

Amendment No. 01 (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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The Committee on Community Affairs offered the following:

**Amendment (with title amendment)**

Remove from the bill: Everything after the enacting clause  
and insert in lieu thereof:

Section 1. Section 1 of chapter 76-441, Laws of Florida, as amended by chapter 77-605, Laws of Florida, is amended to read:

Section 1. Creation of Authority; boundaries defined.--As of September 15, 1976, the Florida Keys Aqueduct Authority, an independent special district, was is recreated and thereafter was shall be the successor agency to the Florida Keys Aqueduct Authority which was is abolished by chapter 76-441, Laws of Florida this act. The Florida Keys Aqueduct Authority is not being recreated by this act or for purposes of s. 189.404, Florida Statutes. The primary purpose and function of this Authority shall be to obtain, supply, and distribute an adequate water supply for the Florida Keys and to collect, treat, and dispose of wastewater in the Florida Keys. The geographic jurisdiction of the Authority shall be

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1 as provided in this act. The Florida Keys Aqueduct Authority  
2 shall be an autonomous public body corporate and politic and  
3 have perpetual existence. All lawful debts, bonds,  
4 obligations, contracts, franchises, promissory notes, audits,  
5 minutes, resolutions, and other undertakings of the Florida  
6 Keys Aqueduct Authority are hereby validated and shall  
7 continue to be valid and binding on the Florida Keys Aqueduct  
8 Authority in accordance with their respective terms,  
9 conditions, covenants, and tenor. Any proceedings heretofore  
10 begun by the Florida Keys Aqueduct Authority for the  
11 construction of any improvements, works, or facilities; for  
12 the assessment of benefits and damages or for the borrowing of  
13 money shall not be impaired or voided by this act but may be  
14 continued and completed in the name of the Florida Keys  
15 Aqueduct Authority. The Authority shall include within its  
16 territorial boundaries all of the lands within Monroe County,  
17 but may procure water outside its boundaries for sale within  
18 said boundaries, and may serve customers residing within 1  
19 mile of its pipeline, from its well field at Florida City in  
20 Dade County to the territorial boundary of the Authority.

21 Section 2. Subsection (8) of section 3 of chapter  
22 76-441, Laws of Florida, is amended to read:

23 Section 3. Definitions.--Unless the context shall  
24 indicate otherwise, the following words as used in this act  
25 shall have the following meanings:

26 (8) "Sewer system" means any plant, system, facility,  
27 or property and additions, extensions, and improvements  
28 thereto at any future time constructed or acquired as part  
29 thereof, useful or necessary or having the present capacity  
30 for future use in connection with the collection, treatment,  
31 purification, or disposal of sewage, including without

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1 limitation, industrial wastes resulting from any processes of  
2 industry, manufacture, trade, or business or from the  
3 development of any natural resources, and, without limiting  
4 the generality of the foregoing, shall include treatment  
5 plants, pumping stations, lift stations, valve, force mains,  
6 intercepting sewers, laterals, pressure lines, mains and all  
7 necessary appurtenances and equipment, all sewer mains,  
8 laterals, and other devices for the reception and collection  
9 of sewage from premises connected therewith, and all real and  
10 personal property and any interest therein, rights, easements,  
11 and franchises of any nature whatsoever relating to any such  
12 system and necessary or convenient for the operation thereof.  
13 The terms "wastewater" or "wastewater system" shall be  
14 construed as synonymous with the term "sewer" or "sewer  
15 system" for all purposes under this act.

16 Section 3. Section 6 of chapter 76-441, Laws of  
17 Florida, as amended by chapter 80-546, Laws of Florida, is  
18 amended to read:

19 Section 6. Compensation of the board.--Each member  
20 shall be entitled to receive for such services a fee of \$300  
21 per meeting, not to exceed 3 meetings per month. In addition,  
22 each board member shall receive reasonable expenses which  
23 shall not be in excess of the amounts provided by law for  
24 state and county officials in chapter 112, Florida Statutes.  
25 The compensation amount for the members of the board provided  
26 for in this section shall be adjusted annually based upon the  
27 index provided for pursuant to s. 287.017(2), Florida  
28 Statutes.

29 Section 4. Subsection (1) of section 7 of chapter  
30 76-441, Laws of Florida, is amended to read:

31 Section 7. Bonds; depositories; fiscal agent;

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1 budget.--

2 (1) Each member of the board of directors shall  
3 execute a bond to the Governor in the amount of \$10,000 with a  
4 qualified surety to secure their faithful performance of their  
5 powers and duties. The board of directors shall require a  
6 certified audit of the books of the Authority at least once a  
7 year at the expense of the Authority. Such audit shall be  
8 available for public inspection and a notice of the  
9 availability of the audit shall be published in a newspaper  
10 published in Monroe County at least once within 6 months after  
11 the end of each fiscal year. The legislative auditor may  
12 audit the Authority at any time.

13 Section 5. Subsection (3) of section 9 of chapter  
14 76-441, Laws of Florida, as amended by chapters 77-604,  
15 80-546, and 84-483, Laws of Florida, is amended to read:

16 Section 9. Powers of the Authority.--In addition to  
17 and not in limitation of the powers of the Authority, it shall  
18 have the following powers:

19 (3) OWNERSHIP AND DISTRIBUTION OF PROPERTY.--To  
20 acquire property, real, personal, or mixed within or without  
21 its territorial limits in fee simple or any lesser interest or  
22 estate by purchase, gift, devise, or lease on such terms and  
23 conditions as the board of directors may deem necessary or  
24 desirable and by condemnation (subject to limitations herein  
25 below). The Authority shall provide information and assistance  
26 to Monroe County for use in preparing its comprehensive plan  
27 with respect to the availability of water and wastewater  
28 facilities. Except in cases of emergency, or the purchase of  
29 sole source items, or when the board determines that delay  
30 would be detrimental to the interests of the Authority, ~~no~~  
31 equipment shall be purchased in accordance with part I of

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1 chapter 287, Florida Statutes ~~whose purchase price exceeds~~  
2 ~~\$5,000 shall be purchased unless purchased upon competitive~~  
3 ~~bids received.~~ All provided that the board of directors  
4 determines that the use or ownership of such property be  
5 necessary in the furtherance of a designated lawful purpose  
6 authorized under the provisions of this act. However, the  
7 authority may purchase equipment or material without  
8 competitive bid, regardless of price, when the manufacturer  
9 ~~manufacturers~~ of such equipment or material refuses to bid on  
10 the equipment or material and the board determines that the  
11 public interest would be served, and substantial savings would  
12 result, if the equipment or material were purchased directly  
13 from the manufacturer. In all such cases the board shall  
14 enter a record of such purchase in the "Record of Governing  
15 Board of Florida Keys Aqueduct Authority." The Authority is  
16 specifically excluded from the provisions of s. 253.03(6),  
17 Florida Statutes, and has the authority to hold title to  
18 property in its own name; to acquire easements or  
19 rights-of-way, with or without restrictions, within or without  
20 the limits of the Authority. The State of Florida may convey  
21 to the Authority rights-of-way over any of the lands and  
22 structures belonging to the State of Florida or any of its  
23 agencies for the purpose of constructing, maintaining,  
24 supplying, establishing, and regulating the works and projects  
25 involved in the wastewater system or the water supply and  
26 distribution systems authorized by this act. To mortgage,  
27 hold, manage, control, convey, lease, sell, grant, or  
28 otherwise dispose of the same and any of the assets and  
29 properties of the Authority without regard to chapter 273,  
30 Florida Statutes.

31 Section 6. Paragraphs (k), (l), (m), (n), (o), and (p)

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1 are added to subsection (9) of section 9 of chapter 76-441,  
2 Laws of Florida, to read:

3 Section 9. Powers of the Authority.--In addition and  
4 not in limitation of the powers of the Authority, it shall  
5 have the following powers:

6 (9)

7 (k) The Authority shall have power to contract with  
8 any person, any private or public corporation, the State of  
9 Florida, or any agency, instrumentality, or county,  
10 municipality or political subdivision thereof, or any agency,  
11 instrumentality, or corporation of or created by the United  
12 States, with respect to such wastewater system or any part  
13 thereof. The Authority shall also have power to accept and  
14 receive grants or loans from the same, and in connection with  
15 any such contract, grant, or loan, to stipulate and agree to  
16 such covenants, terms, and conditions as the governing body of  
17 the Authority shall deem appropriate.

18 (l) To make or cause to be made such surveys,  
19 investigations, studies, borings, maps, drawings, and  
20 estimates of cost and revenues as it may deem necessary, and  
21 to prepare and adopt a comprehensive plan or plans for the  
22 location, relocation, construction, improvement, revision, and  
23 development of the wastewater system.

24 (m) That subject to covenants or agreement with  
25 bondholders contained in proceedings authorizing the issuance  
26 of bonds pursuant to this act, the Authority shall have the  
27 power to lease said wastewater system or any part or parts  
28 thereof, to any person, firm, corporation, association, or  
29 body, upon such terms and conditions and for such periods of  
30 time as shall be determined by the governing body. The  
31 Authority shall also, whenever desirable, have power to grant

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1 permits or licenses in connection with any of the facilities  
2 of such wastewater system, and shall have full and complete  
3 power to do all things necessary and desirable for the proper  
4 and efficient administration and operation of such wastewater  
5 system and all parts thereof. The Authority shall also have  
6 power, whenever deemed necessary or desirable and subject to  
7 covenants and agreements with bondholders, to lease from any  
8 person, firm, corporation, association, or body, any  
9 facilities of any nature for such wastewater system.

10 (n) That charges shall be levied by the Authority  
11 against its own books or against Monroe County with respect to  
12 providing any facilities or services rendered by such  
13 wastewater system to the Authority or to Monroe County, or to  
14 any other political subdivision or public body or agency which  
15 receives wastewater system services, or to any department or  
16 works thereof, at the rate or rates applicable to other  
17 customers or users taking facilities or services under similar  
18 conditions. Revenues derived from such facilities or services  
19 so furnished shall be treated as all other revenues of the  
20 wastewater system.

21 (o) Neither Monroe County, nor any municipality or  
22 special district therein, shall exercise any present or future  
23 power, pursuant to law, to interfere with the Authority's  
24 jurisdiction and operation of the wastewater system in such a  
25 manner as to impair or adversely affect the covenants and  
26 obligations of the Authority under agreement relating to its  
27 bonds or other debts.

28 (p) The Authority shall have exclusive jurisdiction  
29 over the administration, maintenance, development, and  
30 provision of wastewater system services in Monroe County, with  
31 the exception of the City of Key West, the City of Key Colony

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1 Beach, the City of Layton, and Islamorada, Village of Islands,  
2 unless such incorporated areas shall choose to grant the  
3 Authority such jurisdiction, and the Authority's wastewater  
4 system authorized hereunder shall be the exclusive provider of  
5 wastewater system services and no franchise or grant of power  
6 to any other entity or provider shall be lawful unless  
7 preapproved by the Authority. The Authority shall have the  
8 power to regulate the use of, including prohibiting the use of  
9 or mandating the use of, specific types of wastewater  
10 facilities and, notwithstanding any other provisions hereof,  
11 shall be authorized to prescribe the specific type of  
12 wastewater treatment facility or measures required to be  
13 utilized within the boundaries of the Authority, including,  
14 but not limited to, the mandatory hookup to specific  
15 wastewater treatment plants, in order to manage effluent  
16 disposal and wastewater matters.

17 Section 7. Section 17 of chapter 76-441, Laws of  
18 Florida, is amended to read:

19 Section 17. Remedies.--Any holder of bonds issued  
20 under the provisions of this act or of any of the coupons  
21 appertaining thereto, and the trustee under the trust  
22 indenture, if any, except to the extent the rights herein  
23 given may be restricted by resolution passed before the  
24 issuance of the bonds or by the trust indenture, may, either  
25 at law or in equity, by suit, action, mandamus, or other  
26 proceeding, protect and enforce any and all rights under the  
27 laws of the State of Florida or granted hereunder or under  
28 such resolution or trust indenture, and may enforce or compel  
29 performance of all duties required by this act or by such  
30 resolution or trust indenture to be performed by the Authority  
31 or any officer thereof, including the fixing, charging, and



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1 collecting of rates and other charges for both water furnished  
2 by the waterworks system and wastewater treatment furnished by  
3 the wastewater system.

4 Section 8. Section 28 of chapter 76-441, Laws of  
5 Florida, as amended by chapter 80-546, Laws of Florida, is  
6 amended to read:

7 Section 28. Authorization and form of bonds.--~~Bonds~~  
8 ~~may be authorized by resolution of the board of directors~~  
9 ~~which shall be adopted by a majority of all members thereof~~  
10 ~~then in office, subject to approval of a majority of the~~  
11 ~~electors of Monroe County voting in a referendum election~~  
12 ~~called by the board of directors. However, no such election~~  
13 ~~shall be required for the approval of the issuance of any~~  
14 ~~revenue bond to finance any emergency repair of any equipment~~  
15 ~~or machinery owned or operated by the Authority if such~~  
16 ~~issuance is approved by a majority of the bond trustees. If~~  
17 ~~the board holds a special election for approval of a bond~~  
18 ~~resolution instead of placing the issue before the electors at~~  
19 ~~a regularly scheduled primary or general election, the board~~  
20 ~~of directors shall pay the cost of the election out of funds~~  
21 ~~of the Authority. Such resolutions may be adopted at the~~  
22 ~~meeting subsequent to and not at the same meeting at which~~  
23 ~~they are introduced and need not be published or posted. The~~  
24 board may by resolution authorize the issuance of bonds on  
25 either a negotiated or competitive bid basis, fix the  
26 aggregate amount of bonds to be issued, the purpose or  
27 purposes for which the moneys derived therefrom shall be  
28 expended, the rate or rates of interest. The denomination of  
29 bonds, whether or not the bonds are to be issued in one or  
30 more series, the date or dates thereof, the date or dates of  
31 maturity, which shall not exceed 40 years from their

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1 respective dates of issuance, the medium of payment, place or  
 2 places within or without the state where payment shall be  
 3 made, registration, privileges, ~~redemption terms and~~  
 4 ~~privileges~~ (whether with or without premium), the manner of  
 5 execution, the form of the bonds, including any interest  
 6 coupons to be attached thereto, the manner of execution of  
 7 bonds and coupons, and any and all other terms, covenants and  
 8 conditions thereof, and the establishment of reserve or other  
 9 funds. Prior to the issuance of bonds by the Authority to  
 10 finance wastewater projects, approval by majority vote of the  
 11 Board of County Commissioners of Monroe County of the  
 12 Authority's ongoing right and power to issue bonds shall be  
 13 received (the "County Approval"). Once the County Approval of  
 14 the Authority's ongoing right and power to issue bonds has  
 15 been received, the Authority shall thereafter have such right  
 16 to issue bonds for its projects and to make any and all  
 17 determinations relating to such bond issues.

18 Section 9. This act shall take effect upon becoming a  
 19 law.

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 21  
 22 ===== T I T L E A M E N D M E N T =====

23 And the title is amended as follows:  
 24 remove from the title of the bill: the entire title  
 25  
 26 and insert in lieu thereof:

27 A bill to be entitled  
 28 An act relating to Monroe County; amending  
 29 chapter 76-441, Laws of Florida, as amended,  
 30 relating to the Florida Keys Aqueduct  
 31 Authority; providing for certain matters

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1            regarding the construction, acquisition, and  
2            maintaining of a wastewater system for the  
3            collection, treatment, and disposal of  
4            wastewater in Monroe County; providing for  
5            certain matters with respect to the purchase of  
6            property by the Florida Keys Aqueduct  
7            Authority; providing for notification to the  
8            public of the availability of the Florida Keys  
9            Aqueduct Authority's annual audit; amending  
10           certain provisions relating to the issuance of  
11           bonds; providing an effective date.

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