

By Representatives Starks, Brummer, Sublette, Trovillion,  
Constantine, Feeney, Johnson and Posey

1                                   A bill to be entitled  
2           An act relating to the Lake Apopka Natural Gas  
3           District as created in portions of Orange and  
4           Lake Counties; codifying the district's  
5           charter, chapter 59-556, Laws of Florida, 1959,  
6           as amended; providing that chapter 59-556, Laws of  
7           Florida, 1959, and chapter 74-553, Laws of  
8           Florida, 1974, be codified, reenacted, amended,  
9           and repealed by this act; providing for a  
10          codified charter consolidating all special acts  
11          pertaining to Lake Apopka Natural Gas District  
12          into a single act and the re-creation of Lake  
13          Apopka Natural Gas District for the purposes of  
14          acquiring, constructing, owning, operating,  
15          managing, maintaining, extending, improving,  
16          and financing one or more gas distribution  
17          systems, or one or more gas transmission  
18          systems, or gas transmission and distribution  
19          systems, for the use and benefit of its member  
20          municipalities of Apopka, Winter Garden, and  
21          Clermont, and for the benefit of the public and  
22          other users of gas in the district including  
23          such other municipalities to which the district  
24          may sell gas; authorizing counties,  
25          municipalities, and districts to enter into  
26          franchise agreements with the district;  
27          providing for a board of commissioners, and the  
28          governing body of the district to exercise the  
29          powers of the district and direct its affairs;  
30          providing officers for the district,  
31          authorizing the district to issue and sell

1 revenue bonds payable solely from the revenues  
2 of its gas system or systems; authorizing and  
3 providing for the judicial validation of such  
4 bonds; providing for the adoption of  
5 resolutions or the execution and delivery by  
6 the district of other instruments of security  
7 for the benefit of the holders of such bonds;  
8 providing for the remedies and rights available  
9 to the holders of the bonds or certificates;  
10 prohibiting the district from any exercise of  
11 the power of taxation; providing that the bonds  
12 of the district and the interest thereon shall  
13 be tax exempt; providing that the resolutions,  
14 deeds, trust indentures and other instruments  
15 of, by, or to the district shall be tax exempt;  
16 providing for the use and utilization and  
17 distribution of the revenues of the gas systems  
18 of the district, regulating the use of the  
19 proceeds from the sale of any such bonds or  
20 proceeds from the sale of any such bonds or  
21 certificates, making such bonds or certificates  
22 legal investments for banks, trust companies,  
23 fiduciaries and public agencies and bodies;  
24 providing for the use of the public roads by  
25 the district; providing a covenant by the State  
26 of Florida not to alter the provisions of the  
27 act to the detriment of the holders of bonds or  
28 certificates of the district and making  
29 provisions with respect to the acquisition,  
30 construction, maintenance, operation, financing  
31 and refinancing of the gas system or systems by

1 the district; authorizing the district to issue  
2 and sell refunding bonds, and providing for the  
3 collection of the fees, rentals or other  
4 charges for the services of the gas system;  
5 authorizing the district to require customers,  
6 as a condition of receiving goods and services  
7 from the district, to make a cash deposit to  
8 assure payment for charges made by the district  
9 for such goods and services and to accept  
10 surety bonds, letters of credit, and other  
11 forms of financial guaranty in lieu of such  
12 cash deposits; to provide that the contracts  
13 and obligations heretofore entered into or  
14 incurred and the actions heretofore taken by  
15 Lake Apopka Natural Gas District shall not be  
16 impaired or otherwise affected by this  
17 re-enactment and codification of its enabling  
18 legislation; providing an effective date.

19

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

21

22 Section 1. Chapter 59-556, Laws of Florida, 1959, is  
23 codified, reenacted, amended, and repealed as herein provided.

24

25 Section 2. The Lake Apopka Natural Gas District is  
re-created and reenacted to read:

26

27 Section 1. The legislative findings contained in  
28 section 1 of chapter 59-556, Laws of Florida, 1959, are  
29 reaffirmed. It is hereby determined, found, and ascertained  
30 that:

31

31 A. The municipalities of Apopka, Winter Garden, and  
Clermont, Florida, made such application, or applications, as

1 were necessary and proper to obtain an allocation of natural  
2 gas for the use of the inhabitants of such cities and  
3 surrounding environs.

4 B. Other nearby municipalities may likewise seek  
5 allotments of natural gas and it is deemed that the most  
6 economical method by which such municipalities can avail  
7 themselves of such gas, if allotments therefor be granted, is  
8 through the construction of a transmission line system  
9 designed to serve all of the above named municipalities and  
10 such others whose corporate authorities shall elect to  
11 participate in the project as hereinafter authorized.

12 C. The most advantageous and economical method of  
13 affecting the construction of such project and financing the  
14 same is through the establishment of a district which shall be  
15 empowered to:

16 (1) Cause the construction of the project;

17 (2) Finance the same through the issuance of revenue  
18 obligations payable from the earnings of such system; and

19 (3) Operate and maintain the same for the benefit of  
20 the municipalities which it serves.

21 Section 2. Definitions.--Whenever used in this act,  
22 unless a different meaning clearly appears from the context:

23 A. The term "gas transmission system" shall mean and  
24 include a supply of natural gas, whether acquired from wells  
25 or deposits or from a pipe line or other source of supply and  
26 a pipe line or lines, plant and system for the acquisition and  
27 the transportation, transmission, and delivery of natural gas  
28 or a plant for the manufacture or storage of gas and the  
29 transportation, transmission, and delivery thereof, together  
30 with all property and all appurtenances thereto, real,  
31 personal, or mixed, used or useful in connection therewith,

1 including franchises, rights-of-way, and easements. A gas  
2 transmission system may include facilities for making  
3 deliveries of gas to industrial and commercial users as well  
4 as to gas distribution systems.

5 B. The term "gas distribution system" shall mean and  
6 include a plant and system for the distribution and sale of  
7 gas and gas services in a municipality and the surrounding  
8 territory, including the sale and distribution of gas to  
9 residential, commercial, industrial, institutional, and other  
10 users, together with all appurtenances thereto and all  
11 property, real, personal, or mixed used or useful in  
12 connection therewith, including franchises, rights-of-way, and  
13 easements.

14 C. The term "system" shall mean and include a gas  
15 transmission system or systems and a gas distribution system  
16 or systems, or any one or more thereof.

17 D. The term "district" shall mean the territory,  
18 hereinafter particularly described, located in portions of  
19 Orange and Lake Counties, as re-created and reestablished by  
20 this act.

21 E. The terms "board of commissioners" and "board"  
22 shall mean the board of commissioners hereinafter provided for  
23 and constituting the governing body of the district.

24 F. The term "municipality" shall mean and include  
25 incorporated cities, towns, and villages and other municipal  
26 corporations within the district.

27 G. The term "member municipalities" shall mean the  
28 municipalities of Apopka, Winter Garden, and Clermont.

29 H. The term "bonds" shall mean and include the bonds,  
30 notes, certificates, refunding bonds, or other financial

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1 obligations in either temporary or definitive form which the  
2 district is authorized to issue pursuant to this act.

3 I. Words importing singular number shall include the  
4 plural number in each case and vice versa, and words importing  
5 persons shall include firms and corporations.

6 Section 3. Creation and establishment.--The creation  
7 and establishment of a body corporate, whose existence shall  
8 be perpetual, to be known as "The Lake Apopka Natural Gas  
9 District," by chapter 59-556, Laws of Florida, 1959, is hereby  
10 reaffirmed and reenacted. The objects and purposes of the  
11 district shall be:

12 A. To acquire by purchase, lease, or construction, and  
13 to own, finance, operate, maintain, extend, and improve, one  
14 or more gas systems described as follows:

15 (1) A gas transmission system or systems to serve gas  
16 to customers within or without municipalities and/or to such  
17 of the member municipalities and such other municipalities in  
18 its area of service as the district may determine to serve,  
19 with an adequate supply of natural and/or manufactured gas, at  
20 such point or points as the district may determine, provided  
21 that before the district may serve any municipality within the  
22 district but not a member thereof, it shall first be granted a  
23 franchise by said municipality.

24 (2) A gas transmission line or lines for the purpose  
25 of supplying gas to customers within the district.

26 (3) A gas manufacturing plant or plants and system or  
27 systems.

28 (4) Such gas distribution system or systems serving  
29 such member municipalities, as well as the surrounding  
30 unincorporated area or areas and other such municipalities as  
31 the district or its board of commissioners may determine;

1 provided that such service shall be confined to areas or  
2 municipalities within the district.

3 (5) Such other facilities and lines as may be  
4 necessary or desirable to serve such other customers along its  
5 supply lines as the district may determine to serve or be  
6 obligated to furnish service under the laws of Florida or the  
7 United States, provided such service is confined to customers  
8 located within the district.

9 (6) The district may itself own and operate gas  
10 distribution systems in its area of service, whether in a  
11 municipality which is a member of the district or in some  
12 other municipality or in unincorporated territory.

13 B. To acquire by manufacture, purchase, or otherwise,  
14 natural or manufactured gas from any source whatsoever, public  
15 or private, now or hereafter available and to transport and  
16 transmit such gas so as to make the same available for sale  
17 and to sell and deliver gas to or within each of the member  
18 municipalities and to industrial and institutional users and  
19 to line tap commercial and residential users and to gas  
20 distribution systems within the area of service of the  
21 district, whether such gas distribution system is publicly or  
22 privately owned.

23 Section 4. Area of service.--The territorial limits  
24 and area of service of the district shall embrace and include  
25 the following described property lying and being in portions  
26 of Orange and Lake Counties, Florida:

27  
28 Beginning at the Southwest corner of Section  
29 31, Township 23 South, Range 24 East, in Lake  
30 County; thence east along the south boundary of  
31 Township 23 south to the southeast corner of

1       Section 35, Township 23 South, Range 28 east;  
2       thence north along said Section line to the  
3       northwest corner of Section 1, Township 22  
4       south, Range 28 east; thence east along the  
5       Township line between Townships 21 and 22 south  
6       to the southeast corner of Section 33, Township  
7       21 south, Range 29 east; thence north along  
8       said Section line to the northeast corner of  
9       Section 28, Township 21 south, Range 29 east;  
10       thence west to the northwest corner of Section  
11       30, Township 21 south, Range 29 east; thence  
12       north to the northeast corner of Section 36;  
13       Township 20 south, Range 28 east; thence  
14       northeasterly along the meandering of the  
15       Wekiva River to its intersection with the  
16       Township line between Townships 19 and 20  
17       south; thence west along said Township line to  
18       the northwest corner of Section 6, Township 20  
19       south, Range 27 east, thence south along said  
20       Range 27 east; thence south along said Range  
21       line to the northeast corner of Section 1,  
22       Township 21 south, Range 26 east; thence west  
23       along said Township line to the northwest  
24       corner of Section 6, Township 21 south, Range  
25       24 east; thence south along said Range line to  
26       the point of beginning.

27  
28       The district, however, may acquire a supply of gas either  
29       within or without its territorial boundaries and either within  
30       or without the state and may transport and transmit from the  
31



1 point of such acquisition to the system or systems of the  
2 district.

3 Section 5. Declaration of policy.--It is hereby found  
4 and declared that in the construction, acquisition,  
5 improvements, maintenance, operation, and extension in any or  
6 all of said gas system the district will be exercising a  
7 proper governmental function.

8 Section 6. Members of the district.--Members of the  
9 district shall be the municipalities of Apopka, Winter Garden,  
10 and Clermont.

11 Section 7. Powers of the district.--The district shall  
12 have each and all of the following powers, together with all  
13 power incidental thereto or necessary to the discharge  
14 thereof:

15 (1) To sue and be sued and to defend suits against it;

16 (2) To have and use an official seal for attesting  
17 bonds and other official acts and deeds and to alter same at  
18 pleasure;

19 (3) To receive, acquire, take, and hold, whether by  
20 purchase, gift, or lease, devise or otherwise, real, personal,  
21 or mixed property of any nature whatsoever that the board of  
22 commissioners may deem a necessary or convenient part of, or  
23 useful in connection with, any system or systems herein  
24 authorized;

25 (4) To make contracts extending over a period not  
26 exceeding 40 years for a supply or supplies of natural gas and  
27 for the sale and delivery of natural or manufactured gas;

28 (5) To contract for the design, construction,  
29 extension, and repairs of any natural gas transmission and/or  
30 distribution system or for facilities and services connected  
31

1 therewith which the board shall in its discretion determine  
2 are necessary or desirable for the district;  
3 (6) To contract with any person, firm, or corporation  
4 for the entire supervision, operation, and management of any  
5 one or more of the systems of the district, including the  
6 collection and distribution of the revenue therefrom for such  
7 period of time as the board may deem advisable not exceeding  
8 10 years and at such compensation and upon such terms as may  
9 be agreed upon and approved by the board of commissioners;  
10 (7) To borrow money for any authorized purpose and to  
11 issue in evidence of the borrowing interest bearing bonds  
12 payable solely from the revenues derived from the revenues  
13 derived from the operation of any one or more of its systems;  
14 (8) To pledge to the payment of its bonds any revenues  
15 from which said bonds are made payable;  
16 (9) To make such covenants in connection with the  
17 issuance of bonds or in order to secure the payment of bonds,  
18 as are needful to secure and protect the rights of the holders  
19 of such bonds, notwithstanding that such covenants may operate  
20 as limitations on the exercise of other powers granted by this  
21 act;  
22 (10) To establish, by resolution, rates and charges  
23 which shall be uniform throughout the district as to each  
24 class of consumer;  
25 (11) To collect and enforce collection of such  
26 charges, by all legal means including, but not limited to,  
27 requiring customers, as a condition of receiving goods and  
28 services from the district, to make a cash deposit to assure  
29 payment of the charges made by the district for such goods and  
30 services and to accept surety bonds, letters of credit, and  
31 other forms of financial guaranty in lieu of cash deposits;

1       (12) To lease, exchange, sell, convey, and otherwise  
2 dispose of its real, personal, or mixed property by any form  
3 of conveyance or transfer;

4       (13) To appoint and employ officers, agents, and  
5 employees, including attorneys, as its business may require,  
6 to prescribe their duties, to fix their compensation, and to  
7 determine to what extent they shall be bonded for the faithful  
8 performance of their duties;

9       (14) To provide for such insurance as its board of  
10 commissioners may deem advisable;

11       (15) To retain and confer upon a corporate trustee the  
12 power to make disposition of the proceeds from all borrowing  
13 and all revenues derived from the operation of the system, in  
14 accordance with the resolution adopted by the board as an  
15 incident to the issuance of any notes, bonds, or other types  
16 of securities; and

17       (16) To exercise all powers of eminent domain now or  
18 hereafter conferred on counties in this state provided,  
19 however, that such power of eminent domain may not be  
20 exercised outside the territorial limits of the district. The  
21 powers hereinabove granted to the district shall be so  
22 construed to enable the district to fulfill the objects and  
23 purposes of the district as set forth in section 3 of this  
24 act.

25       Section 8. Franchises.--Any municipality, county, gas  
26 district, or agency of such municipality, county, or gas  
27 district, which is located wholly within the territorial  
28 limits of the district, or any agency of the state, is hereby  
29 empowered and authorized to enter into agreements, contracts,  
30 and franchises with said district upon such terms and  
31 conditions and for such periods of time as may be agreed upon,

1 provided no agreement, contract, or franchise shall extend  
2 over a period exceeding 40 years.

3 Section 9. Eminent domain.--The powers of eminent  
4 domain herein granted and conferred upon the district  
5 incorporated under this act shall be exercised in the same  
6 manner and subject to the same limitations as in the case of  
7 counties in this state; provided the district shall have no  
8 powers of eminent domain beyond its territorial boundaries.

9 Section 10. Board of commissioners.--The district  
10 shall have a board of commissioners, consisting of five  
11 members. There shall be two members who shall live in the  
12 corporate limits of the City of Apopka; there shall be two  
13 members who shall live in the corporate limits of the City of  
14 Winter Garden; and there shall be one member who shall live in  
15 the corporate limits of the City of Clermont. Each  
16 commissioner shall be appointed by the governing body of the  
17 municipality in which he or she resides and shall serve for a  
18 term of 2 years or until his or her successor is appointed in  
19 like manner and qualified; except that one of the  
20 commissioners initially appointed from the City of Apopka and  
21 one of the commissioners initially appointed from the City of  
22 Winter Garden shall each serve a 1-year term. The  
23 commissioners shall serve without compensation; except that  
24 they shall be reimbursed for actual expenses incurred in and  
25 about the performance of their duties thereunder and at the  
26 direction of the board they may be paid a fee of not exceeding  
27 \$100 for each board meeting attended by them. Appointment to  
28 fill a vacancy shall be for the unexpired term. The  
29 appointing authority may remove any member of the board within  
30 the term within which he or she shall have been appointed,  
31 after giving to such member a copy of the charges against him

1 or her and an opportunity to be heard in his or her defense  
2 and the action of the appointing authority shall be final and  
3 nonreviewable.

4 Section 11. Organization of the board;  
5 officers.--After their appointment, the members of the board  
6 of commissioners shall meet and organize. At such meeting,  
7 the members of the board shall elect from their number a  
8 chair. They shall also choose a secretary, who may, but need  
9 not be, a member of the board, and such other officers,  
10 agents, and employees as may appear to be desirable. One  
11 person may serve both as secretary and treasurer.

12 Section 12. Authority of the board.--The board shall  
13 constitute the governing body of the district. The board  
14 shall exercise all the powers of the district and shall do all  
15 things necessary or convenient in acquiring, owning,  
16 operating, developing, extending, improving, financing, and  
17 refinancing the gas system or systems owned or to be owned by  
18 the district, including, but not limited to, the adoption and  
19 amendment of rules and regulations for the management and  
20 conduct of its affairs and the enterprises in which it is  
21 engaged; to use with the consent of any of its member  
22 municipalities the agent, employees, or facilities or property  
23 of such municipalities and to provide for the payment of the  
24 agreed proportion of the costs therefor; to appoint officers,  
25 agents, and employees, including attorneys, and to fix their  
26 compensation, to provide for the execution of deeds,  
27 indentures of trust, bonds, gas supply contracts, gas service  
28 contracts, supervision contracts, and other instruments and  
29 contracts of the district. Action of the board shall be taken  
30 by resolution. Such resolution shall be effective immediately  
31 upon adoption without posting or publication.

1           Section 13. Bonds of the district.--  
2           A. The bonds of the district shall be authorized by  
3 resolution of the board and may be either term or serial  
4 bonds, shall bear such date or dates, mature at such time or  
5 times, not exceeding 40 years from their respective dates,  
6 bear interest at such rate or rates not exceeding 6 percent  
7 per annum, payable semiannually, be in such denomination, be  
8 in such form, either coupon or fully registered, shall carry  
9 such registration, exchangeability and interchangeability  
10 privileges, be paid in such medium of payment and at such  
11 place or places, be subject to such terms of redemption and be  
12 entitled to such priority on the revenues, rates, fees,  
13 rentals, or other charges or receipts of the district as such  
14 resolution or any resolution subsequent thereto may provide.  
15 The bonds shall be executed either by manual or facsimile  
16 signature, by such officer as the board may determine,  
17 provided that such bonds shall bear at least one signature  
18 which is manually executed thereon and the coupons attached to  
19 such bonds shall bear the facsimile signature or signatures of  
20 such officer or officers as shall be designated by the board  
21 and shall have the seal of the board affixed, imprinted,  
22 reproduced, or lithographed thereon, all as may be prescribed  
23 in such resolution or resolutions.  
24           B. Such bonds may be sold either at public or private  
25 sale at such price or prices as the board shall determine to  
26 be in the best interest of the district, provided that the  
27 interest cost to the district on such bonds shall not exceed 6  
28 percent per annum. Pending the preparation of definitive  
29 bonds, interim certificates may be issued to the purchaser or  
30 purchasers of such bonds and may contain such terms and  
31 conditions as the board may determine.

1           C. Any such resolution or resolutions authorizing any  
2 bonds hereunder may contain provisions which shall be part of  
3 the contract with the holders of such bonds, as to:

4           (1) The pledging of all or any part of the revenues,  
5 rates, fees, rentals, or other charges or receipts of the  
6 district, derived by the district from the operation of its  
7 gas system or systems;

8           (2) The completion, improvement, operation, extension,  
9 maintenance, and repair of its system, and the duties of the  
10 board, the district, and others with reference thereto;

11           (3) Limitations on the purposes to which the proceeds  
12 of bonds then or thereafter to be issued, or of any loan or  
13 grant by the United States or the state may be applied,

14           (4) The fixing, charging, establishing, collecting of  
15 rates, fees, rentals, or other charges for the use of the  
16 services and facilities of the gas system of the district or  
17 any part thereof;

18           (5) The setting aside of reserves, sinking funds, or  
19 repair and replacement funds and the reservation and  
20 disposition thereof;

21           (6) Limitations on the issuances of additional bonds,  
22 the terms and provisions of any deed of trust or indenture  
23 securing the bonds under which the same may be issued; and

24           (7) Any other or additional agreements with the  
25 holders of the bonds which the board may deem desirable and  
26 proper.

27           D. The board may enter into any deeds or trusts,  
28 indentures, or other agreements with any bank or trust company  
29 within or without the state, as security for such bonds and  
30 may, under such agreements, assign and pledge all or any of  
31 the revenues, rates, rentals, fees, or other charges or

1 receipts of the district. Such deeds of trust, indentures, or  
2 other agreements, may contain such provisions as is customary  
3 in such instruments as the board may authorize, including, but  
4 without limitation, provisions as to:

5 (1) The acquisition, construction, completion,  
6 improvements, operation, extension, maintenance, repair, and  
7 lease of the gas system or systems and the duties of the board  
8 and others with reference thereto;

9 (2) The application of funds and the safeguarding of  
10 funds on hand or on deposit;

11 (3) The rights and remedies of the trustees and the  
12 holders of bonds; and

13 (4) The terms and provisions of the bonds or  
14 resolutions authorizing the issuance of the same.

15 E. Any of the bonds issued pursuant to this act are  
16 hereby declared to be negotiable instruments and shall have  
17 all the qualities and incidents of laws of the state relating  
18 to negotiable instruments.

19 F. The bonds of the district and all matters connected  
20 therewith may be validated pursuant to the provisions of  
21 chapter 75, Florida Statutes, 1957, as in the case of a  
22 district located in more than one county.

23 G. The bonds or any other obligations of the district  
24 shall not be a debt or obligation of the State of Florida, or  
25 a debt or obligation of any county, or a debt or obligation of  
26 any municipality which is a member of the district. The State  
27 of Florida, any county, or any such municipality shall not be  
28 liable in any way whatsoever thereon, and the holder of any  
29 such bonds or obligations may not compel the levy of any taxes  
30 for the payment thereof. The board shall have no power or  
31 authority to levy or collect any ad valorem tax on any



1 property within the district and any such tax or assessment  
2 levy is hereby specifically prohibited.

3 H. No referendum or election shall be required for the  
4 issuance of bonds of the district, except in such cases as  
5 such referendum or election may be required by the  
6 Constitution of the State of Florida.

7 Section 14. Remedies of the bondholders.--

8 A. The rights and the remedies herein conferred upon  
9 or granted to the bondholders shall be in addition to and not  
10 in limitation of any rights and remedies lawfully granted to  
11 such bondholders by the resolution or resolutions providing  
12 for the issuance of bonds or by any deed or trust, indenture,  
13 or other agreement under which the bonds may be issued or  
14 secured. In the event that the district defaults in the  
15 payment of the principal of or interest on any of the bonds  
16 issued pursuant to the provisions of this act after such  
17 principal of or interest on said bonds shall have become due  
18 whether at maturity or upon call for redemption, and such  
19 default continues for a period of 30 days, or in the event  
20 that the district shall fail or refuse to comply with the  
21 provisions of this act or any agreement made with or for the  
22 benefit of, the holders of the bonds, the holders of 25  
23 percent in the aggregate principal amount of the bonds then  
24 outstanding shall be entitled as of right, to the appointment  
25 of the trustee to represent such bondholders for the purposes  
26 hereof; however, such holders of 25 percent in the aggregate  
27 principal amount of the bonds then outstanding shall have  
28 first given notice of their intention to appoint a trustee to  
29 the district. Such notice shall be deemed to have been given  
30 if given in writing, and deposited in a securely sealed  
31 postpaid envelope, mailed at a regularly maintained United

1 States Post Office box or station and addressed respectively  
2 to the chair of the district at the principal office of the  
3 district.

4 B. Such trustee, and any trustee under any deed of  
5 trust, indenture, or other agreement may, and upon written  
6 request of the holders of 25 percent (or such other  
7 percentages as may be specified in any deed of trust,  
8 indenture, or other agreement aforesaid) in the principal  
9 amount of the bonds then outstanding, shall, in any court of  
10 competent jurisdiction, in his or her or its own name:

11 (1) By mandamus or other suit, action, or proceeding  
12 at law or in equity, enforce all rights of the bondholders,  
13 including the right to require the district to fix, establish,  
14 maintain, collect, and charge rates, fees, rentals, and other  
15 charges, adequate to carry out any agreement as to, or pledge  
16 of, the revenues or receipts of the district and to require  
17 the district to carry out any other covenants and agreements  
18 with or for the benefit of the bondholders, and to perform its  
19 and their duties under this chapter.

20 (2) Bring suit upon the bonds.

21 (3) By action or suit in equity require the district  
22 to account as if it were the trustee of any express trust for  
23 the bondholders.

24 (4) By action or suit in equity enjoin any acts or  
25 things which may be unlawful or in violation of the rights of  
26 the bondholders.

27 C. Any trustee when appointed as aforesaid, or acting  
28 under a deed of trust, indenture, or other agreement, and  
29 whether or not all bonds have been declared due and payable,  
30 shall be entitled as of right to the appointment of a  
31 receiver, who may enter upon and take possession of the system

1 or the facilities or any part or parts thereof, the rates,  
2 fees, rentals, or other revenues, charges, or receipts from  
3 which are, or may be applicable to the payment of the bonds so  
4 in default, and operate and maintain the same, for and on  
5 behalf of and in the name of, the district, and the  
6 bondholders, and collect and receive all rates, fees, rentals,  
7 and other charges or receipts or revenues arising therefrom in  
8 the same manner as the district might do, and shall deposit  
9 all such moneys in a separate account and apply the same in  
10 such manner as the court shall direct. In any suit, action,  
11 or proceeding by the trustee, the fees, counsel fees, and  
12 expenses of the trustee, and said receiver, if any, and all  
13 costs and disbursements allowed by the court shall be a first  
14 charge on any rates, fees, rentals, or other charges,  
15 revenues, or receipts, derived from the system, or the  
16 facilities or services or any part or parts thereof, which  
17 said rates, fees, rentals, or other charges, revenues, or  
18 receipts shall or may be applicable to the payment of the  
19 bonds so in default. Such trustee shall, in addition to the  
20 foregoing, have and possess all of the powers necessary or  
21 appropriate for the exercise of any functions specifically set  
22 forth herein or incident to the representation of the  
23 bondholders in the enforcement and protection of their rights.

24 D. Nothing in this section or any other section of  
25 this chapter shall authorize any receiver appointed pursuant  
26 hereto to sell, assign, mortgage, or otherwise dispose of any  
27 of the assets of whatever kind and character belonging to the  
28 district. It is the intention of this chapter to limit the  
29 powers of such receiver to the operation and maintenance of  
30 the system, or any facility, or part or parts thereof, as the  
31 court may direct, in the name and for and on behalf of the

1 district, and the bondholders, and no holder of bonds of the  
2 district nor any trustee, shall ever have the right in any  
3 suit, action, or proceeding at law, or in equity, to compel a  
4 receiver, nor shall any receiver be authorized or any court be  
5 empowered to direct the receiver to sell, assign, mortgage, or  
6 otherwise dispose of any assets of whatever kind or character  
7 belonging to the district.

8       Section 15. Proceeds from the sale of bonds.--All  
9 moneys derived from the sale of any bonds issued by the  
10 district shall be used solely for the purpose or purposes for  
11 which the same are authorized including any engineering,  
12 legal, or other expenses incident thereto, and in the case of  
13 bonds issued in whole or in part for the construction of a gas  
14 system or systems or any part thereof, interest on such bonds  
15 (or, if a part only of the bonds are issued for the purpose of  
16 such construction, on the part of such bonds issued for that  
17 purpose) prior to and during such construction and for not  
18 exceeding 3 years after completion of such construction and in  
19 the case of bonds issued by the district for the purpose of  
20 refunding outstanding bonds of such district, any premium  
21 which it may deem necessary to pay in order to redeem or  
22 retire the bonds to be refunded. The treasurer or other  
23 officer designated by the board shall give a receipt for the  
24 purchase price to the purchaser of any such bonds, which  
25 receipt shall be full acquittal to such purchaser and he or  
26 she shall not be under any duty to inquire as to the  
27 application of the proceeds of such bonds.

28       Section 16. Disposition of net revenues.--All net  
29 revenues derived from the system, the disposition of which the  
30 district shall not have covenanted or contracted to otherwise  
31 dispose of, shall be paid over to the municipalities which

1 shall be members of the district in such proportions as the  
2 board from time to time shall fix and determine.

3 Section 17. Refunding bonds.--The board is hereby  
4 authorized to provide by resolution for the issuance of  
5 refunding bonds of the district for the purpose of refunding  
6 any bonds then outstanding and issued under the provisions of  
7 this chapter or any other law for the purpose of applying all  
8 or a part of the cost of the system or extensions and  
9 additions thereto. The board is further authorized to provide  
10 by resolution for the issuance of a single issue of bonds of  
11 the district for the combined purposes of:

12 (1) Paying the cost of any improvements, extensions,  
13 and additions to the existing system or of acquiring by  
14 purchase or of constructing an additional system or systems;  
15 and

16 (2) Refunding bonds of the district which shall  
17 theretofore have been issued for such system and shall then be  
18 outstanding and which shall then have matured or be subject to  
19 redemption or can be acquired for retirement. The issuance of  
20 such refunding bonds, the maturities and other details  
21 thereof, the rights of the holders, and the duties of the  
22 board and of the district in respect to the same, shall be  
23 governed by the foregoing provisions of this chapter insofar  
24 as the same may be applicable.

25 Section 18. Cooperation with other political  
26 subdivisions, agencies, and individuals.--Express authority  
27 and powers are hereby given and granted any county,  
28 municipality, drainage district, road and bridge district,  
29 school district, or any other political subdivision, board,  
30 commission, or individual in, or of the state to make and  
31 enter into with the district, contracts, leases, conveyances,

1 or other agreements within the provisions and purposes of this  
2 chapter. The district is hereby expressly authorized to make  
3 and enter into contracts, leases, conveyances, and other  
4 agreements with any political subdivision, agency, or  
5 instrumentality of the state, any and all federal agencies,  
6 corporations, and individuals for the purpose of carrying out  
7 the provisions of this chapter.

8 Section 19. Eligibility for investments and  
9 security.--Any bonds or other obligations issued pursuant to  
10 this chapter shall be and constitute legal investments for  
11 banks, savings banks, trustees, executors, administrators, and  
12 all other fiduciaries, and for all state, municipal, and other  
13 public funds.

14 Section 20. Consent of state agencies.--It shall not  
15 be necessary for the district, in proceeding under this act,  
16 to obtain any certificates of convenience or necessity,  
17 franchise, license, permit, or other authorization from any  
18 bureau, board, commission, or other like instrumentality of  
19 the state or of Lake and Orange Counties, in order to  
20 construct, acquire, or improve such system or systems, or to  
21 exercise any of the powers granted in this act.

22 Section 21. The body corporate hereby created shall be  
23 deemed to be owned and operated by the member municipalities.

24 Section 22. Covenants of the state.--The state hereby  
25 covenants with the holders of any bonds or other obligations  
26 issued pursuant to this act, and the coupons appertaining  
27 thereto, that it will not in any manner limit or alter the  
28 power and obligation vested by this act in the district to  
29 fix, establish, and collect, in the manner provided in this  
30 act, such fees, rentals, or other charges for the facilities  
31 and services of such system or systems, and to revise the same

1 from time to time whenever necessary, as will always be  
2 sufficient, together with any other pledged funds, to pay the  
3 expenses of operation, maintenance, and repair of such system  
4 or systems, and to comply fully with and fulfill the terms of  
5 all agreements and covenants made by the district with holders  
6 of such bonds or other obligations, until all such bonds or  
7 other obligations, together with all interest accrued or to  
8 accrue thereon, and all costs or expenses in connection with  
9 any action or proceedings by or on behalf of the holders of  
10 such bonds or other obligations are fully paid and discharged,  
11 or adequate provisions made for the payment or discharge  
12 thereof.

13 Section 23. Use of public roads.--The district shall  
14 not be authorized to use the right-of-way of any public roads,  
15 whether state, county, or municipal, without first securing  
16 the prior approval of the governmental agency having  
17 jurisdiction thereof.

18 Section 24. If any rates, fees, or charges for the  
19 services and facilities furnished by any gas system or systems  
20 constructed or reconstructed by the district under the  
21 provisions of this act shall not be paid when due, the  
22 district may discontinue and shut off the supply of the  
23 services and facilities of the system to the customer so  
24 supplied with such services or facilities until such fees,  
25 rentals, or other charges, including the interest, penalties,  
26 and charges for the shutting off and discontinuance or the  
27 restoration of such services or facilities are fully paid, and  
28 for such purposes may enter on any lands, waters, and premises  
29 of such delinquent customers, within or without the boundaries  
30 of the district. Such delinquent fees, rentals, or other  
31 charges, together with interest, penalties, and charges for

1 the shutting off and discontinuance or the restoration of such  
2 services or facilities, and reasonable attorney's fees and  
3 other expense may be recovered by the district by suit in a  
4 court of competent jurisdiction. The district may also  
5 enforce payment of such delinquent fees, rentals, or other  
6 charges by any other lawful means of enforcement.

7 Section 3. Except as specifically reenacted herein,  
8 chapter 59-556, Laws of Florida, 1959, and chapter 74-553,  
9 Laws of Florida, 1974, are repealed.

10 Section 4. The contracts and obligations heretofore  
11 made and incurred and other actions heretofore taken by the  
12 Lake Apopka Natural Gas District shall not be impaired or  
13 otherwise affected by enactment of this codification of the  
14 special acts referred to in Section 2, hereof, or by the  
15 repeal of those special acts provided for therein.

16 Section 5. In the event any section or provision of  
17 this act is determined to be invalid or unenforceable, such  
18 determination shall not affect the validity of or  
19 enforceability of each other section and provision of this  
20 act.

21 Section 6. In the event of a conflict of the  
22 provisions of this act with the provisions of any other act  
23 the provisions of this act shall control to the extent of such  
24 conflict.

25 Section 7. This act shall take effect immediately upon  
26 becoming a law.

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