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August 30, 2010

**By Hand Delivery**

Ms. Ann Cole, Director  
Commission Clerk and Administrative Services  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

RECEIVED-FPSC  
10 AUG 30 PM 12:23  
COMMISSION  
CLERK

Re: Docket 100385-EU  
Petition for Determination of Need for Expansion of an Existing Renewable Energy  
Electrical Power Plant in Palm Beach County by Solid Waste Authority of Palm Beach  
County

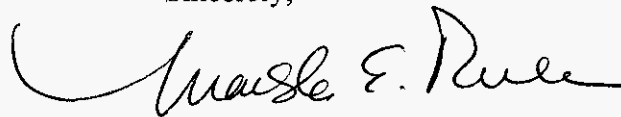
Dear Ms. Cole:

Enclosed for filing in on behalf of the Solid Waste Authority of Palm Beach County  
please find an original and 15 copies of Appendices "A" and "B" to the Solid Waste Authority's  
Petition for Modification to Determination of Need, which were inadvertently omitted from the  
August 26, 2010, filing.

Please acknowledge receipt of the enclosed documents by stamping the extra copy of this  
letter "filed" and returning the copy to me.

Thank you for your assistance with this filing and please do not hesitate to contact me if  
you have any questions.

Sincerely,



Marsha E. Rule

COM \_\_\_\_\_  
APA \_\_\_\_\_  
ECR 14 \_\_\_\_\_  
GCL \_\_\_\_\_  
RAD \_\_\_\_\_ Enclosures  
SSC \_\_\_\_\_  
ADM \_\_\_\_\_  
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DOCUMENT NUMBER-DATE

7180 AUG 30 02

FPSC-COMMISSION CLERK

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Petition for Determination of Need for )  
Expansion of an Existing Renewable Energy )  
Electrical Power Plant in Palm Beach County )  
By Solid Waste Authority of Palm Beach )  
County )  
\_\_\_\_\_ )

Docket No.100385 - EU

Filed: August 30, 2010

**PETITION FOR MODIFICATION TO DETERMINATION OF NEED  
BY  
SOLID WASTE AUTHORITY OF PALM BEACH COUNTY, FLORIDA**

**APPENDIX "A"**

**Chapter 2001-331, Laws of Florida**

DOCUMENT NUMBER-DATE

7180 AUG 30 09

FPSC-COMMISSION CLERK

CHAPTER

2001-33~~HB~~ 945, First Engrossed/ntc

House Bill No. 945

A bill to be entitled

1  
2 An act relating to the Solid Waste Authority of  
3 Palm Beach County, a dependent special district  
4 in Palm Beach County; codifying the Authority's  
5 charter, chapter 75-473, Laws of Florida, as  
6 amended, pursuant to s. 189.429, F.S.;  
7 providing legislative intent; amending,  
8 codifying, and reenacting all special acts  
9 relating to the Solid Waste Authority of Palm  
10 Beach County as a single act; providing a short  
11 title; providing declaration of legislative  
12 intent; providing for application to  
13 incorporated and unincorporated areas;  
14 providing definitions; providing purposes and  
15 powers; providing exemption from taxation;  
16 providing prohibition, permits, and penalty;  
17 providing enforcement; providing injunctive  
18 relief; providing judicial review; providing  
19 severability; repealing all prior special acts  
20 related to the Authority; providing an  
21 effective date.

22  
23 Be It Enacted by the Legislature of the State of Florida:

24  
25 Section 1. Pursuant to section 189.429, Florida  
26 Statutes, this act constitutes the codification of all special  
27 acts relating to the Solid Waste Authority of Palm Beach  
28 County. It is the intent of the Legislature in enacting this  
29 law to provide a single, comprehensive special act charter for  
30 the Solid Waste Authority of Palm Beach County, including all  
31 current legislative authority granted to the Authority by its

1 several legislative enactments and any additional authority  
2 granted by this act.

3 Section 2. Chapters 75-473, 77-626, 79-536, 79-539,  
4 79-542, 84-501, 84-502, 86-433, 88-544, 91-334, 93-345, and  
5 94-462, Laws of Florida, relating to the Solid Waste Authority  
6 of Palm Beach County, are codified, reenacted, amended, and  
7 repealed as herein provided.

8 Section 3. The charter for the Solid Waste Authority  
9 of Palm Beach County is re-created and reenacted to read:

10 Section 1. Short title.--This act may be known and  
11 cited as the "Palm Beach County Solid Waste Act."

12 Section 2. Declaration of legislative intent.--In  
13 order to enhance the beauty and quality of our environment,  
14 conserve our natural resources, prevent the spread of disease  
15 and creation of nuisances, protect the public health, safety,  
16 and welfare, and provide a coordinated resource recovery and  
17 waste management program for Palm Beach County, it is  
18 necessary to form a countywide authority for the management of  
19 solid waste to meet the expanding problems related to the  
20 processing and disposal of solid waste within Palm Beach  
21 County and to:

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

24 (2) Provide a coordinated countywide program for the  
25 management of hazardous waste and control of solid waste  
26 processing and disposal in cooperation with federal, state,  
27 and local agencies responsible for the prevention, control, or  
28 abatement of air, water, and land pollution.

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

31

1       Section 3. Creation of countywide solid waste  
2 authority.--In order to effectuate the intent and purpose of  
3 this act as set forth in section 2, the Solid Waste Authority  
4 of Palm Beach County is created as a dependent special  
5 district. Its board shall consist of the seven members of the  
6 Board of County Commissioners of Palm Beach County. A quorum  
7 of the board shall be four members.

8       Section 4. Application to incorporated and  
9 unincorporated areas.--This act shall apply to both the  
10 incorporated and unincorporated areas of Palm Beach County.

11       Section 5. Definitions.--As used in this act, unless  
12 some other meaning is plainly intended:

13       (1) "Act" means this act and all amendments thereto.

14       (2) "Authority" means the Solid Waste Authority of  
15 Palm Beach County.

16       (3) "Clerk" means Clerk of the Circuit Court of Palm  
17 Beach County, Florida.

18       (4) "Cost of acquisition and/or construction" means  
19 the cost of acquiring, constructing, reconstructing,  
20 improving, extending, equipping, and furnishing any resource  
21 recovery and solid waste management facilities, including the  
22 cost of demolishing, removing, or relocating any buildings,  
23 structures, or utilities on lands acquired or to be acquired,  
24 including the cost of acquiring lands to which such buildings,  
25 structures, or utilities may be moved or relocated, the cost  
26 of all labor and materials, the cost of financing charges,  
27 discount on the purchase price of bonds otherwise permitted  
28 hereunder, and interest on the bonds of the Authority prior  
29 to, during, and for a period not exceeding 2 years after  
30 completion thereof, payments under and fees and expenses in  
31 connection with any derivative agreements, the cost of

1 establishing and funding initial reserves, the cost of  
2 engineering, financial, and legal services plans,  
3 specifications, studies, surveys, estimates of cost and of  
4 revenues, and other expenses necessary or incidental to  
5 determining the feasibility or practicability of any such  
6 construction or acquisition, administrative expenses, and such  
7 other costs and expenses as may be necessary or incidental to  
8 such acquisition, construction, reconstruction, improvement,  
9 extension, equipping, or furnishing, the financing thereof,  
10 placing such resource recovery and solid waste management  
11 facilities in operation, and the issuance of bonds under this  
12 act.

13 (5) "County" means Palm Beach County, Florida.

14 (6) "Department" means the Department of Environmental  
15 Protection or any successor agency performing a like function.

16 (7) "Derivative agreements" means contracts commonly  
17 known as investment contracts, interest rate swap agreements,  
18 or contracts providing for payments based on levels of or  
19 changes in interest rates, or contracts to exchange cash flows  
20 or a series of payments, to hedge payment, rate, spread, or  
21 similar exposure, which the governing body of the Authority  
22 determines to be necessary, desirable, or appropriate to  
23 achieve a desirable effective interest rate in connection with  
24 bonds, notes, or bond anticipation notes issued by the  
25 Authority.

26 (8) "Director" means the Executive Director of the  
27 Solid Waste Authority of Palm Beach County or his or her duly  
28 authorized representative.

29 (9) "Disposal" means the disposition of solid waste by  
30 resource recovery, processing, recycling, or the placing of

31

1 solid waste materials on the land for final disposition, or  
2 any combination thereof.

3 (10) "Fiscal year" means the year beginning October 1  
4 of each year and ending September 30 of the following year.

5 (11) "General obligation bonds" means bonds or other  
6 obligations secured by the full faith and credit and taxing  
7 power of the Authority and payable from ad valorem taxes  
8 levied and collected on all taxable property in Palm Beach  
9 County, without limitation of rate or amount, and may be  
10 additionally secured by the pledge of either or both the  
11 proceeds of special assessments levied against benefited  
12 property or revenues derived from solid waste disposal  
13 systems.

14 (12) "Hazardous waste" has the same meaning as the  
15 term is defined in section 403.703(21), Florida Statutes, or  
16 any successor law or regulation.

17 (13) "Municipality" means all incorporated  
18 municipalities or special taxing districts exercising  
19 municipal powers in relation to collection and disposal of  
20 solid waste, lying and being in Palm Beach County, Florida.

21 (14) "Person" or "persons" means any and all persons,  
22 natural or artificial, including any individual, firm, or  
23 association, any facility, or any municipal or private  
24 corporation organized or existing under the laws of the State  
25 of Florida or any other state and any county or governmental  
26 agency of this state or the Federal Government.

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

1           (16) "Property appraiser" means the Property Appraiser  
 2 of Palm Beach County, Florida.

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

6           (18) "Resource recovery" means the process by which  
 7 materials in solid waste retaining useful physical or chemical  
 8 properties are reused or recycled for the same or other  
 9 purposes, including use as an energy source.

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

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

25           (21) "Solid waste system" or "resource recovery and  
 26 solid waste management facilities" or "project" means any  
 27 plant, facility, or property and additions, extensions, and  
 28 improvements thereto, at any time constructed or acquired as  
 29 part thereof, useful or necessary or having the capacity for  
 30 future use for resource recovery or solid waste management  
 31 and, without limiting the generality of the foregoing, shall



1 include vehicles used for transport from transfer stations to  
 2 treatment sites and incinerators for the purposes of reducing  
 3 the volume of or disposing of solid waste by burial, as well  
 4 as proper disposal of residue from incineration, and shall  
 5 include all real and personal property and any interest  
 6 therein, rights, easements, and franchises of any nature  
 7 whatsoever, and equipment, machinery, furnishings, fixtures,  
 8 and replacements, relating to any such solid waste system and  
 9 necessary or convenient for the operation thereof.

10 (22) "Tax collector" means the Tax Collector of Palm  
 11 Beach County, Florida.

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

14 (24) "Waste management" means the systematic control  
 15 of the generation, storage, collection, transport, treatment,  
 16 processing, recycling, recovery, and disposal of solid waste.

17 Section 6. Purposes and powers.--For the purposes of  
 18 this act, all of Palm Beach County is deemed to be a special  
 19 district. In addition to other powers, duties, and  
 20 responsibilities necessary to carry out the provisions of this  
 21 act, the Authority shall have the power to:

22 (1) Adopt and from time to time thereafter alter,  
 23 rescind, modify, or amend rules, guidelines, and orders  
 24 necessary for its operation in accordance with chapter 403,  
 25 Florida Statutes, and all successor laws. No such rules or  
 26 amendments thereto shall be adopted or become effective until  
 27 after a public hearing has been held by the Authority pursuant  
 28 to notice published in a newspaper of general circulation in  
 29 the county at least 21 days prior to the hearing. When  
 30 approved by the Authority, such rules shall have the force and  
 31 effect of law. Nothing in this act shall be construed so as to

1 prevent the Authority from adopting rules which are more  
2 strict and extensive than those imposed by the department.

3 (2) Adopt a resource recovery and waste management  
4 program for Palm Beach County that shall provide for the  
5 transportation, storage, separation, processing, recovery,  
6 recycling, or disposal of solid waste generated or existing  
7 within the county and modify and update such program or plan  
8 as necessary or as may be required by law.

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

16 (4) Appoint an executive director to be responsible to  
17 the Authority and who shall serve at its pleasure. There shall  
18 be such other officers and employees as may be provided by the  
19 Authority. The officers shall be appointed or removed by the  
20 executive director subject to confirmation by the Authority.  
21 The employees shall be appointed and removed by the executive  
22 director. The Authority shall fix the salary of the executive  
23 director and shall have, but may delegate to the executive  
24 director, the power to fix the salaries of all other officers  
25 and employees of the Authority. The Authority shall also have  
26 the power to employ or appoint engineers, accountants,  
27 attorneys, and such other personnel as may be required for the  
28 operation and management of the Authority and to fix their  
29 compensation.

30 (5) Require surety bonds for any of the officers and  
31 employees in such amounts as the Authority deems necessary.

1 The premiums for the bonds shall be paid in the same manner as  
2 any other operating expense.

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

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

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

12 (9) Conduct studies, develop programs, provide  
13 continuing management and monitoring of waste projects,  
14 programs, and facilities directly or indirectly affecting the  
15 solid waste management system in Palm Beach County, and  
16 contract, for such periods as may be agreed upon by the  
17 parties, with governmental agencies, individuals, public or  
18 private corporations, municipalities, or any other person in  
19 carrying out the purposes of this act and the requirements of  
20 chapter 403, Florida Statutes, and other applicable law.

21 (10) Fix, alter, charge, and establish reasonable  
22 rates, fees, and other charges for the facilities provided by  
23 the Authority, including, but not limited to, planning,  
24 permitting, inspection, collection, enforcement, and disposal  
25 site developing and operation, which rates, fees, and charges  
26 must be sufficient to cover all costs for said normal  
27 functions and facilities, including, but not limited to,  
28 permits, fees, and disposal costs.

29 (11) Without limitation, borrow money and issue  
30 evidence of indebtedness and accept property, gifts, or grants  
31 or loans of money from the Federal Government, state

1 government, and other sources, public or private, which loans  
 2 and grants shall be expended in accordance with the purposes  
 3 and provisions of this act.

4 (12) Issue revenue bonds.

5 (a) The Authority shall have the power and is hereby  
 6 authorized to issue revenue bonds for the purpose of paying  
 7 all or part of the costs of acquisition and/or construction of  
 8 resource recovery and waste management facilities. The  
 9 issuance of such revenue bonds shall be authorized by  
 10 resolution of the Authority, which resolution may be adopted  
 11 at a regular or special meeting by a majority vote of members  
 12 voting thereon and at the same meeting at which it is  
 13 introduced. Such revenue bonds may be issued in one or more  
 14 series and shall bear such date or dates of issuance, bear  
 15 interest at such rate or rates, not exceeding the maximum rate  
 16 permitted under section 215.84, Florida Statutes, or any  
 17 successor statute, mature at such time or times, not exceeding  
 18 40 years from their respective dates of issuance, be subject  
 19 to such terms of redemption, with or without premium, be  
 20 issued in such form, registered or not, with or without  
 21 interest coupons, entitle the holder thereof to such  
 22 conversion or registration privileges, be executed in such  
 23 manner, be in such denomination or denominations, be payable  
 24 in such medium of payment at such place or places, which may  
 25 be any bank or trust company within or without the state, have  
 26 such rank or priority, be secured in such manner, and have  
 27 such other characteristics as may be provided in the  
 28 resolution of the Authority authorizing the issuance of such  
 29 bonds or in such subsequent resolutions as the Authority may  
 30 adopt prior to the issuance of such bonds. All bonds issued  
 31 under this act shall have and are hereby declared to be and to

1 have all the qualities and incidents of negotiable instruments  
 2 under the Uniform Commercial Code--Investment Securities Law  
 3 of the state. The Authority may sell such bonds at private  
 4 sale and in such manner and for such price or prices as it may  
 5 determine to be in the best interest of the Authority, but no  
 6 such bonds shall be sold at a price as will yield to the  
 7 purchaser thereof income at a rate exceeding the maximum rate  
 8 permitted under section 215.84, Florida Statutes, or any  
 9 successor statute, as computed according to the standard  
 10 tables of bond values. If said bonds are sold at public sale,  
 11 a notice of such sale shall be published at least once at  
 12 least 10 days prior to the date of such sale in a newspaper  
 13 published and circulating in the county and in a financial  
 14 newspaper or journal circulating in New York City, New York.  
 15 The Authority may issue interim bonds, notes, certificates, or  
 16 receipts, with or without coupons, exchangeable for definitive  
 17 bonds when such bonds have been executed and are available for  
 18 delivery.

19 (b) The Authority shall fix and revise from time to  
 20 time the rates, fees, or other charges for the services and  
 21 facilities furnished by the Authority, and such rates, fees,  
 22 or other charges shall be so fixed and adjusted as to provide  
 23 sufficient funds to pay the principal of and interest on all  
 24 bonds issued as the same become due and payable for such  
 25 purposes, and including the cost of operating, maintaining,  
 26 and repairing the facilities of the Authority and all such  
 27 other payments required by the proceedings providing for the  
 28 issuance of such bonds. Such rates, fees, or other charges  
 29 shall not be subject to supervision or regulation by the  
 30 state, any political subdivision, or any commission, board, or  
 31 agency.

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

9       (d) All revenues received by the Authority shall be  
10 deemed to be trust funds to be held and applied as provided in  
11 this act. The Authority may also provide that each issue of  
12 bonds or any combined issue of bonds may be secured by a trust  
13 agreement by and between the Authority and a corporate  
14 trustee, which may be any trust company or bank within or  
15 without the state. Such trust agreement may pledge or assign  
16 the revenues to be received and provide for the rank and  
17 priority between different trust agreements for different  
18 issues of bonds. The resolution or resolutions providing for  
19 the issuance of bonds or such trust agreements may contain  
20 such provisions for protecting and enforcing the rights and  
21 remedies of the holders of the bonds as may be reasonable and  
22 proper, not in violation of the law, including covenants  
23 setting forth the duties of the Authority relating to the  
24 construction, acquisition, improvement, maintenance,  
25 operation, repair, and cost of any project or facility, as is  
26 customary in trust agreements or trust indentures securing  
27 bonds or debentures of corporations, and may contain such  
28 other provisions as the Authority may deem reasonable and  
29 proper for the security of the holders of such bonds.

30       (e) The Authority is also hereby authorized to issue  
31 refunding bonds for the purpose of refunding any bonds of the

1 Authority then outstanding, including the payment of any  
2 redemption premium thereon, and interest accrued or to accrue  
3 to maturity or to the prior redemption of such outstanding  
4 bonds, as the case may be, or for the combined purpose of  
5 refunding such outstanding bonds and paying the cost of  
6 acquisition and/or construction of one or more projects. The  
7 issuance of such revenue refunding bonds shall be authorized  
8 by resolution of the board of the Authority in the same manner  
9 as provided in paragraph (a). Such refunding bonds may be  
10 issued to refund such outstanding bonds as they mature and  
11 become payable, or as they are called for redemption prior to  
12 their stated dates of maturity, and the Authority shall be  
13 authorized to invest the proceeds or part of the proceeds of  
14 such refunding bonds, pending the dates of maturity of such  
15 outstanding bonds or the dates upon which such outstanding  
16 bonds are to be called prior to their stated dates of  
17 maturity, in such lawful securities as the Authority shall  
18 deem desirable, for the purpose of refunding such outstanding  
19 bonds in the manner provided in this paragraph. The issuance  
20 of such revenue refunding bonds, the maturities and other  
21 details thereof, the rights of the holders thereof, the  
22 security for the payment thereof, and the rights, duties, and  
23 obligations of the Authority in respect of the same shall be  
24 governed by the provisions of this act insofar as the same may  
25 be applicable.

26 (f) The Authority shall also have power to issue notes  
27 prior to the issuance of bonds, but such notes shall mature in  
28 not less than 3 years and the payment thereof shall be subject  
29 to any prior pledge of the revenues of the Authority or any ad  
30 valorem taxes of the Authority.  
31

1        (g) The Authority may also issue bond anticipation  
 2 notes after the authorization of the issuance of bonds in the  
 3 manner provided in section 215.431, Florida Statutes, or  
 4 successor law.

5        (13) Enter into interest rate swap agreements in  
 6 connection with tax-exempt bonds and to issue debt to finance  
 7 payments under such interest rate swap agreements. The use of  
 8 interest rate swap agreements to reduce borrowing costs will  
 9 enable the Authority to have flexibility to finance or  
 10 refinance projects relating to its solid waste system in a  
 11 more economically efficient manner. The Authority, other  
 12 special districts, and municipalities already have the express  
 13 power to enter into interest rate swap agreements and other  
 14 derivative products with respect to their taxable bonds under  
 15 the Taxable Bond Act of 1987, part VII, chapter 159, Florida  
 16 Statutes. The Legislature finds that the ability of the  
 17 Authority to enter into derivative agreements shall serve a  
 18 public purpose by reducing interest costs to the Authority and  
 19 enhancing the marketability of the Authority's bonds, notes,  
 20 or bond anticipation notes. Further, such derivative  
 21 agreements afford the Authority the ability to achieve the  
 22 lowest effective borrowing costs or terms most suitable to the  
 23 Authority. The provisions of this paragraph are designed to  
 24 serve a public purpose by providing for the health, safety,  
 25 welfare, and economic well-being of the people of the county.  
 26 Further, these provisions are intended to provide express  
 27 authority to exercise the powers granted hereby and shall not  
 28 be construed in limitation of any existing powers of the  
 29 Authority to enter into or carry out any derivative'  
 30 agreements. This paragraph shall be a supplemental and  
 31



1 alternative authority to any other provisions of special or  
 2 general law.

3 (14) Seek injunctive relief in a court of competent  
 4 jurisdiction to prevent the violation of this act or any  
 5 resolution, rule, or regulation adopted pursuant to the powers  
 6 granted by this act without the necessity of showing of a  
 7 public nuisance in such legal proceeding.

8 (15) Sell or otherwise dispose of any byproducts  
 9 produced by the operation of resource recovery or waste  
 10 management facilities to any governmental agency, individual,  
 11 public or private corporation, municipality, or any other  
 12 person.

13 (16) Levy ad valorem tax on the taxable property in  
 14 the special district solely for the purposes of this act and  
 15 not to exceed 1 mill on the dollar, subject to referendum.  
 16 Property taxes determined and levied under this section shall  
 17 be certified by the Authority to the property appraiser and  
 18 extended, assessed, and collected in accordance with the  
 19 provisions of chapter 197, Florida Statutes. At any time after  
 20 making a tax levy under this section and certifying the same  
 21 to the county and the state, the Authority may issue tax  
 22 anticipation notes of indebtedness in anticipation of the  
 23 collection of such taxes.

24 (17) When the fees or charges for the services and  
 25 facilities and any waste disposal or resource recovery  
 26 facility are not paid when due and payable and are in default  
 27 for 30 days or more, following written notice to such  
 28 delinquent customer, discontinue and shut off the supply of  
 29 the services and facilities of said system to the person,  
 30 firm, corporation, or other body, public or private, so  
 31 supplied with such services or facilities until such fees,

1 rates, or charges, including legal interest, penalties, and  
 2 charges for the shutting off and discontinuance or the  
 3 restoration of such services or facilities, are fully paid.  
 4 Such delinquent fees or charges, together with legal interest,  
 5 penalties, and charges for the shutting off and discontinuance  
 6 or the restoration of such services or facilities, and  
 7 reasonable attorney's fees, costs, and other expenses may be  
 8 recovered by the Authority in a court of competent  
 9 jurisdiction.

10 (18) Transfer, sell, or assign to any governmental  
 11 agency, individual, public or private corporation,  
 12 municipality, or other person, at whatever terms it deems  
 13 reasonable, any property which it finds is not needed to carry  
 14 out the purposes of this act.

15 (19) As necessary to carry out its resource recovery  
 16 and/or disposal plans or programs or when necessary to carry  
 17 out any other provision of this act, require that all wastes  
 18 collected by public or private agencies from any municipality  
 19 or unincorporated area of the county be transported to  
 20 Authority-designated processing and disposal facilities in a  
 21 manner and form as may be mandated in accordance with this  
 22 act, particularly paragraphs (2) and (8) of this section. This  
 23 act shall not be construed to preclude public or private  
 24 agencies from operating permitted transfer stations, provided  
 25 that solid waste transferred or transported therefrom shall be  
 26 delivered to Authority-designated processing and disposal  
 27 facilities as set forth in this section.

28 (20) Perform any and all governmental functions of the  
 29 county, or of any municipality, related to solid waste  
 30 provided for by general law, including, but not limited to,  
 31 chapter 403, Florida Statutes, or any successor law, pursuant

1 to written contract or interlocal agreement. For those  
 2 purposes, the Authority may employ the special assessment  
 3 procedures contained in sections 7 and 8 of this act. The Palm  
 4 Beach County Board of County Commissioners shall set for the  
 5 unincorporated portions of the county all fees necessary to  
 6 accomplish the purposes of this paragraph, and the governing  
 7 body of any municipality shall set the required fees for its  
 8 respective jurisdiction. Any such fees must be sufficient to  
 9 pay all costs incurred by the Authority in connection with the  
 10 solid waste services to be provided, including the cost of  
 11 billing services.

12 (21) Establish a mandatory collection system for the  
 13 county and impose reasonable rates, fees, and charges to all  
 14 users of said system. The Authority may establish annual  
 15 collection special assessments for users of this collection  
 16 system in like manner as the disposal assessments provided for  
 17 in this section or sections 7 or 8.

18 (22) Grant franchises and contracts, issue permits, or  
 19 otherwise provide for the collection of solid waste in the  
 20 county and receive the assignment of such franchises,  
 21 contracts, and permits, and establish reasonable rates, fees,  
 22 and charges therefor.

23 (23) In connection with, or incidental to, the sale  
 24 and issuance of bonds, enter into any contracts which the  
 25 Authority determines to be necessary or appropriate to achieve  
 26 a desirable, effective interest rate in connection with the  
 27 bonds or notes by means of, but not limited to, contracts  
 28 commonly known as investment contracts, funding agreements,  
 29 interest rate swap agreements, currency swap agreements,  
 30 forward payment conversion agreements, or futures; contracts  
 31 providing for payments based on levels of or changes in

1 interest rates; contracts to exchange cash flows or a series  
2 of payments; or contracts including, without limitation,  
3 options, puts, or calls to hedge payment, rate, spread, or  
4 similar exposure. Such contracts or arrangements may also be  
5 entered into by the Authority in connection with, or  
6 incidental to, entering into any agreement which secures bonds  
7 or provides liquidity therefor. Such contracts and  
8 arrangements shall be made upon the terms and conditions  
9 established by the Authority after giving due consideration  
10 for the credit worthiness of the counterparties, where  
11 applicable, including any rating by a nationally recognized  
12 rating service or by any other criteria as may be appropriate.

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

21 Section 7. Special assessments; method of levy and  
22 collection.--Since all improved properties in the county  
23 receive a direct, substantial benefit by the provision of  
24 solid waste disposal and collection services by the Authority,  
25 the Authority shall have the additional power to impose, levy,  
26 collect, or have collected, in accordance with the provisions  
27 of chapter 197, Florida Statutes or sections 7, 8 or 9 of this  
28 charter, the annual disposal special assessments herein  
29 authorized and defined as a means of financing the  
30 construction and/or acquisition of additions, extensions, and  
31 improvements to the solid waste system, the payment of the

1 principal of and interest on bonds issued pursuant to this  
 2 act, the cost of operating, maintaining, and repairing the  
 3 solid waste system, and all other payments that are required  
 4 to be made by the Authority in connection with the purposes of  
 5 this act.

6 (1) Definitions.--For the purposes of this section and  
 7 sections 8 and 9, the following terms shall have the following  
 8 meanings:

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

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

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

1 special assessments applicable to each parcel of improved real  
2 property.

3 (d) "Collection" means, with respect to solid waste  
4 services, the process whereby solid waste is removed and  
5 transported to a solid waste facility.

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

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

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

24 (h) "Rate resolution" means the resolution or  
25 resolutions of the Authority described in paragraph (3) (b) of  
26 this section and paragraph (2) (b) of section 8 of this  
27 charter.

28 (2) Purpose.--It is the purpose of this section to  
29 require all persons within the county and all governmental  
30 agencies to use exclusively the solid waste system operated  
31 and maintained by the Authority or designated by the Authority

1 for the disposal of all solid waste generated within both the  
 2 incorporated and unincorporated areas of the county; to  
 3 establish a schedule of assessments for all improved real  
 4 property in both the incorporated and unincorporated areas of  
 5 the county to pay for the cost of financing, operating, and  
 6 maintaining the solid waste system; to establish the method  
 7 and procedure for the classification of such improved real  
 8 property in the establishment of such schedule of annual  
 9 disposal special assessments; to provide for a method and  
 10 procedure for the collection of such assessments from the  
 11 owners of such improved real property; and to provide for the  
 12 operation of the solid waste system.

13 (3) Determination of annual disposal special  
 14 assessments; public hearing.--On or before October 1 of each  
 15 year, the Authority shall hold a public hearing for the  
 16 following purposes:

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



1           (b) To adopt a rate resolution incorporating a  
 2 schedule of annual disposal special assessments to impose upon  
 3 the owners of all improved real property in both the  
 4 incorporated and unincorporated areas of the county which  
 5 shall constitute a lien as provided for in paragraph (5) and  
 6 to establish the classification of the use of such parcel of  
 7 improved real property in order to provide revenues which,  
 8 together with other moneys of the Authority lawfully available  
 9 therefor, shall be sufficient to fund the budget referred to  
 10 in paragraph (a). The rates established by the Authority in  
 11 each year under the provisions of the rate resolution shall be  
 12 sufficient to provide moneys for the purposes described in  
 13 paragraph (a), and the Authority shall not establish rates  
 14 over and above the rates that are necessary to comply with the  
 15 provisions of paragraph (a) and the budgetary requirements of  
 16 any proceedings of the Authority heretofore or hereafter  
 17 adopted in connection with the issuance of any of its bonds,  
 18 notes, or other evidences of indebtedness.

19  
 20 Notice of said public hearing shall be published in a  
 21 newspaper of general circulation in the county at least twice,  
 22 with the first publication being at least 20 days prior to the  
 23 date set for the public hearing. Said public hearing may be  
 24 continued to a date certain without the necessity of further  
 25 newspaper advertisement or public notice.

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

28           (a) The annual disposal special assessments  
 29 incorporated in the rate resolution applicable to each parcel  
 30 of improved real property shall be the annual disposal special  
 31 assessments for each such parcel of improved real property for



1 the disposal of all solid waste generated or capable of being  
 2 generated as determined by the Authority on each such parcel  
 3 of improved real property during the ensuing fiscal year.

4 (b) The annual disposal special assessments shall be  
 5 imposed against the owners of all improved real property in  
 6 both the incorporated and unincorporated areas of the county  
 7 if such real property is improved real property on or before  
 8 September 1 prior to the fiscal year in which the annual  
 9 disposal special assessments are imposed.

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

13 (d) The annual disposal special assessments shall be  
 14 due and payable 30 days after the mailing of the original  
 15 annual disposal special assessments billing. On all annual  
 16 disposal special assessments imposed and collected, discounts  
 17 for early payment thereof shall be at the rate of 4 percent in  
 18 the month of November and at any time within 30 days after the  
 19 mailing of the original annual disposal special assessments  
 20 billings; 3 percent in the month of December; 2 percent in the  
 21 month of January; and 1 percent in the month of February. The  
 22 annual disposal special assessments paid in March shall be  
 23 without discount. The annual disposal special assessments  
 24 shall become delinquent if not fully paid by March 31 of the  
 25 fiscal year for which the annual disposal special assessments  
 26 are imposed. All delinquent annual disposal special  
 27 assessments shall bear an initial penalty of 3 percent of the  
 28 full amount of the annual disposal special assessments if not  
 29 paid by March 31 of the fiscal year for which the annual  
 30 disposal special assessments are imposed and an additional  
 31 penalty of 1 percent per month on the delinquent principal

1 amount on the first day of June and on the first day of each  
2 month thereafter until the annual disposal special assessments  
3 are paid in full.

4 (5) Annual disposal special assessments shall  
5 constitute a lien on improved real property.--All annual  
6 disposal special assessments imposed against the owners of  
7 improved real property shall constitute, and are hereby  
8 imposed as, liens against such improved real property as of  
9 October 1 of the fiscal year for which the annual disposal  
10 special assessments are imposed. Until fully paid and  
11 discharged or barred by law, the annual disposal special  
12 assessments shall be prior to all other liens, except that  
13 such liens shall be on parity with a lien of state, county,  
14 and municipal taxes, and any lien for charges for services  
15 created pursuant to section 159.17, Florida Statutes. If any  
16 annual disposal special assessment liens become delinquent by  
17 not being fully paid by March 31 of the fiscal year for which  
18 the annual disposal special assessments are imposed and remain  
19 delinquent, the Authority shall cause to be prepared a notice  
20 of lien containing the amount of the delinquent annual  
21 disposal special assessments, including the amount of the  
22 first penalty, a legal description of the improved real  
23 property against which the lien is imposed, and the name of  
24 the owner of such real property as indicated on the real  
25 property records maintained by the property appraiser of the  
26 county. Said notice of lien shall be recorded in the public  
27 records of the county on or about September 30 of the fiscal  
28 year for which the annual disposal special assessments were  
29 levied, or as soon thereafter as the Authority shall  
30 determine. A copy of the notice of lien shall be served on the  
31

1 owner of record as provided in section 713.18, Florida  
 2 Statutes, within 10 days after the notice of lien is recorded.

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

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

21 (b) The second notice shall be mailed on or about  
 22 March 31 of such fiscal year to those owners who have failed  
 23 to pay any or all of the then-due-and-owing annual disposal  
 24 special assessments, and such notice shall contain a schedule  
 25 of the initial penalty for nonpayment and shall further advise  
 26 the owner that a notice of lien will be filed by the Authority  
 27 against that parcel of improved real property on the public  
 28 records of the county provided for that purpose. However, if  
 29 such annual disposal special assessments, together with any  
 30 penalties thereon, are received prior to September 30 of the  
 31 fiscal year for which the annual disposal special assessments

1 were levied, then such notice of lien will not be filed. Such  
 2 notice shall further advise the owners that failure to pay the  
 3 annual disposal special assessments in a timely manner may  
 4 result in a loss of title.

5 (c) The third notice shall be mailed on or before June  
 6 1 of such fiscal year to those owners who have failed to pay  
 7 any or all of the then-due-and-owing annual disposal special  
 8 assessments, and such notice shall contain a schedule of the  
 9 additional penalty incurred by the owners for each month from  
 10 June 1 and thereafter.

11  
 12 In addition to the collection of any penalties, the Authority  
 13 shall recover from the owner any cost that may be incurred in  
 14 connection with such delinquent payments. When any such lien  
 15 or liens have been fully paid or discharged, the Authority  
 16 shall properly cause evidence of the satisfaction and  
 17 discharge of such lien to be provided. Said lien or liens  
 18 shall not be assigned by the Authority to any person.

19 (7) Enforcement of delinquent annual disposal special  
 20 assessments.--All delinquent annual disposal special  
 21 assessment liens may be enforced at any time by the Authority  
 22 at least 30 days subsequent to the date of the service of the  
 23 notice of lien for the amount due under such recorded liens,  
 24 including all penalties, plus costs and a reasonable  
 25 attorney's fee, by proceeding in a court of equity to  
 26 foreclose such liens in the manner in which a mortgage lien is  
 27 foreclosed under the laws of Florida, or the collection and  
 28 enforcement of payment thereof may be accomplished by any  
 29 other method authorized by law. It shall be lawful to join in  
 30 any complaint or foreclosure, or any such legal proceeding,  
 31 any one or more lots or parcels of land that are the subject

1 of a lien or liens. The Authority is authorized and directed  
 2 to execute and deliver, upon request, a written certification  
 3 certifying the amount, including all penalties, plus costs,  
 4 due for delinquent annual disposal special assessments or  
 5 under any recorded liens for any parcel of real property, or  
 6 certifying that no such annual disposal special assessments  
 7 are due, except current and nondelinquent annual disposal  
 8 special assessments.

9 (8) Calculation of annual disposal special  
 10 assessments.--

11 (a) Based upon the rate resolution, the Authority  
 12 shall cause to be prepared an annual disposal special  
 13 assessment roll. Such annual disposal special assessment roll  
 14 shall contain a summary description of each parcel of improved  
 15 real property within the county on or before September 1 prior  
 16 to the fiscal year for which the annual disposal special  
 17 assessments are to be imposed, the name and address of the  
 18 owner of each parcel of improved real property, the rate  
 19 applicable to each parcel of improved real property as  
 20 specified in the rate resolution, and the amount of the annual  
 21 disposal special assessments applicable to each parcel of  
 22 improved real property. The summary description of each parcel  
 23 of improved real property shall be in such detail as to permit  
 24 ready identification of each parcel on the real property  
 25 records. The information specified above to be included in the  
 26 annual disposal special assessment roll shall conform to that  
 27 maintained by the property appraiser on the real property  
 28 records.

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

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

12 (c) On or before October 1 of the fiscal year for  
 13 which the annual disposal special assessment roll is  
 14 confirmed, the Authority shall cause to be prepared an  
 15 addendum to the annual disposal special assessment roll  
 16 containing the addition or deletion of any parcels of improved  
 17 real property not incorporated into or deleted from the annual  
 18 disposal special assessment roll but constituting improved  
 19 real property on September 1 prior to the fiscal year for  
 20 which the annual disposal special assessments are imposed.  
 21 Included in such addendum shall be any change in the  
 22 information specified for each parcel of improved real  
 23 property on the annual disposal special assessment roll. Such  
 24 addendum to the annual disposal special assessment roll shall  
 25 contain information required for the annual disposal special  
 26 assessment roll and shall be reviewed by the authority and  
 27 certified as the annual disposal special assessment roll of  
 28 the Authority.

29 Section 8. Collection of annual disposal special  
 30 assessments by tax collector; alternative method of levy and  
 31 collection.--The Authority may, to the extent permitted by



1 law, utilize the office of the tax collector for the purpose  
2 of collecting the annual disposal special assessments imposed  
3 under this act. The Authority may, in connection with the  
4 collection of the annual disposal special assessments, proceed  
5 in the manner set forth in this section as an alternative to  
6 that set forth in section 7 of this charter, or as provided by  
7 chapter 197, Florida Statutes, as it may be amended from time  
8 to time. In the event the Authority chooses to follow the  
9 method of collection set forth in this section, it must first  
10 enter into written agreements with the property appraiser and  
11 the tax collector to perform the duties as outlined in this  
12 section. Said agreements shall be entered into voluntarily and  
13 at the sole options of the property appraiser and the tax  
14 collector, and shall provide for reimbursement to them of all  
15 costs associated with their duties hereunder.

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

24 (2) Determination of annual disposal special  
25 assessments; public hearing.--On or before July 30 of each  
26 year, or such other date as may be specified by chapter 197,  
27 Florida Statutes, the Authority shall hold a public hearing  
28 for the following purposes:

29 (a) To adopt a budget for the operation and  
30 maintenance of the solid waste system for the ensuing fiscal  
31 year, including moneys for the payment of the principal and

1 interest on bonds and other outstanding or anticipated  
2 indebtedness, including all reserves necessary therefrom, for  
3 the payment of necessary reserves for capital expenditures and  
4 the renovation, improvements, and replacements of existing  
5 facilities of the solid waste system, for the enforcement and  
6 administration of the billing and collection of the annual  
7 disposal special assessments provided for hereunder, including  
8 necessary reserves for anticipated delinquent or uncollectible  
9 annual disposal special assessments, and for the payment of  
10 the current operation and maintenance of the solid waste  
11 system.

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

24  
25 Notice of said public hearing shall be published in a  
26 newspaper of general circulation in the county at least twice,  
27 with the first publication being at least 20 days prior to the  
28 public hearing. Additional notice shall also be provided to  
29 each affected property owner by first class mail of both the  
30 potential for loss of his or her title through the use of the  
31 ad valorem collection method and the time and place of said



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

4 (3) Scope of annual disposal special assessments.--

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

11 (b) The annual disposal special assessments shall be  
12 imposed against the owners of all real property in both the  
13 incorporated and unincorporated areas of the county if such  
14 real property is improved real property on or before January 1  
15 prior to the fiscal year in which the annual disposal special  
16 assessments are imposed.

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

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

29 (5) Annual disposal special assessments shall  
30 constitute a lien on improved real property.--All annual  
31 disposal special assessments imposed against the owners of

1 improved real property shall constitute, and are hereby  
2 imposed as, liens against such improved real property as of  
3 October 1 of the fiscal year for which the annual disposal  
4 special assessments are imposed. Until fully paid and  
5 discharged or barred by law, the annual disposal special  
6 assessments shall remain liens equal in rank and dignity with  
7 the lien of the county ad valorem taxes and superior in rank  
8 and dignity to all other liens, encumbrances, titles, and  
9 claims in, to, or against the real property involved. If any  
10 annual disposal special assessment liens become delinquent by  
11 not being fully paid by March 31 of the fiscal year for which  
12 the annual disposal special assessments are imposed and remain  
13 delinquent, the Authority shall cause to be prepared a notice  
14 of lien containing the amount of the delinquent annual  
15 disposal special assessments, including the amount of the  
16 first penalty, a legal description of the improved real  
17 property against which the lien is imposed, and the name of  
18 the owner of such real property as indicated on the real  
19 property records maintained by the property appraiser of the  
20 county. The Authority shall cause to be mailed on or before  
21 June 1 of such fiscal year to those owners who have failed to  
22 pay any or all of the then-due-and-owing annual disposal  
23 special assessments a notice of intention to file lien, and  
24 such notice shall contain a schedule of the additional penalty  
25 incurred by the owners for each month from June 1 and  
26 thereafter and a notice that a lien will be filed if not paid  
27 on or before September 30. If the assessment is not paid, a  
28 notice of lien shall be recorded in the public records of the  
29 county on or about September 30 of the fiscal year for which  
30 the annual disposal special assessments were levied, or as  
31 soon thereafter as the Authority shall determine.

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

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

14       (8) Certification to property appraiser and tax  
15 collector.--

16       (a) Upon adoption by the Authority of the rate  
17 resolution provided herein, the Authority shall forthwith  
18 deliver a certified copy of the rate resolution to the  
19 property appraiser and tax collector. Based upon said rate  
20 resolution and pursuant to written contracts between the  
21 Authority and the property appraiser and the Authority and the  
22 tax collector, the property appraiser shall include the annual  
23 disposal special assessments on the tax notice issued pursuant  
24 to section 197.3635, Florida Statutes, or any successor laws,  
25 and the tax collector shall collect the annual disposal  
26 special assessments as provided by law.

27       (b) Nothing contained in this section shall be  
28 construed or interpreted to preclude the Authority from  
29 submitting, within its discretion, a separately prepared  
30 notice of the annual disposal special assessments imposed on  
31 certain improved real property to the owner of such property

1 if, in the opinion of the Authority, such procedure shall  
 2 facilitate the billing and collection of such annual disposal  
 3 special assessments, which notice shall be in addition to the  
 4 notice submitted by the property appraiser.

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

14 Section 9. Annual disposal special assessments to  
 15 governmental agencies; applicability of annual disposal  
 16 special assessments to tax-exempt improved real property.--

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

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

28 (c) The annual disposal special assessments imposed  
 29 against governmental agencies shall become delinquent if not  
 30 fully paid within 60 days from the date the notice of such  
 31 annual disposal special assessments is mailed. All delinquent

1 annual disposal special assessments shall bear an initial  
 2 penalty of 4 percent of the full amount of the annual disposal  
 3 special assessments if not paid by the expiration of the  
 4 60-day period and an additional penalty of 1 percent per month  
 5 on the delinquent amount, plus the initial penalty, on the  
 6 first day of each month thereafter until said annual disposal  
 7 special assessments are paid in full.

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

15 (e) The provisions of paragraphs (5), (6), and (7) of  
 16 section 7 of this charter and paragraphs (5) and (6) of  
 17 section 8 of this charter shall not be applicable to the  
 18 annual disposal special assessments imposed against improved  
 19 real property owned by any governmental agency.

20 (2) Applicability of annual disposal special  
 21 assessments to tax-exempt improved real property.--The tax  
 22 exemption of property form taxation under chapter 196, Florida  
 23 Statutes, or any other law or constitutional provision shall  
 24 not relieve the owner of any improved real property in the  
 25 county from the provisions hereof or from the imposition by  
 26 the Authority of the annual disposal special assessments  
 27 applicable to such improved real property as specified in the  
 28 rate resolution.

29 Section 10. Limitations on franchises.--The Authority  
 30 shall adopt by resolution a procedure for granting exclusive  
 31 franchises, subject to the following limitations:

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

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

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

8           (a) The entire process shall comply with chapter 286,  
9 Florida Statutes.

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

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

17          (d) Any party aggrieved by the franchise award may  
18 appeal the award in writing, within 30 days after the award,  
19 to the Authority, which shall decide said appeal by written  
20 order within 60 days after its receipt by the Authority. An  
21 unsuccessful appellant may thereafter appeal the Authority's  
22 decision by writ of certiorari to the circuit court.

23        Section 11. Exemption from taxation.--The property,  
24 moneys, and other assets of any countywide authority created  
25 hereunder and all of its revenues or other income shall be  
26 exempt from all taxation, licenses, fees, or other charges of  
27 any kind imposed by the state or by the county or by any  
28 municipality, political subdivision, taxing district, or other  
29 public agency or body of the state.

30        Section 12. Prohibition; permits; penalty.--  
31

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

4       (a) Place or deposit any solid waste in or on the  
5 lands or waters located within the county except in a manner  
6 consistent with the countywide solid waste program.

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

9       (c) Accomplish or authorize any act inconsistent with  
10 the provisions of this act and those of chapter 403, Florida  
11 Statutes.

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

16       (3) Any person found in violation of any provision of  
17 this act or any rules adopted pursuant to it commits a  
18 misdemeanor of the second degree and shall be punished as  
19 provided by law. If such violation be continuing, each 24-hour  
20 day or fraction thereof during which such violation occurs  
21 shall constitute a separate offense.

22       Section 13. Enforcement.--The director of the Palm  
23 Beach County Health Department shall determine compliance with  
24 the provisions of this act which relate to sanitary  
25 collection, storage, processing, and disposal of solid waste,  
26 in accordance with the provisions of Palm Beach County  
27 Environmental Control Ordinance No. 78-5 and any amendments  
28 thereto. Any and all violations shall be reported in writing  
29 and a copy of the official inspection report shall be  
30 presented to the violator and a copy of said inspection report  
31

1 shall also be delivered to the executive director of the  
 2 Authority.

3 (1) If any resource recovery or management facility  
 4 fails to comply with the provisions of the rules adopted by  
 5 the department or the Authority pursuant to chapter 403,  
 6 Florida Statutes, or under this act, the director of the Palm  
 7 Beach County Health Department shall give the violator a  
 8 reasonable time, by formal notice, within which to correct  
 9 such violation. Should the violation continue beyond the time  
 10 specified for correction, the director of the Palm Beach  
 11 County Health Department shall notify the environmental  
 12 control officer, in writing, of such failure to correct the  
 13 violation.

14 (2) Upon notice of the director of the Palm Beach  
 15 County Health Department that a resource recovery or waste  
 16 management facility has failed to correct violations, the  
 17 environmental control officer shall notify the Palm Beach  
 18 County Environmental Control Hearing Board of such  
 19 noncompliance, whereupon the hearing board shall, within 45  
 20 days after such notice, order the violator to appear before it  
 21 to show cause why remedial action should not be taken. Any  
 22 meetings before the hearing board shall be conducted in  
 23 accordance with the provisions of Palm Beach County  
 24 Environmental Control Ordinance No. 78-5 and any amendments  
 25 thereto.

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



1 creating, maintaining, or permitting the violation and take  
2 such affirmative action as the hearing board deems reasonable  
3 and necessary under the circumstances to correct such  
4 violation.

5 Section 14. Injunctive relief.--If preventive or  
6 corrective measures are not taken in accordance with any order  
7 of the hearing board, or if the environmental control officer  
8 finds that a violation of the provisions of this act exists so  
9 as to create an emergency requiring immediate action to  
10 protect human health or welfare, the environmental control  
11 officer may institute proceedings in the Circuit Court for  
12 Palm Beach County to enforce this act or rules or orders  
13 pursuant thereto. Such injunctive relief may include both  
14 temporary and permanent injunctions. Any proceedings initiated  
15 under this section shall be brought for and in the name of the  
16 Authority.

17 Section 15. Judicial review.--Any person aggrieved by  
18 any action or decision of the hearing board may seek  
19 appropriate judicial review.

20 Section 4. If any provision of this act or the  
21 application thereof to any person or circumstance is held  
22 invalid, the invalidity shall not affect other provisions or  
23 applications of the act which can be given effect without the  
24 invalid provision or application, and to this end the  
25 provisions of this act are declared severable.

26 Section 5. This act shall be construed as a remedial  
27 act and shall be liberally construed to promote the purpose  
28 for which it is intended.

29 Section 6. Chapters 75-473, 77-626, 79-536, 79-539,  
30 79-542, 84-501, 84-502, 86-433, 88-544, 91-334, 93-345, and  
31 94-462, Laws of Florida, are repealed.

1 Section 7. This act shall take effect upon becoming a  
2 law.

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5 Approved by the Governor MAY 25 2001

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7 Filed in Office Secretary of State MAY 25 2001

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# STATE OF FLORIDA DEPARTMENT OF STATE

Division of Elections

I, KATHERINE HARRIS, Secretary of State of the State of Florida, do hereby certify that the above and foregoing is a true and correct copy of Chapter 2001-331, Laws of Florida, as shown by the records of this office.

Given under my hand and the  
Great Seal of the State of Florida,  
at Tallahassee, the Capitol, this the  
22nd day of June, A.D., 2001.



*Katherine Harris*

Secretary of State

DSDE 99 (1-99)

If photocopied or chemically altered, the word "VOID" will appear.

State of Florida appears in small letters across the face of this 8 1/2 X 11" document.

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Petition for Determination of Need for )  
Expansion of an Existing Renewable Energy )  
Electrical Power Plant in Palm Beach County )  
By Solid Waste Authority of Palm Beach )  
County )  
\_\_\_\_\_ )

Docket No.100385 - EU  
Filed: August 30, 2010

**PETITION FOR MODIFICATION TO DETERMINATION OF NEED  
BY  
SOLID WASTE AUTHORITY OF PALM BEACH COUNTY, FLORIDA**

**APPENDIX "B"**

**Order No. 15280**

In Re: Petition of Palm Beach County Solid Waste Authority for Determination of Need for Solid-Waste-Fired Small Power Producing Electric Power Plant.

Docket No. 850435-EU  
Order No. 15280

Florida Public Service Commission  
October 21, 1985

Before John R. Marks, Chairman, Joseph P. Cresse, Gerald L. Gunter, Katie Nichols and Michael McK Wilson, Commissioners.

NOTICE OF PROPOSED AGENCY ACTION ORDER GRANTING DETERMINATION OF NEED

BY THE COMMISSION:

Notice is hereby given by the Florida Public Service Commission that the action discussed herein is preliminary in nature and will become final unless a person whose interests are substantially affected files a petition for formal proceeding pursuant to Rule 25-22.29, Florida Administrative Code.

Pursuant to the Florida Electric Power Plant Siting Act, Section 403.501, Florida Statutes, et seq., this Commission is charged with the responsibility of determining whether the construction of a proposed electrical generation facility is necessary to meet the present or expected need for electricity in all or part of Florida. Under the Act, the Department of Environmental Regulation must determine whether the proposed plant will comply with all relevant environmental standards and whether the proposed site for the plant is suitable for that use. Weighting all of these determinations, the Governor and Cabinet, sitting as the Power Plant Siting Board, ultimately determine whether approval will be granted for construction of the proposed plant.

For the construction of any generating facility 50 MW or greater or the expansion of any existing electrical power plant, certification under the Act must be obtained. Palm Beach County Solid Waste Authority (Authority) proposes to construct and operate a solid-waste-fired electrical power plant that will have an

initial generating capacity of 50 MW (gross) derived from processing 2,000 tons per day of refuse. The estimated ultimate generating capacity for the facility is estimated to be 75 MW (gross) which is to be derived from processing 3,000 tons per day of refuse. The projected in-service date for the facility is January, 1989, with construction scheduled to begin in the Spring of 1986. By a petition filed on August 6, 1985, the Authority seeks an affirmative determination of need for a 75 MW generating facility. The Authority's proposed facility is a small power production facility within the meaning of the Public Utilities Regulatory Polices Act and Rules 25-17.80 through 25-17.87, Florida Administrative Code.

The purpose of requiring the Commission's need determination for a generating facility is to protect electric utility ratepayers from unnecessary expenditures. As listed in the Statute, the four criteria the Commission must consider in determining need are as follows:

1. the need for electric system reliability and integrity;
2. the need for adequate electricity at a reasonable cost;
3. whether the proposed plant is the most cost effective alternative; and
4. conservation measures taken or reasonably available to the applicant that might mitigate the need for the new plant. (Section 403.519, Florida Statutes)

Congress and the Legislature of Florida have determined that cogeneration and small power production should be encouraged on the premise that they constitute alternate sources of power that either displace the production of fossil fuel electricity or use fossil fuels more efficiently. Moreover, the proliferation of cogeneration and small power production facilities may defer the need for construction of additional generating facilities by electric utilities. Therefore, in the present context, we find that the Authority's proposed small power production facility will increase electrical system reliability and integrity. The facility will

also maintain the supply of adequate electricity at a reasonable cost while lessening our dependence on fossil fuel. When viewed as an alternative to construction of additional generating facilities by electric utilities, and considering the permissible level of payments to small power producers outlined in Rules 25-17.80 through 25-17.87, Florida Administrative Code, the proposed facility is the most cost-effective alternative available. Construction of the plant is a conservation measure which we have encouraged primarily because it might mitigate the need for additional construction by electric utilities. Finally, in 1984, the Florida Legislature enacted legislation designed to assist local governments in financing projects such as proposed by the Authority, and in so doing declared it to be the policy of this State that "the combustion of refuse by solid waste facilities to supplement the electricity supply not only represents effective conservation efforts but also represents an environmentally preferred alternative to conventional solid waste disposal in this state. Therefore, the Legislature directs the Florida Public Service Commission to establish a funding program to encourage the development by local governments of solid waste facilities that use solid waste as a primary source of fuel for the production of electricity." Section 377.709 (1), Florida Statutes. Therefore, the relief sought in this petition, an affirmative determination of need, will be and the same is hereby granted. It is, therefore,

ORDERED by the Florida Public Service Commission that this Order constitutes the final report required by Section 403.507(1)(b), Florida Statutes, the report concluding that a need exists, within the meaning of Chapter 403, Florida Statutes, for the 75 MW generating facility proposed by the Palm Beach County Solid Waste Authority. It is further

ORDERED that a copy of this Order be furnished to the Department of Environmental Regulation, as required by Section 403.507(1)(b), Florida Statutes. It is further

ORDERED that this Order shall become effective November 12, 1985 unless Petition for formal proceeding is received by November 11, 1985.

By ORDER of the Florida Public Service Commission, this 21st day of October, 1985.

STEVE TRIBBLE Commission Clerk by: Kay Flynn  
Deputy Clerk

(SEAL)

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), Florida Statutes (Supp. 1984), to notify parties of any administrative hearing or judicial review of Commission orders that may be available, as well as the procedures and time limits that apply to such further proceedings. This notice should not be construed as an endorsement by the Florida Public Service Commission of any request nor should it be construed as an indication that such request will be granted.

The action proposed herein is preliminary in nature and will not become effective or final, except as provided by Rule 25-22.29, Florida Administrative Code. Any person adversely affected by the action proposed by this order may file a petition for a formal proceeding, as provided by Rule 25-22.36(7)(a) and (f), Florida Administrative Code. This petition must be received by the Commission Clerk at his office at 101 East Gaines Street, Tallahassee, Florida 32301, by the close of business on November 11, 1985. In the absence of such a petition, this order shall become effective November 12, 1985 as provided by Rule 25-22.29(6), Florida Administrative Code, and as reflected in subsequent order.

If this order becomes final and effective on November 6, 1985, a party adversely affected may request judicial review by the Florida Supreme Court by the filing of a notice of appeal with the Commission Clerk and the filing of a copy of the notice and filing fee with the Supreme Court. This filing must be completed within 30 days of the effective date of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.

As printed in Florida Public Service Commission Reporter

END OF DOCUMENT