

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.

17  
18 Be It Enacted by the Legislature of the State of Florida:

19  
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.

24 Section 2. Subsection (8) of section 3 of chapter  
25 76-441, Laws of Florida, is amended to read:

26 Section 3. Definitions.--Unless the context shall  
27 indicate otherwise, the following words as used in this act  
28 shall have the following meanings:

29 (8) "Sewer system" means any plant, system, facility,  
30 or property and additions, extensions, and improvements  
31 thereto at any future time constructed or acquired as part

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

19 Section 3. Section 6 of chapter 76-441, Laws of  
20 Florida, as amended by chapter 80-546, Laws of Florida, is  
21 amended to read:

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

1 Section 4. Subsection (1) of section 7 of chapter  
2 76-441, Laws of Florida, is amended to read:

3 Section 7. Bonds; depositories; fiscal agent;  
4 budget.--

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

16 Section 5. Subsection (3) of section 9 of chapter  
17 76-441, Laws of Florida, as amended by chapters 77-604,  
18 80-546, and 84-483, Laws of Florida, is amended to read:

19 Section 9. Powers of the Authority.--In addition to  
20 and not in limitation of the powers of the Authority, it shall  
21 have the following powers:

22 (3) OWNERSHIP AND DISTRIBUTION OF PROPERTY.--To  
23 acquire property, real, personal, or mixed within or without  
24 its territorial limits in fee simple or any lesser interest or  
25 estate by purchase, gift, devise, or lease on such terms and  
26 conditions as the board of directors may deem necessary or  
27 desirable and by condemnation (subject to limitations herein  
28 below). The Authority shall provide information and assistance  
29 to Monroe County for use in preparing its comprehensive plan  
30 with respect to the availability of water and wastewater  
31 facilities. Except in cases of emergency, or the purchase of

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

1 properties of the Authority without regard to chapter 273,  
2 Florida Statutes.

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

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

9 (9)

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

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

27 (m) That subject to covenants or agreement with  
28 bondholders contained in proceedings authorizing the issuance  
29 of bonds pursuant to this act, the Authority shall have the  
30 power to lease said wastewater system or any part or parts  
31 thereof, to any person, firm, corporation, association, or

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

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

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

31

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

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

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



1 such resolution or trust indenture, and may enforce or compel  
2 performance of all duties required by this act or by such  
3 resolution or trust indenture to be performed by the Authority  
4 or any officer thereof, including the fixing, charging, and  
5 collecting of rates and other charges for both water furnished  
6 by the waterworks system and wastewater treatment furnished by  
7 the wastewater system.

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

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

1 expended, the rate or rates of interest. The denomination of  
2 bonds, whether or not the bonds are to be issued in one or  
3 more series, the date or dates thereof, the date or dates of  
4 maturity, which shall not exceed 40 years from their  
5 respective dates of issuance, the medium of payment, place or  
6 places within or without the state where payment shall be  
7 made, registration, ~~privileges, redemption terms and~~  
8 ~~privileges~~ (whether with or without premium), the manner of  
9 execution, the form of the bonds, including any interest  
10 coupons to be attached thereto, the manner of execution of  
11 bonds and coupons, and any and all other terms, covenants and  
12 conditions thereof, and the establishment of reserve or other  
13 funds. Prior to the issuance of bonds by the Authority to  
14 finance wastewater projects, approval by majority vote of the  
15 Board of County Commissioners of Monroe County of the  
16 Authority's ongoing right and power to issue bonds shall be  
17 received (the "County Approval"). Once the County Approval of  
18 the Authority's ongoing right and power to issue bonds has  
19 been received, the Authority shall thereafter have such right  
20 to issue bonds for its projects and to make any and all  
21 determinations relating to such bond issues.

22 Section 9. This act shall take effect upon becoming a  
23 law.