupons entitle the holder thereof to such conversion or registration privileges, be executed in such manner, be in such denomination or denominations, be payable in such medium of payment at such place or places, which may be any bank or trust company within or without the state, have such rank or priority, be secured in such manner, and have such other characteristics as may be provided in the resolution of the Authority authorizing the issuance of such bonds or in such subsequent resolutions as the Authority may adopt prior to the issuance of such bonds. All bonds issued under this Act shall have and are hereby declared to be and to have all the qualities and incidents of negotiable instruments under the Uniform Commercial Code-investment Securities Laws of the State of Florida. The Authority may sell such bonds at private sale in such manner and for such price or prices as it may determine to be in the best interest of the Authority, but no such bonds shall be sold at a price as will yield to the purchaser thereof income at a rate exceeding nine per centum (9%) per annum to the stated maturity dates of such bonds, as completed according to standard tables of bond values. If said bonds are sold at public sale then a notice of such sale shall be published at least once at least 10 days prior to the date of such sale in a newspaper published and circulating in the County of Palm Beach and in a financial newspaper or journal circulating in New York City, New York. The Authority may issue interim bonds, notes, certificates, or

receipts, with or without coupons, exchangeable for definitive bonds when such bonds have been executed and are available for delivery.

The Authority shall fix and revise from time to time the rates, fees or other charges for the services and facilities furnished by the Authority and such rates, fees or other charges shall be so fixed and adjusted as to provide sufficient funds to pay the principal of and interest on all bonds issued as the same becomes due and payable for such purposes, and including the cost of operating, maintaining and repairing the facilities of the Authority and all such other payments required by the proceedings providing for the issuance of such bonds. Such rates, fees or other charges shall not be subject to supervision or regulation by the State or any political subdivision, or any commission, board or agency.

The Authority in the issuance of revenue bonds shall have the authority to pledge all or any part of the revenues derived from the operation of the facilities of the Authority and shall have the power to determine the rank or priority of such pledge of revenues for any purpose, including different issues of bonds, and to grant to the holders of the bonds a lien on all or any part of the revenues prior to the use of such revenues for any other purposes.

All revenues received by the Authority shall be deemed to be trust funds to be held and applied as provided in this Act. The Authority may also provide that each issue of bonds or any combined issue of bonds may be secured by a trust agreement by and between the Authority and a corporate trustee, which may be any trust company or bank within or without the State. Such trust agreement may pledge or assign the revenues to be received and provide for the rank and priority between different trust agreements for different issues of bonds. The resolution or resolutions providing for the issuance of bonds or such trust agreements may contain such provisions for protecting and enforcing the rights and remedies of the holders of the bonds as may be reasonable and proper not in violation of law, including covenants setting forth the duties of the Authority relating to the construction, acquisition, improvement, maintenance, operation, repair and cost of any project or facility as is customary in trust agreements or trust indentures securing bonds or debentures of corporations and may contain such other provisions as the Authority may deem reasonable and proper for the security of the holders of such bonds.

The Authority is also hereby authorized to issue revenue refunding bonds for the purpose of refunding any bonds of the Authority then outstanding, including the payment of any redemption premium thereon and interest accrued or to accrue to maturity or to the prior redemption of such outstanding bonds, as the case may be, or for the combined purpose of refunding such outstanding bonds and paying the cost of acquisition and/or construction of one or more projects. The issuance of such revenue refunding bonds shall be authorized by resolution of the board of the Authority in the same manner as provided herein in the first paragraph of this Section 7(12). Such

refunding bonds may be issued to refund such outstanding bonds as they mature and become payable, or as they are called for redemption prior to their stated dates of maturity and the Authority shall be authorized to invest the proceeds, or part of the proceeds of such refunding bonds, pending the dates of maturity of such outstanding bonds or the dates upon which such outstanding bonds are to be called prior to their stated dates of maturity, in such lawful securities as the Authority shall deem desirable, for the purpose of refunding such outstanding bonds in the manner provided in this paragraph of this Section 7(12). The issuance of such revenue refunding bonds, the maturities and other details thereof, the rights of the holders thereof, the security for the payment thereof and the rights, duties and obligations of the Authority in respect of the same shall be governed by the provisions of this Act in so far as the same may be applicable.

The Authority shall also have the power to issue notes prior to the issuance of bonds but such notes shall mature in not less than three years and the payment thereof shall be subject to any prior pledge of the revenues of the Authority or any ad valorem taxes of the Authority.

The Authority may also issue bond anticipation notes after the authorization of the issuance of bonds in the manner provided in Section 215.431, Florida Statutes.

Section 7(12). Formerly Section 7(10). Renumbered by: C. 77-626
Amended by: C. 77-626
C. 79-536

(13) To seek injunctive relief in a court of competent jurisdiction, to prevent the violation of this Act or any resolution, rule or regulation adopted pursuant to the powers granted by this Act without the necessity of showing of a public nuisance in such legal proceedings.

Section 7(13). Created by: C. 77-626

(14) To sell or otherwise dispose of any by-products produced by the operation of resource recovery and waste management facilities to any governmental agency, individual, public or private corporation, municipality or any other person.

Section 7(14). Created by: C. 77-626
Amended by: C. 79-536

(15) All of Palm Beach County not excluded from the provisions of this Act by Section 5 of this Act shall be deemed a special district and the Authority may levy ad valorem tax on the taxable property in said special district solely for the purposes of this Act and not to exceed one mill on the dollar, subject to referendum. Property taxes determined and levied under this section shall be certified by the Authority to the county property appraiser and extended, assessed and collected in like manner as provided by law for regular property taxes for the county and municipalities. Said levy shall also be certified by the Authority to the State Department of Revenue and

extended and assessed on all railroad lines, railroad property, telegraph and telephone lines, and telegraph and telephone property situated in the said special district, and collected in like manner as provided by law as in the case of other state and county taxes. Said levy shall be made each year not later than July 1 by resolution of the Authority duly entered upon its minutes. The proceeds under this section shall be remitted by the county tax collector and the State Department of Revenue to the Authority for use in accomplishing the purposes of this Act. At any time after making a tax levy under this section and certifying the same to the county and state, the Authority may issue tax anticipation notes of indebtedness in anticipation of the collection of such taxes.

Section 7(15). Created by: C. 77-626

(16) When the fees, or charges for the services and facilities and any waste disposal or resource recovery facility are not paid when due and payable and are in default for thirty (30) days or more, following written notice to such delinquent customer, the Authority may discontinue and shut off the supply of the services and facilities of said system, to the person, firms, corporation or other body, public or private, so supplied with such services or facilities until such fees, rates or charges, including legal interest, penalties and charges for the shutting off and discontinuance or the restoration of such services or facilities are fully paid. Such delinquent fees, or charges, together with legal interest, penalties and charges for the shutting off and discontinuance or the restoration of such services or facilities, and reasonable attorney's fees, costs and other expenses, may be recovered by the Authority in a court of competent jurisdiction.

Section 7(16). Created by: C. 77-626

(17) The Authority shall have the power to transfer, sell or assign to any governmental agency, individual, public or private corporation, municipality, or other person, at whatever terms it deems reasonable, any property which it finds is not needed to carry out the purposes of this Act.

*Section 7(17). Created by: C. 77-626
Amended by: C. 79-536*

(18) The Authority, as necessary to carry out its resource recovery and/or disposal plans or programs and/or when necessary to carry out any other provisions of this Act, may require that all wastes collected by public and/or private agencies from any municipality or unincorporated area of the County be transported to Authority designated processing and disposal facilities in a manner and form as may be mandated in accordance with the Act, particularly Subsections (2) and (8) of Section 7. This Act shall not be construed to preclude public or private agencies from operating permitted transfer stations provided that solid waste transferred or transported therefrom shall be delivered to Authority designated processing and disposal facilities as set forth in this section.

Section 7(18). Created by: C. 77-626

(19) The Authority may provide billing service on behalf of the county for solid waste collection fees for the unincorporated portions of Palm Beach County pursuant to a written contract to be entered into voluntarily by the county and the Authority, and for that purpose, the Authority may employ the special assessment procedures contained in Section 8 and Section 9 of this Act. All collection fees established pursuant to this paragraph for unincorporated Palm Beach County shall be set by the Board of County Commissioners of Palm Beach County. In addition, the Authority may provide billing services for any municipality in Palm Beach County for solid waste collection services pursuant to interlocal agreement and for that purpose may employ the special assessment procedures contained in Section 8 and Section 9 of this Act. The amount of collection fees established by the county and the amount that municipalities shall pay to the Authority for utilizing the Authority's billing service shall always be sufficient to pay all of the costs incurred in connection with the collection of solid waste including billing services. The county and each municipality shall be required to fix and establish such fees as shall be sufficient to pay the cost of billing services; and the Authority shall not apply any of its moneys for the purposes of paying the cost of such billing services.

Section 7(19). Created by: C. 86-433
Amended by: C. 88-544

(20) Establish a mandatory collection system for Palm Beach County and impose reasonable rates, fees, and charges to all users of said system. The Authority may establish annual collection special assessments for users of the collection system in like manner as the disposal assessments provided for in Sections 8 or 9 of this Act.

Section 7(20). Created by: C. 88-544

(21) Grant franchises, contracts, issue permits, or otherwise provide for the collection of solid waste in Palm Beach County and may receive the assignment of such franchises, contracts, and permits, and may establish reasonable rates, fees, and charges therefor.

Section 7(21). Created by: C. 88-544

(22) Perform any and all governmental functions of the county or any municipality therein related to solid waste provided for at present or subsequently by general law, including, but not limited to Chapter 403, Florida Statutes.

Section 7(22). Created by: C. 88-544

(23) Enter into interlocal agreements with Palm Beach County and with any municipality therein or any other agency as provided for in Chapter 163, Florida Statutes, or general law, concerning the provision of solid waste services of any kind

including, but not limited to, collection services and related billing and assessment services, the requirements of Chapter 403, Florida Statutes, and other provisions of general law relating to solid waste.

Section 7(23). Created by: C. 88-544

(24) In connection with, or incidental to, the sale and issuance of bonds, the governmental unit may enter into any contracts which the governing body determines to be necessary or appropriate to achieve a desirable effective interest rate in connection with the bonds or notes by means of, but not limited to, contracts commonly known as investment contracts, funding agreements, interest rate swap agreements, currency swap agreements, forward payment conversion agreements, futures, or contracts providing for payments based on levels of or changes in interest rates, or contracts to exchange cash flows or a series of payments, or contracts, including, without limitation, options, puts, or calls to hedge payment, rate, spread, or similar exposure. Such contracts or arrangements may also be entered into by governmental units in connection with, or incidental to, entering into any agreement which secures bonds or provides liquidity therefor. Such contracts and arrangements shall be made upon the terms and conditions established by the governing body, after giving due consideration for the credit worthiness of the counterparties, where applicable, including any rating by a nationally recognized rating service or any other criteria as may be appropriate.

Section 7(24). Created by: C. 93-345

(25) Notwithstanding the prohibition against extra compensation set forth in S. 215.425, Florida Statutes, provide for an extra compensation program, including a lump sum bonus payment program, to reward outstanding employees whose performances exceed standards, if the program provides that a bonus payment may not be included in an employee's regular base rate of pay and may not be carried forward in subsequent years.

Section 7(25). Created by: C. 94-462

(26) The provisions of this Act shall be liberally construed to effect its purposes.

*Section 7(26). Formerly Section 7(19). Created by: C. 77-626
Renumbered by: C. 88-433
Renumbered by: C. 88-544
Renumbered by: C. 93-345
Renumbered by: C. 94-462*

SECTION 8. Special Assessments. Since all improved properties in Palm Beach County receive a direct, substantial benefit by the provision of solid waste disposal and collection services by the Authority, the Authority does hereby have the additional power to impose, levy, collect, or may have collected in the same manner as

ad valorem taxes, the annual disposal special assessments herein authorized and defined as a means of financing the construction and/or acquisition of additions, extensions and improvements to the solid waste system, the payment of the principal of and interest on bonds issued pursuant to this Act, the cost of operating, maintaining, and repairing the solid waste system and all other payments that are required to be made by the Authority in connection with the purposes of this Act.

(1) Definitions. For the purposes of this section and Section 9, the following terms shall have the following meaning:

(a) "Addendum to annual disposal special assessments roll" or "addendum" means the list prepared by and confirmed by the Authority each fiscal year containing the same information as the annual disposal special assessment roll as to any parcels of improved real property not incorporated on the corresponding annual disposal special assessment roll and incorporating any changes as to the information specified for any parcel of improved real property on the corresponding annual disposal special assessment roll, including any additions to or deletions from such annual disposal special assessment roll.

(b) "Annual disposal special assessments" means the annual disposal special assessments imposed upon a parcel or parcels of improved real property for the disposal of solid waste for the applicable fiscal year based upon the classification of the use of such parcel or parcels of improved real property as set forth in the rate resolution.

(c) "Annual disposal special assessment roll" means the list prepared by and confirmed by the Authority each fiscal year containing a summary description of each parcel of improved real property, the name and address of the owner of each such parcel as indicated on the records maintained by the property appraiser, and the amount of the annual disposal special assessments applicable to each parcel of improved real property.

(d) "Clerk" means the Clerk of the Circuit Court of Palm Beach County, Florida.

(e) "Collection" means the process whereby solid waste is removed and transported to a solid waste facility.

(f) "County" means Palm Beach County, Florida.

(g) "Fiscal year" means the fiscal year beginning on the 1st day of October of each year and ending on the 30th day of September of the next year.

(h) "Governmental agencies" means all state, federal, or local agencies or units of government located within the county, including, but not limited to, the School Board of Palm Beach County, all county agencies and departments, all municipalities within the county, all special districts and municipal service taxing units with all or part of their boundaries within the county and any municipality or special district or other unit of government whose boundaries are not within the county but which is the owner of improved real property within the county.

(i) "Improved real property" means all real property located within the county that generates or is capable of generating solid waste and that contains buildings, structures or other improvements designed or constructed for and capable of use or used for human habitation or human activity or commercial enterprises.

(j) "Municipality" or "municipalities" means all municipalities within the boundaries of the county.

(k) "Owner" means the person or persons owning an interest in improved real property.

(l) "Person" or "persons" means either an individual, firm, partnership, corporation, association, executor, administrator, trustee or other legal entity, whether singular or plural, masculine or feminine, as the context may require.

(m) "Property appraiser" means the Property Appraiser of Palm Beach County, Florida.

(n) "Rate resolution" means the resolution or resolutions of the Authority described in Section 8(3)(b) hereof.

(o) "Solid waste" means garbage, sewage, sludge, rubbish, refuse and other discarded solid or liquid materials resulting from domestic, industrial, commercial, agricultural, and governmental operations, but shall not include solid or dissolved material in domestic sewage, storm drainage or other significant pollutants in water resources such as silt, dissolved materials in irrigation return flows, or other water pollutants.

(p) "Solid waste system" means all existing or hereafter acquired transfer stations, landfills, resource recovery facilities, including improvements or additions thereto, and all real or personal property owned, leased, operated or used by the Authority for the purposes of this Act.

(q) "Tax collector" means the Tax Collector of Palm Beach County, Florida.

(2) Purpose. It is the purpose of this section to require all persons within the county and all governmental agencies to use exclusively the solid waste system operated and maintained by the Authority or designated by the Authority for the disposal of all solid waste generated within both the incorporated and unincorporated areas of the county; to establish a schedule of assessments for all improved real property in both the incorporated and unincorporated areas of the county to pay for the cost of the financing and operation and maintenance of the solid waste system; to establish the method and procedure for the classification of such improved real property in the establishment of such schedule of annual disposal special assessments; to provide for a method and procedure for the collection of such assessments from the owners of such improved real property; and to provide for the operation of the solid waste system.

(3) Determination of annual disposal special assessments; public hearing; method of collection of annual disposal special assessments. On or before the 1st day of October of each year, the Authority shall hold a public hearing for the following purposes:

(a) To adopt a budget for the operation and maintenance of the solid waste system for the ensuing fiscal year including moneys for the payment of the principal of and interest on bonds and other outstanding or anticipated indebtedness, including all reserves necessary therefor, for the payment of necessary reserves for capital expenditures and the renovation, improvements and replacements of existing facilities of the solid waste system, for the enforcement and administration of the billing and collection of the annual disposal special assessments provided for hereunder, including necessary reserves for anticipated delinquent or uncollectible annual disposal special assessments and for the payment of the current operation and maintenance of the solid waste system.

(b) To adopt a rate resolution incorporating a schedule of annual disposal special assessments to impose upon the owners of all improved real property in both the incorporated and unincorporated areas of the county which shall constitute a lien as provided for in subsection (5) hereof and to establish the classification of the use of such parcel of improved real property in order to provide revenues which together with other moneys of the Authority lawfully available therefor, shall be sufficient to fund the budget referred to in the aforementioned paragraph. The rates established by the Authority in each year under the provisions of the rate resolution shall be sufficient to provide moneys for the purposes described in paragraph (a) and the Authority shall not establish rates over and above the rates that are necessary to comply with the provisions of paragraph (a) and the budgetary requirements of any proceedings of the Authority heretofore or hereafter adopted in connection with the issuance of any of its bonds, notes or other evidences of indebtedness. Notice of said public hearing shall be published in a newspaper of general circulation in the county at least twice with the first publication being at least 20 days prior to the date set for the public hearing. Said

public hearing may be continued to a date certain without the necessity of further newspaper advertisement or public notice.

(4) Scope of annual disposal special assessments; discount for early payment, delinquency.

(a) The annual disposal special assessments incorporated in the rate resolution applicable to each parcel of improved real property shall be the annual disposal special assessments for each such parcel of improved real property for the disposal of all solid waste generated or capable of being generated as determined by the Authority on each such parcel of improved real property during the ensuing fiscal year.

(b) Annual disposal special assessments shall be imposed against the owners of all improved real property in both the incorporated and unincorporated areas of the county if such real property is improved real property on or before the first day of September prior to the fiscal year in which the annual disposal special assessments are imposed.

(c) The owner and description of each parcel of improved real property shall be that designated on the real property records maintained by the property appraiser.

(d) The annual disposal special assessments shall be due and payable 30 days after the mailing of the original annual disposal special assessments billing. On all annual disposal special assessments imposed and collected, discounts for early payment thereof shall be at the rate of 4 percent in the month of November and at any time within 30 days after the mailing of the original annual disposal special assessments billing; 3 percent in the month of December; 2 percent in the month of January; and 1 percent in the month of February. The annual disposal special assessments paid in March shall be without discount. The annual disposal special assessments shall become delinquent if not fully paid by the 31st of March of the fiscal year for which the annual disposal special assessments are imposed. All delinquent annual disposal special assessments shall bear an initial penalty of 3 percent of the full amount of the annual disposal special assessments if not paid by the 31st day of March of the fiscal year for which the annual disposal special assessments are imposed an additional penalty of 1 percent per month on the delinquent principal amount on the first day of June and on the first day of each month thereafter until the annual disposal special assessments are paid in full.

(5) Annual disposal special assessments shall constitute a lien on improved real property. All annual disposal special assessments imposed against the owners of improved real property shall constitute, and are hereby imposed as, liens against such improved real property as of the first day of October of the fiscal year for which the annual disposal special assessments are imposed. Until fully paid and discharged or

barred by law the annual disposal special assessments shall be prior to all other liens, except that such liens shall be on parity with the lien of state, county and municipal taxes, and any lien for charges for services created pursuant to Section 159.17, Florida Statutes. If any annual disposal special assessment liens become delinquent by not being fully paid by the 31st day of March of the fiscal year for which the annual disposal special assessments are imposed and remain delinquent, the Authority shall cause to be prepared a notice of lien containing the amount of the delinquent annual disposal special assessments including the amount of the first penalty, a legal description of the improved real property against which the lien is imposed and the name of the owner of such real property as indicated on the real property records maintained by the property appraiser of the county. Said notice of lien shall be recorded in the public records of the county on or about September 30th of the fiscal year for which the annual disposal special assessments were levied, or as soon thereafter as the Authority shall determine. A copy of the notice of lien shall be served on the owner of record as provided in Section 713.18, Florida Statutes, within ten (10) days after the notice of lien is recorded.

(6) Payment of annual disposal special assessments; discharge of recorded liens. The Authority shall collect the payment of all current or delinquent annual disposal special assessments from November 1st of the fiscal year for which the annual disposal special assessments are imposed until paid or satisfied as herein provided. The Authority shall mail notices of the annual disposal special assessments to the owners of each parcel of improved real property in the manner and containing the information as follows:

(a) The first notice shall be mailed on or about November 1st of each fiscal year to all owners and such notice shall contain the amount of the annual disposal special assessments for the then current fiscal year and a schedule of the discounts available to the owners for early payments. Such notice shall further advise the owners that failure to pay the annual disposal special assessment in a timely manner may result in a loss of title.

(b) The second notice shall be mailed on or about March 31st of such fiscal year to those owners who have failed to pay any or all of the then due and owing annual disposal special assessments and such notice shall contain a schedule of the initial penalty for nonpayment and shall further advise the owner that a notice of lien will be filed by the Authority against that parcel of improved real property on the public records of the county provided for that purpose. However, if such annual disposal special assessment, together with any penalties thereon, are received prior to September 30th of the fiscal year for which the annual disposal special assessments were levied, then such notice of lien will not be filed. Such notice shall further advise the owners that failure to pay the annual disposal special assessment in a timely manner may result in a loss of title.

(c) The third notice shall be mailed on or before June 1 of such fiscal year to those owners who have failed to pay any or all of the then due and owing annual disposal special assessments and such notice shall contain a schedule of the additional penalty incurred by the owners for each month from June 1, and thereafter. In addition to the collection of any penalties, the Authority shall recover from the owner any cost that may be incurred in connection with such delinquent payments. When any such lien or liens has been fully paid or discharged, the Authority shall properly cause evidence of the satisfaction and discharge of such lien to be provided. Said lien or liens shall not be assigned by the Authority to any person.

(7) Enforcement of delinquent annual disposal special assessments. All delinquent annual disposal special assessment liens may be enforced at any time by the Authority at least 30 days subsequent to the date of the service of the notice of lien for the amount due under such recorded liens, including all penalties, plus costs and a reasonable attorney's fee by proceeding in a court of equity to foreclose such liens in the manner in which a mortgage lien is foreclosed under the laws of Florida, or the collection and enforcement of payment thereof may be accomplished by any other method authorized by law. It shall be lawful to join in any complaint or foreclosure or any such legal proceedings, any one or more lots or parcels of land that is the subject of a lien or liens. The Authority is authorized and directed to execute and deliver, upon request, a written certification certifying the amount, including all penalties, plus costs, due for delinquent annual disposal special assessments or under any recorded liens for any parcel of real property, or certifying that no such annual disposal special assessments are due, except current and nondelinquent annual disposal special assessments.

(8) Calculation of annual disposal special assessments.

(a) Based upon the rate resolution, the Authority shall cause to be prepared an annual disposal special assessment roll. Such annual disposal special assessment roll shall contain a summary description of each parcel of improved real property within the county on or before the first day of September prior to the fiscal year for which the annual disposal special assessments are to be imposed, the name and address of the owner of each parcel of improved real property, the rate applicable to each parcel of improved real property as specified in the rate resolution and the amount of the annual disposal special assessments applicable to each parcel of improved real property. The summary description of each parcel of improved real property shall be in such detail as to permit ready identification of each parcel on the real property records. The information specified above to be included in the annual disposal special assessment roll shall conform to that maintained by the property appraiser on the real property records.

(b) Upon the completion of the preparation of the annual disposal special assessment roll, the Authority shall at any regular or special meeting, review the annual

disposal special assessment roll for preparation in conformity with the rate resolution. The Authority shall make such changes or additions as necessary to conform such annual disposal special assessment roll with the rate resolution. If upon the completion of such review, the Authority shall be satisfied that the annual disposal special assessment roll has been prepared in conformity with the rate resolution, it shall ratify and confirm the annual disposal special assessment roll and certify that the annual disposal special assessment roll is correct and proper and is to be used in collecting the annual disposal special assessments.

(c) On or before October 1st of the fiscal year for which the annual disposal special assessment roll is confirmed, the Authority shall cause to be prepared an addendum to the annual disposal special assessment roll containing the addition or deletion of any parcels of improved real property not incorporated into or deleted from the annual disposal special assessment roll but constituting improved real property on the first day of September prior to the fiscal year for which the annual disposal special assessments are imposed. Included in such addendum shall be any change in the information specified for each parcel of improved real property on the annual disposal special assessment roll. Such addendum to the annual disposal special assessment roll shall contain information required for the annual disposal special assessment roll and shall be reviewed by the Authority and certified as the annual disposal special assessment roll of the Authority.

(9) Annual disposal special assessments to governmental agencies.

(a) All governmental agencies owning improved real property within both the incorporated and unincorporated areas of the county shall pay the annual disposal special assessments imposed under the applicable classification specified in the rate resolution.

(b) The discounts for early payment shall not be applicable to the annual disposal special assessments imposed against governmental agencies owning real property. Such governmental agencies shall pay in the manner provided herein the full annual disposal special assessments imposed.

(c) The annual disposal special assessments imposed against governmental agencies shall become delinquent if not fully paid within 60-days from the date the notice of such annual disposal special assessments are mailed. All delinquent annual disposal special assessments shall bear an initial penalty of 4 percent of the full amount of the annual disposal special assessments if not paid by the expiration of such 60-day period and an additional penalty of 1 percent per month on the delinquent amount plus the initial penalty on the first day of the first month following the expiration of such 60-day period and on the first day of each month thereafter until said annual disposal special assessments are paid in full.

(d) The Authority shall have the authority to enforce the collections of any delinquent annual disposal special assessments by the institution of an appropriate action against the governmental agency in a court of competent jurisdiction for a judgment for the amount due under such annual disposal special assessments, including all penalties, plus costs and a reasonable attorney's fee.

(e) The provisions of Subsections (5) through (7) of this section shall not be applicable to the annual disposal special assessments imposed against improved real property owned by any governmental agency.

(10) Applicability of annual disposal special assessments to tax exempt improved real property. The exemption of property from taxation under Chapter 196, Florida Statutes, or any other law or constitutional provision shall not relieve the owner of any improved real property in any incorporated or unincorporated areas of the county from the provisions hereof or from the imposition by the Authority of the annual disposal special assessments applicable to such improved real property as specified in the rate resolution.

Section 8. Created by: C. 86-433

SECTION 9. Collection of annual disposal special assessments by tax collector. The Authority may, to the extent permitted by law, utilize the office of the tax collector of the county for the purpose of collection of the annual disposal special assessments imposed under the Act. The Authority shall, in connection with the collection of the annual disposal special assessments under this section proceed in the manner set forth in this section. The procedures set forth in this section shall apply provided the Authority has entered into written agreements with the property appraiser and tax collector to perform the duties as outlined below. Said agreements shall be entered into voluntarily and at the sole options of the property appraiser and tax collector, and shall provide for the reimbursement to them of all costs associated with their duties hereunder.

(1) Purpose. It is the purpose of this section to provide for an additional and alternative, but in no event exclusive, method and procedure for the collection of annual disposal special assessments from the owners of all improved real property in both the incorporated and unincorporated areas of the county, in the same manner as the collection of ad valorem taxes by the county and through the tax bill issued by the tax collector of the county.

(2) Determination of annual disposal special assessments; public hearing; method of collection of annual disposal special assessments. On or before July 30 of each year, or such other date as may be specified by Chapter 200, Florida Statutes, the Authority shall hold a public hearing for the following purposes:

(a) To adopt a budget for the operation and maintenance of the solid waste system for the ensuing fiscal year including moneys for the payment of the principal of and interest on bonds and other outstanding or anticipated indebtedness, including all reserves necessary therefrom, for the payment of necessary reserves for capital expenditures and the renovation, improvements and replacements of existing facilities of the solid waste system, for the enforcement and administration of the billing and collection of the annual disposal special assessments provided for hereunder, including necessary reserves for anticipated delinquent or uncollectible annual disposal special assessments and for the payment of the current operation and maintenance of the solid waste system.

(b) To adopt a rate resolution incorporating a schedule of annual disposal special assessments to be imposed upon the owners of all improved real property in both the incorporated and unincorporated areas of the county to establish the classification of the use of such parcel or parcels of improved real property in order to provide the revenues to fund the budget referred to in the aforementioned paragraph. Such rate resolution adopted at the public hearing shall further authorize the collection of the annual disposal special assessments in the same manner as the collection of ad valorem taxes by the county and through the utilization of the office of the tax collector of the county.

Notice of said public hearing shall be published in a newspaper of general circulation in the county at least twice with the first publication being at least 20 days prior to the public hearing. Additional notice shall also be provided to each affected property owner by first class mail of both the potential for loss of his title through the use of the ad valorem collection method and the time and place of said public hearing. Said public hearing may be continued to a date certain without the necessity of further newspaper advertisement or public notice.

(3) Scope of annual disposal special assessments.

(a) The annual disposal special assessments incorporated in the rate resolution applicable to each parcel of improved real property shall be the annual disposal special assessments for each such parcel of improved real property for the disposal of all solid waste generated on each such parcel of improved real property during the ensuing fiscal year.

(b) The annual disposal special assessments shall be imposed against the owners of all real property in both the incorporated and unincorporated areas of the county if such real property is improved real property on or before the first day of January prior to the fiscal year in which the annual disposal special assessments are imposed.

(c) The owner and description of each parcel of improved real property shall be that designated on the real property records maintained by the property appraiser.

(4) Enforcement and collection. The annual disposal special assessments shall be due and payable on November 1st of each year or at such other times as prescribed by the amended tax bill. Such annual disposal special assessments shall be collected and enforced by the tax collector in the same manner that ad valorem taxes are collected, including, but not limited to, provisions of law relating to discount for early payment, prepayment by installment method, and penalty for delinquent payment.

(5) Annual disposal special assessments shall constitute a lien on improved real property. All annual disposal special assessments imposed against the owners of improved real property shall constitute, and are hereby imposed as, liens against such improved real property as of the first day of October of the fiscal year for which the annual disposal special assessments are imposed. Until fully paid and discharged or barred by law, the annual disposal special assessments shall remain liens equal in rank and dignity with the lien of county ad valorem taxes and superior in rank and dignity to all other liens, encumbrances, titles and claims in, to or against the real property involved. If any annual disposal special assessment liens become delinquent by not being fully paid by the 31st day of March of the fiscal year for which the annual disposal special assessments are imposed and remain delinquent, the Authority shall cause to be prepared a notice of lien containing the amount of the delinquent annual disposal special assessments including the amount of the first penalty, a legal description of the improved real property against which the lien is imposed and the name of the owner of such real property as indicated on the real property records maintained by the property appraiser of the county. The Authority will cause to be mailed on or before June 1 of such fiscal year to those owners who have failed to pay any or all of the then due and owing annual disposal special assessments a notice of intention to file lien and such notice shall contain a schedule of the additional penalty incurred by the owners for each month from June 1 and thereafter and a notice that a lien will be filed if not paid on or before September 30. If the assessment is not paid a notice of lien shall be recorded in the public records of the county on or about September 30 of the fiscal year for which the annual disposal special assessments were levied, or as soon thereafter as the Authority shall determine. The provisions of S. 197.363(2) dealing with issuance of Tax Certificates and Tax Deeds shall not apply to special assessments imposed under this Act.

(6) Payment of annual disposal special assessments. It shall be the duty of the tax collector, pursuant to law, to collect payments of all annual disposal special assessments referred to in this section. The tax collector shall distribute the annual disposal special assessments so collected to the Authority at the times and the manner provided by law. The tax collector shall mail such notices to all owners of improved real property as are required by law.

(7) Enforcement of delinquent annual disposal special assessments. All delinquent annual disposal special assessment liens may be enforced by the Authority in the manner provided by law.

(8) Certification to property appraiser and tax collector.

(a) Upon adoption by the Authority of the rate resolution provided herein, the Authority shall forthwith deliver a certified copy of the rate resolution to the property appraiser and tax collector. Based upon said rate resolution and pursuant to written contracts between the Authority and the property appraiser and the Authority and the tax collector, the property appraiser shall include the annual disposal special assessments on the tax notice issued pursuant to S. 197.072, Florida Statutes, or any successor laws, and the tax collector shall collect the annual disposal special assessments as provided by law.

(b) Nothing contained in this section shall be construed or interpreted to preclude the Authority from submitting, within its discretion, a separately prepared notice of the annual disposal special assessments imposed on certain improved real property to the owner of such property, if in the opinion of the Authority such procedure shall facilitate the billing and collection of such annual disposal special assessments; which notice shall be in addition to the notice submitted by the property appraiser.

(9) Annual disposal special assessments to governmental agencies.

(a) The Solid Waste Authority shall bill all governmental agencies owning improved real property within both the incorporated and unincorporated areas of the county and said governmental agencies shall pay the annual disposal special assessments imposed under the applicable classification specified in the rate resolution.

(b) The discounts for early payment shall not be applicable to the annual disposal special assessments imposed against governmental agencies owning real property. Such governmental agencies shall pay in the manner provided herein the full annual disposal special assessments imposed.

(c) The annual disposal special assessments imposed against governmental agencies shall become delinquent if not fully paid within 60 days from the date the notice of such annual disposal special assessments is mailed. All delinquent annual disposal special assessments shall bear an initial penalty of 4 percent of the full amount of the annual disposal special assessments if not paid by the expiration of such 60-day period and an additional penalty of 1 percent per month on the delinquent amount plus the initial penalty on the first day of the first month following the expiration of the 60-day period and on the first day of each month thereafter until said annual disposal special assessments are paid in full.

(d) The Authority shall have the authority to enforce the collections of any delinquent annual disposal special assessments by the institution of an appropriate action against the governmental agency in a court of competent jurisdiction for a judgment for the amount due under such annual disposal special assessments, including all penalties, plus costs and a reasonable attorney's fee.

(e) The provisions of Subsections (5) and (6) shall not be applicable to the annual disposal special assessments imposed against improved real property owned by any governmental agency.

(10) Applicability of annual disposal special assessments to tax exempt improved real property. The tax exemption of property from taxation under Chapter 196, Florida statutes, or any other law or constitutional provision shall not relieve the owner of any improved real property in the county from the provisions hereof or from the imposition by the Authority of the annual disposal special assessments applicable to such improved real property as specified in the rate resolution.

(11) Additional proceedings. The Authority shall conform with and shall do and provide such additional proceedings as may be necessary to enable the Authority to collect the annual disposal special assessments in the same manner as the collection of ad valorem taxes of the county and through the utilization of the office of the tax collector of the county to the extent that the general law relating to the method of collection shall require further and additional notices or other proceedings of the Authority.

Section 9. Created by: C. 86-433

SECTION 10. Limitations on franchises. The Authority board shall adopt by resolution a procedure for granting exclusive franchise subject to the following limitations:

(1) No franchise, contract or permit shall be granted or extended for a period of time exceeding 5 years.

(2) A public hearing shall be held prior to the adoption of any rates, fees, or charges to the public.

(3) No exclusive franchise shall be granted except pursuant to a procedure adopted by the Authority board which shall include the following minimum requirements:

(a) The entire process shall comply with Chapter 286, Florida Statutes.

(b) The procedure shall encourage competition among potential franchisees.

(c) The franchise award shall occur at a regular meeting of the Authority board and shall be confirmed by a subsequent resolution which shall contain sufficient findings to demonstrate that the award was in the best interest of the public to be served thereby.

(d) Any party aggrieved by the franchise award may appeal the award in writing within 30 days of the award to the Solid Waste Authority, which shall decide said appeal by written order within 60 days of its receipt by the Authority.

An unsuccessful appellant may thereafter appeal the Authority board's decision by writ of certiorari to the circuit court.

Section 10. Created by: C. 86-433
Amended by: C. 88-544

SECTION 11. Exemption from taxation. The property, moneys, and other assets of any countywide Authority created hereunder and all of its revenues or other income shall be exempt from all taxation, licenses, fees or other charges of any kind imposed by the state or by the county or by any municipality political subdivision, taxing district, or other public agency or body of the state.

Section 11. Formerly Section 8. Renumbered by: C. 86-433

SECTION 12. Prohibition; permits, penalty.

(1) It is unlawful to violate this Act or the rules duly adopted pursuant to it. After the effective date of this Act, no person shall:

(a) Place or deposit any solid waste in or on the lands or waters located within Palm Beach County except in a manner consistent with the countywide solid waste program.

(b) Burn solid waste except in a manner consistent with the countywide solid waste program.

(c) Accomplish or authorize any act inconsistent with the provisions of this Act and those of Chapter 403, Florida Statutes.

(2) No person shall operate, maintain, construct, expand, or modify any resource recovery and/or waste management facility without first having applied for and received a valid operating permit from the Solid Waste Authority.

(3) Any person found in violation of any provision of this Act or any rules adopted pursuant to it is guilty of a misdemeanor of the second degree and shall be

punished as provided by law. If such violation be continuing, each 24-hour day or fraction thereof during which such violation occurs shall constitute a separate offense.

Section 12. Formerly Section 9. Amended by: C. 77-626
Renumbered by: C. 86-433

SECTION 13. Enforcement. The Palm Beach County Health Director shall determine compliance with the provisions of this Act which relate to sanitary collection, storage, processing, and disposal of solid waste. Any and all violations shall be reported in writing and a copy of the official inspection report shall be presented to the violator and a copy of said inspection report shall also be delivered to the Director of the Solid Waste Authority of Palm Beach County(*).

Section 13. Formerly Section 10 Amended by: C. 77-626
Renumbered by: C. 88-433

NOTE: Text of the Act contains the words “Palm Beach County Solid Waste Authority” but has been changed as an editorial correction to be consistent with the present name.

(1) If any resource recovery or management facility fails to comply with the provisions of the rules adopted by the department or the Authority pursuant to Chapter 403, Florida Statutes, or under this Act, the director of the Palm Beach County Health Department shall give the violator a reasonable time by formal notice, within which to correct such violation. Should the violation continue beyond the time specified for correction, the Director of the Palm Beach County Health Department shall notify the environmental control officer, in writing, of such failure to correct the violation.

Section 13(1). Formerly Section 10(1). Amended by: C. 77-826

(2) Upon notice of the Director of the Palm Beach County Health Department that a resource recovery or waste management facility has failed to correct violations, the environmental control officer shall notify the Palm Beach County Environmental Control Hearing Board of such noncompliance whereupon, the hearing board shall, within 45 days of such notice, order the violator to appear before it to show cause why remedial action should not be taken. Any meetings before the hearing board shall be conducted in accordance with the provisions of Section 11 of Palm Beach County Environmental Control Ordinance No. 7-5 and any amendments thereto.

Section 13(2). Formerly Section 10(2). Amended by: C. 77-626
Renumbered by: C. 86-433

(3) If, after due public hearing, the hearing board upholds the violation, the hearing board shall make a decision setting forth findings of fact and such conclusions of law as are required in view of the issues presented. The decision shall contain an order framed in the manner of a writ of injunction requiring the violator to refrain from

committing, creating, maintaining, or permitting the violation and/or take such affirmative action as the hearing board deems reasonable and necessary under the circumstances to correct such violations.

Section 13(3). Formerly Section 10. Renumbered by: C. 86-433

SECTION 14: Injunctive relief. If preventive or corrective measures are not taken in accordance with any order of the hearing board, or if the environmental control officer finds that a violation of the provisions of this Act exists, so as to create an emergency requiring immediate action to protect human health or welfare, the environmental control officer may institute proceedings in the Circuit Court for Palm Beach County to enforce this Act or rules or orders pursuant thereto. Such injunctive relief may include both temporary and permanent injunctions. Any proceedings initiated under this section shall be brought forth and in the name of the Solid Waste Authority of Palm County(*).

Section 14. Formerly Section 11. Renumbered by: C. 86-433

NOTE: Text of the Act contains the words “Palm Beach County Solid Waste Authority” but has been changed as an editorial correction to be consistent with the present name.

SECTION 15: Judicial review. Any person aggrieved by any action or decision of the hearing board may seek appropriate judicial review.

Section 15. Formerly Section 12. Renumbered by: C. 86-433

SECTION 16: If any section, subsection, sentence, clause or provision of this Act is held invalid, the remainder of this Act shall not be affected thereby.

Section 16. Formerly Section 13. Renumbered by: C. 86-433

SECTION 17. Chapter 74-564, Laws of Florida is hereby repealed.

Section 18. Formerly Section 15. Renumbered by: C. 86-433

SECTION 18. This Act shall take effect upon becoming a law.

Section 18. Formerly Section 15. Renumbered by: C. 86-433