

1
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
7 of 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9 and repealed by this act; providing for a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, an independent
14 special district, for the purposes of
15 acquiring, constructing, owning, operating,
16 managing, maintaining, extending, improving,
17 and financing one or more gas distribution
18 systems, or one or more gas transmission
19 systems, or gas transmission and distribution
20 systems, for the use and benefit of its member
21 municipalities of Apopka, Winter Garden, and
22 Clermont, and for the benefit of the public and
23 other users of gas in the district including
24 such other municipalities to which the district
25 may sell gas; authorizing counties,
26 municipalities, and districts to enter into
27 franchise agreements with the district;
28 providing for a board of commissioners, and the
29 governing body of the district to exercise the
30 powers of the district and direct its affairs;
31 providing officers for the district,

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

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

20

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

22

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

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

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

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1 (1) The municipalities of Apopka, Winter Garden, and
2 Clermont, Florida, made such application, or applications, as
3 were necessary and proper to obtain an allocation of natural
4 gas for the use of the inhabitants of such cities and
5 surrounding environs.

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

14 (3) The most advantageous and economical method of
15 affecting the construction of such project and financing the
16 same is through the establishment of a district which shall be
17 empowered to:

18 (a) Cause the construction of the project;

19 (b) Finance the same through the issuance of revenue
20 obligations payable from the earnings of such system; and

21 (c) Operate and maintain the same for the benefit of
22 the municipalities which it serves.

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

25 (1) The term "gas transmission system" shall mean and
26 include a supply of natural gas, whether acquired from wells
27 or deposits or from a pipe line or other source of supply and
28 a pipe line or lines, plant and system for the acquisition and
29 the transportation, transmission, and delivery of natural gas
30 or a plant for the manufacture or storage of gas and the
31 transportation, transmission, and delivery thereof, together

1 with all property and all appurtenances thereto, real,
2 personal, or mixed, used or useful in connection therewith,
3 including franchises, rights-of-way, and easements. A gas
4 transmission system may include facilities for making
5 deliveries of gas to industrial and commercial users as well
6 as to gas distribution systems.

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

16 (3) The term "system" shall mean and include a gas
17 transmission system or systems and a gas distribution system
18 or systems, or any one or more thereof.

19 (4) The term "district" shall mean the territory,
20 hereinafter particularly described, located in portions of
21 Orange and Lake Counties, as re-created and reestablished by
22 this act.

23 (5) The terms "board of commissioners" and "board"
24 shall mean the board of commissioners hereinafter provided for
25 and constituting the governing body of the district.

26 (6) The term "municipality" shall mean and include
27 incorporated cities, towns, and villages and other municipal
28 corporations within the district.

29 (7) The term "member municipalities" shall mean the
30 municipalities of Apopka, Winter Garden, and Clermont.

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1 (8) The term "bonds" shall mean and include the bonds,
2 notes, certificates, refunding bonds, or other financial
3 obligations in either temporary or definitive form which the
4 district is authorized to issue pursuant to this act.

5 (9) Words importing singular number shall include the
6 plural number in each case and vice versa, and words importing
7 persons shall include firms and corporations.

8 Section 3. Creation and establishment.--The creation
9 and establishment of a body corporate and an independent
10 special district, whose existence shall be perpetual, to be
11 known as "The Lake Apopka Natural Gas District," by chapter
12 59-556, Laws of Florida, 1959, is hereby reaffirmed and
13 reenacted. The objects and purposes of the district shall be:

14 (1) To acquire by purchase, lease, or construction,
15 and to own, finance, operate, maintain, extend, and improve,
16 one or more gas systems described as follows:

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

26 (b) A gas transmission line or lines for the purpose
27 of supplying gas to customers within the district.

28 (c) A gas manufacturing plant or plants and system or
29 systems.

30 (d) Such gas distribution system or systems serving
31 such member municipalities, as well as the surrounding

1 unincorporated area or areas and other such municipalities as
2 the district or its board of commissioners may determine;
3 provided that such service shall be confined to areas or
4 municipalities within the district.

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

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

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

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

29
30 Beginning at the Southwest corner of Section
31 31, Township 23 South, Range 24 East, in Lake

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

29
30 The district, however, may acquire a supply of gas either
31 within or without its territorial boundaries and either within

1 or without the state and may transport and transmit from the
2 point of such acquisition to the system or systems of the
3 district.

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

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

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

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

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

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

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

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

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. The commissioners shall serve
20 without compensation; except that they shall be reimbursed for
21 actual expenses incurred in and about the performance of their
22 duties thereunder and at the direction of the board they may
23 be paid a fee of not exceeding \$100 for each board meeting
24 attended by them. Appointment to fill a vacancy shall be for
25 the unexpired term. The appointing authority may remove any
26 member of the board within the term within which he or she
27 shall have been appointed, after giving to such member a copy
28 of the charges against him or her and an opportunity to be
29 heard in his or her defense and the action of the appointing
30 authority shall be final and nonreviewable.

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

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

29 Section 13. Bonds of the district.--
30 (1) The bonds of the district shall be authorized by
31 resolution of the board and may be either term or serial

1 bonds, shall bear such date or dates, mature at such time or
2 times, not exceeding 40 years from their respective dates,
3 bear interest at such rate or rates not exceeding 6 percent
4 per annum, payable semiannually, be in such denomination, be
5 in such form, either coupon or fully registered, shall carry
6 such registration, exchangeability and interchangeability
7 privileges, be paid in such medium of payment and at such
8 place or places, be subject to such terms of redemption and be
9 entitled to such priority on the revenues, rates, fees,
10 rentals, or other charges or receipts of the district as such
11 resolution or any resolution subsequent thereto may provide.
12 The bonds shall be executed either by manual or facsimile
13 signature, by such officer as the board may determine,
14 provided that such bonds shall bear at least one signature
15 which is manually executed thereon and the coupons attached to
16 such bonds shall bear the facsimile signature or signatures of
17 such officer or officers as shall be designated by the board
18 and shall have the seal of the board affixed, imprinted,
19 reproduced, or lithographed thereon, all as may be prescribed
20 in such resolution or resolutions.

21 (2) Such bonds may be sold either at public or private
22 sale at such price or prices as the board shall determine to
23 be in the best interest of the district, provided that the
24 interest cost to the district on such bonds shall not exceed 6
25 percent per annum. Pending the preparation of definitive
26 bonds, interim certificates may be issued to the purchaser or
27 purchasers of such bonds and may contain such terms and
28 conditions as the board may determine.

29 (3) Any such resolution or resolutions authorizing any
30 bonds hereunder may contain provisions which shall be part of
31 the contract with the holders of such bonds, as to:

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

5 (b) The completion, improvement, operation, extension,
6 maintenance, and repair of its system, and the duties of the
7 board, the district, and others with reference thereto;

8 (c) Limitations on the purposes to which the proceeds
9 of bonds then or thereafter to be issued, or of any loan or
10 grant by the United States or the state may be applied,

11 (d) The fixing, charging, establishing, collecting of
12 rates, fees, rentals, or other charges for the use of the
13 services and facilities of the gas system of the district or
14 any part thereof;

15 (e) The setting aside of reserves, sinking funds, or
16 repair and replacement funds and the reservation and
17 disposition thereof;

18 (f) Limitations on the issuances of additional bonds,
19 the terms and provisions of any deed of trust or indenture
20 securing the bonds under which the same may be issued; and

21 (g) Any other or additional agreements with the
22 holders of the bonds which the board may deem desirable and
23 proper.

24 (4) The board may enter into any deeds or trusts,
25 indentures, or other agreements with any bank or trust company
26 within or without the state, as security for such bonds and
27 may, under such agreements, assign and pledge all or any of
28 the revenues, rates, rentals, fees, or other charges or
29 receipts of the district. Such deeds of trust, indentures, or
30 other agreements, may contain such provisions as is customary
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1 in such instruments as the board may authorize, including, but
2 without limitation, provisions as to:

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

7 (b) The application of funds and the safeguarding of
8 funds on hand or on deposit;

9 (c) The rights and remedies of the trustees and the
10 holders of bonds; and

11 (d) The terms and provisions of the bonds or
12 resolutions authorizing the issuance of the same.

13 (5) Any of the bonds issued pursuant to this act are
14 hereby declared to be negotiable instruments and shall have
15 all the qualities and incidents of laws of the state relating
16 to negotiable instruments.

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

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

1 (8) No referendum or election shall be required for
2 the issuance of bonds of the district, except in such cases as
3 such referendum or election may be required by the
4 Constitution of the State of Florida.

5 Section 14. Remedies of the bondholders.--

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

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1 to the chair of the district at the principal office of the
2 district.

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

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

19 (b) Bring suit upon the bonds.

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

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

26 (3) Any trustee when appointed as aforesaid, or acting
27 under a deed of trust, indenture, or other agreement, and
28 whether or not all bonds have been declared due and payable,
29 shall be entitled as of right to the appointment of a
30 receiver, who may enter upon and take possession of the system
31 or the facilities or any part or parts thereof, the rates,

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

23 (4) Nothing in this section or any other section of
24 this chapter shall authorize any receiver appointed pursuant
25 hereto to sell, assign, mortgage, or otherwise dispose of any
26 of the assets of whatever kind and character belonging to the
27 district. It is the intention of this chapter to limit the
28 powers of such receiver to the operation and maintenance of
29 the system, or any facility, or part or parts thereof, as the
30 court may direct, in the name and for and on behalf of the
31 district, and the bondholders, and no holder of bonds of the

1 district nor any trustee, shall ever have the right in any
2 suit, action, or proceeding at law, or in equity, to compel a
3 receiver, nor shall any receiver be authorized or any court be
4 empowered to direct the receiver to sell, assign, mortgage, or
5 otherwise dispose of any assets of whatever kind or character
6 belonging to the district.

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

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

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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