

By Representative Horan

1 A bill to be entitled
 2 An act relating to Monroe County; amending
 3 chapter 76-441, Laws of Florida, as amended,
 4 relating to the Florida Keys Aqueduct
 5 Authority; providing for certain matters
 6 regarding the construction, acquisition, and
 7 maintaining of a wastewater system for the
 8 collection, treatment, and disposal of
 9 wastewater in Monroe County; providing for
 10 certain matters with respect to the purchase of
 11 property by the Florida Keys Aqueduct
 12 Authority; providing for notification to the
 13 public of the availability of the Florida Keys
 14 Aqueduct Authority's annual audit; amending
 15 certain provisions relating to the issuance of
 16 bonds; providing an effective date.

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

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

23 Section 1. Creation of Authority; boundaries
 24 defined.--As of September 15, 1976,the Florida Keys Aqueduct
 25 Authority, an independent special district, was ~~is~~ recreated
 26 and thereafter was ~~shall be~~ the successor agency to the
 27 Florida Keys Aqueduct Authority which was ~~is~~ abolished by
 28 chapter 76-441, Laws of Florida ~~this act~~. The Florida Keys
 29 Aqueduct Authority is not being recreated by this act or for
 30 purposes of s. 189.404, Florida Statutes.The primary purpose
 31 and function of this Authority shall be to obtain, supply, and

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

27 Section 2. Subsection (8) of section 3 of chapter
28 76-441, Laws of Florida, is amended to read:

29 Section 3. Definitions.--Unless the context shall
30 indicate otherwise, the following words as used in this act
31 shall have the following meanings:

1 (8) "Sewer system" means any plant, system, facility,
2 or property and additions, extensions, and improvements
3 thereto at any future time constructed or acquired as part
4 thereof, useful or necessary or having the present capacity
5 for future use in connection with the collection, treatment,
6 purification, or disposal of sewage, including without
7 limitation, industrial wastes resulting from any processes of
8 industry, manufacture, trade, or business or from the
9 development of any natural resources, and, without limiting
10 the generality of the foregoing, shall include treatment
11 plants, pumping stations, lift stations, valve, force mains,
12 intercepting sewers, laterals, pressure lines, mains and all
13 necessary appurtenances and equipment, all sewer mains,
14 laterals, and other devices for the reception and collection
15 of sewage from premises connected therewith, and all real and
16 personal property and any interest therein, rights, easements,
17 and franchises of any nature whatsoever relating to any such
18 system and necessary or convenient for the operation thereof.
19 The terms "wastewater" or "wastewater system" shall be
20 construed as synonymous with the term "sewer" or "sewer
21 system" for all purposes under this act.

22 Section 3. Section 6 of chapter 76-441, Laws of
23 Florida, as amended by chapter 80-546, Laws of Florida, is
24 amended to read:

25 Section 6. Compensation of the board.--Each member
26 shall be entitled to receive for such services a fee of \$300
27 per meeting, not to exceed 3 meetings per month. In addition,
28 each board member shall receive reasonable expenses which
29 shall not be in excess of the amounts provided by law for
30 state and county officials in chapter 112, Florida Statutes.
31 The compensation amount for the members of the board provided

1 for in this section shall be adjusted annually based upon the
2 index provided for pursuant to s. 287.017(2), Florida
3 Statutes.

4 Section 4. Subsection (1) of section 7 of chapter
5 76-441, Laws of Florida, is amended to read:

6 Section 7. Bonds; depositories; fiscal agent;
7 budget.--

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

19 Section 5. Subsection (3) of section 9 of chapter
20 76-441, Laws of Florida, as amended by chapters 77-604,
21 80-546, and 84-483, Laws of Florida, is amended to read:

22 Section 9. Powers of the Authority.--In addition to
23 and not in limitation of the powers of the Authority, it shall
24 have the following powers:

25 (3) OWNERSHIP AND DISTRIBUTION OF PROPERTY.--To
26 acquire property, real, personal, or mixed within or without
27 its territorial limits in fee simple or any lesser interest or
28 estate by purchase, gift, devise, or lease on such terms and
29 conditions as the board of directors may deem necessary or
30 desirable and by condemnation (subject to limitations herein
31 below). The Authority shall provide information and assistance

1 to Monroe County for use in preparing its comprehensive plan
2 with respect to the availability of water and wastewater
3 facilities. Except in cases of emergency, or the purchase of
4 sole source items, or when the board determines that delay
5 would be detrimental to the interests of the Authority, ~~no~~
6 equipment shall be purchased in accordance with part I of
7 chapter 287, Florida Statutes ~~whose purchase price exceeds~~
8 ~~\$5,000 shall be purchased unless purchased upon competitive~~
9 ~~bids received.~~ All provided that the board of directors
10 determines that the use or ownership of such property be
11 necessary in the furtherance of a designated lawful purpose
12 authorized under the provisions of this act. However, the
13 authority may purchase equipment or material without
14 competitive bid, regardless of price, when the manufacturer
15 ~~manufacturers~~ of such equipment or material refuses to bid on
16 the equipment or material and the board determines that the
17 public interest would be served, and substantial savings would
18 result, if the equipment or material were purchased directly
19 from the manufacturer. In all such cases the board shall
20 enter a record of such purchase in the "Record of Governing
21 Board of Florida Keys Aqueduct Authority." The Authority is
22 specifically excluded from the provisions of s. 253.03(6),
23 Florida Statutes, and has the authority to hold title to
24 property in its own name; to acquire easements or
25 rights-of-way, with or without restrictions, within or without
26 the limits of the Authority. The State of Florida may convey
27 to the Authority rights-of-way over any of the lands and
28 structures belonging to the State of Florida or any of its
29 agencies for the purpose of constructing, maintaining,
30 supplying, establishing, and regulating the works and projects
31 involved in the wastewater system or the water supply and

1 distribution systems authorized by this act. To mortgage,
2 hold, manage, control, convey, lease, sell, grant, or
3 otherwise dispose of the same and any of the assets and
4 properties of the Authority without regard to chapter 273,
5 Florida Statutes.

6 Section 6. Paragraphs (k), (l), (m), (n), (o), and (p)
7 are added to subsection (9) of section 9 of chapter 76-441,
8 Laws of Florida, to read:

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

12 (9)

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

24 (l) To make or cause to be made such surveys,
25 investigations, studies, borings, maps, drawings, and
26 estimates of cost and revenues as it may deem necessary, and
27 to prepare and adopt a comprehensive plan or plans for the
28 location, relocation, construction, improvement, revision, and
29 development of the wastewater system.

30 (m) That subject to covenants or agreement with
31 bondholders contained in proceedings authorizing the issuance

1 of bonds pursuant to this act, the Authority shall have the
2 power to lease said wastewater system or any part or parts
3 thereof, to any person, firm, corporation, association, or
4 body, upon such terms and conditions and for such periods of
5 time as shall be determined by the governing body. The
6 Authority shall also, whenever desirable, have power to grant
7 permits or licenses in connection with any of the facilities
8 of such wastewater system, and shall have full and complete
9 power to do all things necessary and desirable for the proper
10 and efficient administration and operation of such wastewater
11 system and all parts thereof. The Authority shall also have
12 power, whenever deemed necessary or desirable and subject to
13 covenants and agreements with bondholders, to lease from any
14 person, firm, corporation, association, or body, any
15 facilities of any nature for such wastewater system.

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

27 (o) Neither Monroe County, nor any municipality or
28 special district therein, shall exercise any present or future
29 power, pursuant to law, to interfere with the Authority's
30 jurisdiction and operation of the wastewater system in such a
31 manner as to impair or adversely affect the covenants and

1 obligations of the Authority under agreement relating to its
2 bonds or other debts.

3 (p) The Authority shall have exclusive jurisdiction
4 over the administration, maintenance, development, and
5 provision of wastewater system services in Monroe County, with
6 the exception of the City of Key West, the City of Key Colony
7 Beach, the City of Layton, and Islamorada, Village of Islands,
8 unless such incorporated areas shall choose to grant the
9 Authority such jurisdiction, and the Authority's wastewater
10 system authorized hereunder shall be the exclusive provider of
11 wastewater system services and no franchise or grant of power
12 to any other entity or provider shall be lawful unless
13 preapproved by the Authority. The Authority shall have the
14 power to regulate the use of, including prohibiting the use of
15 or mandating the use of, specific types of wastewater
16 facilities and, notwithstanding any other provisions hereof,
17 shall be authorized to prescribe the specific type of
18 wastewater treatment facility or measures required to be
19 utilized within the boundaries of the Authority, including,
20 but not limited to, requiring the use of septic tanks in lieu
21 of cess pits, the mandatory hookup to specific wastewater
22 treatment plants, requiring upgrades be undertaken on site
23 wastewater systems, and any other combination of the foregoing
24 in order to manage effluent disposal and wastewater matters.

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

27 Section 17. Remedies.--Any holder of bonds issued
28 under the provisions of this act or of any of the coupons
29 appertaining thereto, and the trustee under the trust
30 indenture, if any, except to the extent the rights herein
31 given may be restricted by resolution passed before the

1 issuance of the bonds or by the trust indenture, may, either
2 at law or in equity, by suit, action, mandamus, or other
3 proceeding, protect and enforce any and all rights under the
4 laws of the State of Florida or granted hereunder or under
5 such resolution or trust indenture, and may enforce or compel
6 performance of all duties required by this act or by such
7 resolution or trust indenture to be performed by the Authority
8 or any officer thereof, including the fixing, charging, and
9 collecting of rates and other charges for both water furnished
10 by the waterworks system and wastewater treatment furnished by
11 the wastewater system.

12 Section 8. Section 28 of chapter 76-441, Laws of
13 Florida, as amended by chapters 80-546 and 87-454, Laws of
14 Florida, is amended to read:

15 Section 28. Authorization and form of ~~revenue~~
16 ~~bonds.--Revenue bonds may be authorized by resolution of the~~
17 ~~board of directors which shall be adopted by a majority of all~~
18 ~~members thereof then in office. Such resolutions may be~~
19 ~~adopted at the meeting subsequent to and not at the same~~
20 ~~meeting at which they are introduced. The board may by~~
21 resolution authorize the issuance of ~~revenue~~ bonds on either a
22 negotiated or competitive bid basis, fix the aggregate amount
23 of ~~revenue~~ bonds to be issued, the purpose or purposes for
24 which the moneys derived therefrom shall be expended, the rate
25 or rates of interest, ~~which rate may not exceed the rate~~
26 ~~authorized by general law~~, the denomination of bonds, whether
27 or not the bonds are to be issued in one or more series, the
28 date or dates thereof, the date or dates of maturity, which
29 shall not exceed 40 years from their respective dates of
30 issuance, the medium of payment, place or places within or
31 without the state where payment shall be made, registration,

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

16 Section 9. This act shall take effect upon becoming a
17 law.

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