

By Senator Bullard

39-1544-04

See HB

1 A bill to be entitled
2 An act relating to the Florida Keys Aqueduct
3 Authority, Monroe County; providing for
4 codification of special laws relating to the
5 Florida Keys Aqueduct Authority; providing
6 legislative intent; codifying, repealing,
7 amending, and reenacting chapters 18530 (1937),
8 21230 (1941), 21328 (1941), 23277 (1945), 26039
9 (1949), 27757 (1951), 29297 (1953), 29301
10 (1953), 31010 (1955), 31011 (1955), 31012
11 (1955), 57-1589, 59-1581, 63-1644,
12 63-1648, 70-810, 71-778, 75-442, 75-449, 76-441,
13 77-604, 77-605, 80-546, 83-468, 84-483, 84-484,
14 86-419, 87-454, 98-519, 2003-304, and 2003-327,
15 Laws of Florida; providing for liberal
16 construction; providing a savings clause in the
17 event any provision of the act is deemed
18 invalid; providing an effective date.

19
20 Be It Enacted by the Legislature of the State of Florida:

21
22 Section 1. Pursuant to section 189.429, Florida
23 Statutes, this act constitutes the codification of all special
24 acts relating to the Florida Keys Aqueduct Authority. It is
25 the intent of the Legislature in enacting this law to provide
26 a single, comprehensive special act charter for the Authority,
27 including all current legislative authority granted to the
28 Authority by its several legislative enactments and any
29 additional authority granted by this act. It is further the
30 intent to preserve all Authority powers and authority in the
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1 Florida Keys, including the authority to provide water and
2 wastewater services.

3 Section 2. Chapters 18530 (1937), 21230 (1941), 21328
4 (1941), 23277 (1945), 26039 (1949), 27757 (1951), 29297
5 (1953), 29301 (1953), 31010 (1955), 31011 (1955), 31012
6 (1955), 57-1589, 59-1581, 63-1644, 63-1648, 70-810, 71-778,
7 75-442, 75-449, 76-441, 77-604, 77-605, 80-546, 83-468, 84-483,
8 84-484, 86-419, 98-519, 2002-337, 2003-304, and 2003-327, Laws
9 of Florida, relating to the Florida Keys Aqueduct Authority,
10 are codified, reenacted, amended, and repealed as herein
11 provided.

12 Section 3. The Florida Keys Aqueduct Authority is
13 re-created and the charter for the Authority is re-created and
14 reenacted to read:

15 Section 1. Creation of Authority; boundaries
16 defined.--As of September 15, 1976, the Florida Keys Aqueduct
17 Authority, an independent special district, was re-created and
18 thereafter was the successor agency to the Florida Keys
19 Aqueduct Authority which was abolished by chapter 76-441, Laws
20 of Florida. The Florida Keys Aqueduct Authority is not being
21 re-created by this act or for purposes of section 189.404,
22 Florida Statutes. The primary purpose and function of this
23 Authority shall be to obtain, supply, and distribute an
24 adequate water supply for the Florida Keys and to collect,
25 treat, and dispose of wastewater in the Florida Keys. The
26 geographic jurisdiction of the Authority shall be as provided
27 in this act. The Florida Keys Aqueduct Authority shall be an
28 autonomous public body corporate and politic and have
29 perpetual existence. All lawful debts, bonds, obligations,
30 contracts, franchises, promissory notes, audits, minutes,
31 resolutions, and other undertakings of the Florida Keys

1 Aqueduct Authority are hereby validated and shall continue to
2 be valid and binding on the Florida Keys Aqueduct Authority in
3 accordance with their respective terms, conditions, covenants,
4 and tenor. Any proceedings heretofore begun by the Florida
5 Keys Aqueduct Authority for the construction of any
6 improvements, works, or facilities, for the assessment of
7 benefits and damages, or for the borrowing of money shall not
8 be impaired or voided by this act but may be continued and
9 completed in the name of the Florida Keys Aqueduct Authority.
10 The Authority shall include within its territorial boundaries
11 all of the lands within Monroe County, but may procure water
12 outside its boundaries for sale within said boundaries, and
13 may serve customers residing within 1 mile of its pipeline,
14 from its well field at Florida City in Miami-Dade County to
15 the territorial boundary of the Authority.

16 Section 2. Applicability of certain provisions of
17 Florida law to the Florida Keys Aqueduct Authority.--This act
18 shall give the Authority exclusive jurisdiction over the
19 setting of rates, fees, and charges of, and the connection to
20 and disconnection from, the water system and the sewer system
21 of the Authority as granted by this act and to this extent
22 shall supersede chapter 367, Florida Statutes. Decisions made
23 by the Florida Keys Aqueduct Authority shall not be subject to
24 the Administrative Procedures Act, chapter 120, Florida
25 Statutes.

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 (1) "Authority" means the Florida Keys Aqueduct
30 Authority hereby constituted or if such Authority shall be
31 abolished, any board, commission, or officer succeeding to the

1 principal functions thereof or upon whom the powers given by
2 this act to such Authority shall be given by law.

3 (2) "Board" means the board of directors of the
4 Florida Keys Aqueduct Authority or, if such Authority shall be
5 abolished, the board, body, or commission succeeding to the
6 principal functions thereof or to whom the powers given by
7 this act to the board of directors shall be given by law.

8 (3) "Department" means the Department of the Navy of
9 the United States of America.

10 (4) "Bond" includes certificates, and provisions
11 applicable to bonds shall be equally applicable to
12 certificates. "Bond" includes any obligation in the nature of
13 bonds as are provided for in this act as the case may be.

14 (5) "Cost" when used with reference to any project
15 includes, but is not limited to, the expenses of determining
16 the feasibility or practicability of acquisition,
17 construction, or reconstruction; the cost of surveys,
18 estimates, plans, and specifications; the cost of acquisition,
19 construction, or reconstruction; the cost of improvements,
20 engineering, fiscal, and legal expenses and charges; the cost
21 of all labor, materials, machinery, and equipment; the cost of
22 all lands, properties, rights, easements, and franchises
23 acquired; federal, state, and local taxes and assessments;
24 financing charges; the creation of initial reserve and debt
25 service funds; working capital; interest charges incurred or
26 estimated to be incurred on moneys borrowed prior to and
27 during construction and acquisition and for such period of
28 time after completion of construction or acquisition as the
29 board of directors may determine; the cost of issuance of
30 bonds pursuant to this act, including advertisements and
31 printing; the cost of any election held pursuant to this act

1 and all other expenses of issuance of bonds; discount, if any,
2 on the sale or exchange of bonds; administrative expenses;
3 such other expenses as may be necessary or incidental to the
4 acquisition, construction, or reconstruction of any projects
5 or to the financing thereof, or the development of any lands
6 of the Authority; and reimbursement of any public or private
7 body, person, firm, or corporation of any moneys advanced in
8 connection with any of the foregoing items of cost. Any
9 obligation or expense incurred prior to the issuance of bonds
10 in connection with the acquisition, construction, or
11 reconstruction of any project or improvements thereon, or in
12 connection with any other development of land that the board
13 of directors of the Authority shall determine to be necessary
14 or desirable in carrying out the purposes of this act, may be
15 treated as part of such cost.

16 (6) "Project" means any development, improvements,
17 property, utility, facility, works, enterprise, service, or
18 convenience that the Authority is authorized to construct,
19 acquire, undertake, or furnish for its own use or for the use
20 of any person, firm, or corporation owning, leasing, or
21 otherwise using the same for any profit or nonprofit purpose
22 or activity and shall include without limitation such repairs,
23 replacements, additions, extensions, and betterments of and to
24 any project as may be deemed necessary or desirable by the
25 board of directors to place or to maintain such project in
26 proper condition for the safe, efficient, and economic
27 operation thereof.

28 (7) "Water system" means any existing or proposed
29 plant, system, facility, or property and additions,
30 extensions, and improvements thereto at any future time
31 constructed or acquired as part thereof, useful or necessary

1 or having the present capacity for future use in connection
2 with the development of sources, treatment, desalination, or
3 purification and distribution of water for public or private
4 use and, without limiting the generality of the foregoing,
5 includes dams, reservoirs, storage tanks, mains, lines,
6 valves, pumping stations, laterals, and pipes for the purpose
7 of carrying water to the premises connected with such system,
8 and all real and personal property and any interests therein,
9 rights, easements, and franchises of any nature whatsoever
10 relating to any such system and necessary or convenient for
11 the operation thereof. It shall embrace wells for supplying
12 water located or to be located on the Florida mainland,
13 including a pipeline or aqueduct from such wells to a point at
14 or near the City of Key West, and shall include the water
15 distribution system acquired by the Authority from the City of
16 Key West, and any interest the Authority may have in and to
17 the water supply system or any part thereof by contract with
18 the department.

19 (8) "Sewer system" means any plant, system, facility,
20 or property and additions, extensions, and improvements
21 thereto at any future time constructed or acquired as part
22 thereof, useful or necessary or having the present capacity
23 for future use in connection with the collection, treatment,
24 purification, or disposal of sewage, including, without
25 limitation, industrial wastes resulting from any processes of
26 industry, manufacture, trade, or business or from the
27 development of any natural resources, and, without limiting
28 the generality of the foregoing, shall include treatment
29 plants, pumping stations, lift stations, valve, force mains,
30 intercepting sewers, laterals, pressure lines, mains, and all
31 necessary appurtenances and equipment, all sewer mains,

1 laterals, and other devices for the reception and collection
2 of sewage from premises connected therewith, and all real and
3 personal property and any interest therein, rights, easements,
4 and franchises of any nature whatsoever relating to any such
5 system and necessary or convenient for the operation thereof.
6 The terms "wastewater" and "wastewater system" shall be
7 construed as synonymous with the terms "sewer" and "sewer
8 system" for all purposes under this act.

9 Section 4. Board of directors; organization;
10 qualification; term of office; quorum.--The Board of Directors
11 of the Florida Keys Aqueduct Authority shall be the governing
12 body of the Authority and shall, subject to the provisions of
13 this act, exercise the powers granted to the Authority under
14 this act. The board of directors shall consist of five members
15 appointed by the Governor who shall each represent one of five
16 districts which shall be conterminous with the districts of
17 the Board of County Commissioners of Monroe County. Each
18 member of the board of directors shall be a registered elector
19 within Monroe County and shall have been a resident of the
20 district for 6 months prior to the date of his or her
21 appointment. The members shall be appointed by the Governor
22 for terms of 4 years each, except that any appointment to fill
23 a vacancy shall be for the unexpired portion of the term. The
24 board shall elect any one of its members as chair and shall
25 also elect any one of its members as secretary-treasurer. A
26 majority of the members of the board shall constitute a
27 quorum. No vacancy in the board shall impair the right of a
28 quorum to exercise all the rights and perform all of the
29 duties of the board. All members of the board shall be
30 required to be bonded. Any vacancy occurring on the board

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1 shall be filled by appointment by the Governor for the
2 duration of the unexpired term.

3 Section 5. Records of board of directors.--The board
4 of directors shall keep a permanent record book entitled
5 "Record of Governing Board of Florida Keys Aqueduct Authority"
6 in which shall be recorded minutes of all meetings,
7 resolutions, proceedings, certificates, and bonds given by
8 employees and any and all acts, which book shall at reasonable
9 times be open to public inspection. Such record book shall be
10 kept at an office or other regular place of business
11 maintained by the board of directors in Monroe County. The
12 board shall keep a current inventory of all real and tangible
13 personal property owned or leased by the Authority in the
14 above referenced record book.

15 Section 6. Compensation of the board.--Each member
16 shall be entitled to receive for such services a fee of \$337
17 per meeting, not to exceed 3 meetings per month. In addition,
18 each board member shall receive reasonable expenses which
19 shall not be in excess of the amounts provided by law for
20 state and county officials in chapter 112, Florida Statutes.
21 The compensation amount for the members of the board provided
22 for in this section shall be adjusted annually based upon the
23 index provided for pursuant to section 287.017(2), Florida
24 Statutes.

25 Section 7. Bonds; depositories; fiscal agent;
26 budget.--

27 (1) Each member of the board of directors shall
28 execute a bond to the Governor in the amount of \$10,000 with a
29 qualified surety to secure his or her faithful performance of
30 his or her powers and duties. The board of directors shall
31 require a certified audit of the books of the Authority at

1 least once a year at the expense of the Authority. Such audit
2 shall be available for public inspection and a notice of the
3 availability of the audit shall be published in a newspaper
4 published in Monroe County at least once within 6 months after
5 the end of each fiscal year. The legislative auditor may audit
6 the Authority at any time.

7 (2) The board of directors is authorized to select
8 depositories in which the funds of the board and of the
9 Authority shall be deposited. Any banking corporation
10 organized under the laws of the state or under the National
11 Banking Act doing business in the state upon such terms and
12 conditions as to the payment of interest by such depository
13 upon the funds so deposited as the board may deem just and
14 reasonable.

15 (3) The board of directors may employ a fiscal agent
16 who shall be either a resident of the state or a corporation
17 organized under the laws of this or any other state and who
18 shall assist in the keeping of the books, the collection of
19 fees, and the remitting of funds to pay maturing bonds and
20 coupons and perform such other or additional services and
21 duties as fiscal agent and receive such compensation as the
22 board of directors may determine.

23 (4) The board of directors shall cause a copy of the
24 proposed budget of the Authority to be published in a
25 newspaper published in Monroe County at least once not later
26 than 60 days prior to the date the fiscal year begins. The
27 board shall hold a public hearing and adopt such budget at
28 least 30 days prior to such date.

29 Section 8. Powers and duties of the board of
30 directors.--Except as otherwise provided in this act, all of
31 the powers and duties of the Authority shall be exercised by

1 and through the board of directors. Without limiting the
2 generality of the foregoing, the board shall have the power
3 and authority to:

4 (1) Employ engineers, contractors, consultants,
5 attorneys, auditors, agents, employees, and representatives,
6 as the board of directors may from time to time determine, on
7 such terms and conditions as the board of directors may
8 approve, and fix their compensation and duties.

9 (2) Maintain an office at such place or places as it
10 may designate.

11 (3) Enter or direct entry upon any lands, premises,
12 waters, or other property subject to the requirements of due
13 process as to privately owned property.

14 (4) Execute all contracts and other documents, adopt
15 all proceedings, and perform all acts determined by the board
16 of directors as necessary or advisable to carry out the
17 purposes of this act. The board may authorize the chair or
18 vice chair to execute contracts and other documents on behalf
19 of the board or the Authority. The board may appoint a person
20 to act as general manager of the Authority having such
21 official title, functions, duties, and powers as the board may
22 prescribe. The general manager shall not be a member of the
23 board.

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

27 (1) To sue and be sued by its name in any court of law
28 or in equity.

29 (2) To adopt and use a corporate seal and to alter the
30 same at pleasure.

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1 (3) To acquire property, real, personal, or mixed
2 within or without its territorial limits in fee simple or any
3 lesser interest or estate by purchase, gift, devise, or lease
4 on such terms and conditions as the board of directors may
5 deem necessary or desirable and by condemnation (subject to
6 limitations herein below). The Authority shall provide
7 information and assistance to Monroe County for use in
8 preparing its comprehensive plan with respect to the
9 availability of water and wastewater facilities. Except in
10 cases of emergency, the purchase of sole source items, or when
11 the board determines that delay would be detrimental to the
12 interests of the Authority, equipment shall be purchased in
13 accordance with part I of chapter 287, Florida Statutes. All
14 provided that the board of directors determines that the use
15 or ownership of such property be necessary in the furtherance
16 of a designated lawful purpose authorized under the provisions
17 of this act. However, the Authority may purchase equipment or
18 material without competitive bid, regardless of price, when
19 the manufacturer of such equipment or material refuses to bid
20 on the equipment or material and the board determines that the
21 public interest would be served and substantial savings would
22 result if the equipment or material were purchased directly
23 from the manufacturer. In all such cases the board shall enter
24 a record of such purchase in the "Record of Governing Board of
25 Florida Keys Aqueduct Authority." The Authority is
26 specifically excluded from the provisions of section
27 253.03(6), Florida Statutes, and has the authority to hold
28 title to property in its own name and to acquire easements or
29 rights-of-way, with or without restrictions, within or without
30 the limits of the Authority. The state may convey to the
31 Authority rights-of-way over any of the lands and structures

1 belonging to the state or any of its agencies for the purpose
2 of constructing, maintaining, supplying, establishing, and
3 regulating the works and projects involved in the wastewater
4 system or the water supply and distribution systems authorized
5 by this act. To mortgage, hold, manage, control, convey,
6 lease, sell, grant, or otherwise dispose of the same and any
7 of the assets and properties of the Authority without regard
8 to chapter 273, Florida Statutes.

9 (4) Whenever deemed necessary or desirable by the
10 board of directors, to lease as lessor or lessee, to or from
11 any person, firm, corporation, association, or body, public or
12 private, any projects of the type that the Authority is
13 authorized to undertake and facilities or property of any
14 nature for the use of the Authority to carry out any of the
15 purposes of the Authority.

16 (5) The Authority shall in its discretion have the
17 power upon resolution duly passed to insure its property in
18 accordance with the State Risk Management Trust Fund as
19 provided by chapter 284, Florida Statutes.

20 (6) To exercise within or without the territorial
21 limits of the Authority the right and power of eminent domain
22 in all cases and under all circumstances provided for in
23 chapter 73, Florida Statutes, and amendments thereto. In
24 addition to and not in limitation of the foregoing, the
25 Authority may also exercise the right and power of eminent
26 domain for the purpose of condemning any real, personal, or
27 mixed property, public or private, including, without
28 limitation, the property owned by any political body or
29 municipal corporation which the board of directors shall deem
30 necessary for the use of, construction, or operation of any of
31 the projects of the Authority or otherwise to carry out any of

1 the purposes of the Authority. The power of condemnation shall
2 be exercised in the same manner as now provided by the general
3 laws of the state. In any proceeding under this act or under
4 chapter 73, Florida Statutes, for the taking of property by
5 eminent domain or condemnation, the board of directors is
6 authorized to file declaration of taking immediate possession
7 of the property before the final trial by making deposit as to
8 value as provided by the general statutes, and shall have all
9 of the benefits provided by chapters 73 and 74, Florida
10 Statutes, and amendments thereto, or any other statutes of the
11 state which give the right to immediate taking and possession.
12 No public or private body and no agency or authority of the
13 state or any political subdivision thereof shall exercise the
14 power of eminent domain or condemnation with respect to any of
15 the properties, easements, or rights owned by the Authority
16 and lying within the Authority's jurisdiction, except with the
17 concurrence of the board of directors of the Authority which
18 shall not be unreasonably withheld.

19 (7) To own, acquire, construct, reconstruct, equip,
20 operate, maintain, extend, and improve water systems; to
21 regulate the use of and supply of water including rationing,
22 and regulations to enforce rationing, within the Authority
23 boundaries, and pipes and water mains, conduits or pipelines,
24 in, along, or under any street, alley, highway, or other
25 public places or ways within or without the boundaries of the
26 Authority when deemed necessary or desirable by the board of
27 directors in accomplishing the purposes of this act.

28 (8) To issue bonds or other obligations authorized by
29 the provisions of this act or any other law or any combination
30 of the foregoing to pay all or part of the cost of the
31 acquisition or construction, reconstruction, extension,

1 repair, improvement, maintenance, or operation or any project
2 or combination of projects. To provide for any facility,
3 service, or other activity of the Authority and to provide for
4 the retirement or refunding of any bonds or obligations of the
5 Authority or for any combination of the foregoing purposes.
6 (9)(a) To purchase, construct, and otherwise acquire
7 and to improve, extend, enlarge, and reconstruct a sewage
8 disposal system or systems and to purchase and/or construct or
9 reconstruct sewer improvements and to operate, manage, and
10 control all such systems so purchased and/or constructed and
11 all properties pertaining thereto and to furnish and supply
12 sewage collection and disposal services to any municipalities
13 and any persons, firms, or corporations, public or private; to
14 prohibit or regulate the use and maintenance of outhouses,
15 privies, septic tanks, or other sanitary structures or
16 appliances within the Authority boundaries, provided that
17 prior to prohibiting the use of any such facilities adequate
18 new facilities must be available; to prescribe methods of
19 pretreatment of waste not amenable to treatment; to refuse to
20 accept such waste when not sufficiently pretreated as may be
21 prescribed and to prescribe penalties for the refusal of any
22 person or corporation to so pretreat such waste; to sell or
23 otherwise dispose of the effluent, sludge, or other
24 by-products as a result of sewage treatment and to construct
25 and operate connecting or intercepting outlets, sewers and
26 sewer mains and pipes and water mains, conduits, or pipelines
27 in, along, or under any street, alley, or highway, within or
28 without the Authority boundaries when deemed necessary or
29 desirable by the board of directors in accomplishing the
30 purposes of this act, with the consent of the agency owning or
31 controlling same. All such regulation herein authorized shall

1 comply with the standards and regulations pertaining to same
2 as promulgated by the Department of Health and by the
3 Department of Environmental Protection.

4 (b) The Authority shall have the power to create sewer
5 districts comprising any area within the geographic boundaries
6 of the Authority. However, the boundaries of any such sewer
7 district shall not be established until approved by majority
8 vote of the Board of County Commissioners of Monroe County,
9 after a public hearing duly noticed and advertised. Any
10 portion or portions of the sewer system within a district and
11 of benefit to the premises or land served thereby shall be
12 deemed improvements and shall include, without being limited
13 to, laterals and mains for the collection and reception of
14 sewage from premises connected therewith, local or auxiliary
15 pumping or lift stations, treatment plants or disposal plants,
16 and other pertinent facilities and equipment for the
17 collection, treatment, and disposal of sewage. The board may
18 impose fees and charges sufficient to obtain bond or other
19 financing for sewer projects. Such charges shall be a lien
20 upon any such parcel of property superior and paramount to any
21 interest except the lien of county or municipal taxes and
22 shall be on a parity with any such taxes. All operational and
23 financial records of each district shall be separately
24 maintained and open to public inspection.

25 (c) To exercise exclusive jurisdiction, control, and
26 supervision over any sewer systems owned or operated and
27 maintained by the Authority and to make and enforce such rules
28 and regulations for the maintenance and operation of any sewer
29 systems as may be in the judgment of the Authority necessary
30 or desirable. However, such jurisdiction shall not conflict
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1 with chapter 403, Florida Statutes, and rules of the
2 Department of Environmental Protection.

3 (d) To restrain, enjoin, or otherwise prevent the
4 violation of this law or of any resolution, rules, or
5 regulations adopted pursuant to the powers granted by this
6 law.

7 (e) To require and enforce the use of its facilities
8 whenever and wherever they are accessible.

9 (f) To approve or disapprove all subdivision plats and
10 to provide for compliance with sewer standards, rules, and
11 regulations. No subdivision plat or property located within
12 the geographic boundaries of the Authority shall be recorded
13 until approval of the board is obtained. The board shall have
14 the power to require a surety bond from any developer to
15 ensure compliance with sewer requirements of the board.

16 (g) In addition to the other provisions and
17 requirements of this law, any resolution authorizing the
18 issuance of revenue bonds, assessment bonds, or any other
19 obligations issued hereunder may contain provisions and the
20 Authority Board is authorized to provide and make covenants
21 and agree with several holders of such bonds as to:

22 1. Reasonable deposits with the Authority in advance
23 to ensure the payments of rates, fees, or charges for the
24 facilities of the system.

25 2. Discontinuance of the services and facilities of
26 any water system for delinquent payments for sewer services
27 and the terms and conditions of the restoration of such
28 service.

29 3. Contracts with private or public owners of sewer
30 systems not owned and operated by the Authority for the
31 discontinuance of service to any users of the sewer systems.

1 4. Regulate the construction, acquisition, or
2 operation of any plant, structure, facility, or property which
3 may compete with any sewer system.

4 5. The manner and method of paying service charges and
5 fees and the levying of penalties for delinquent payments.

6 6. Any other matters necessary to secure such bonds
7 and the payment of such principal and interest thereof.

8 (h) In the event that fees, rates, and charges for
9 services and facilities of any sewer system shall not be paid
10 as and when due, the Authority shall be empowered to
11 discontinue furnishing water services as provided in section
12 16 of this act.

13 (i) Any sewer systems within the geographic boundaries
14 of the Authority may be combined into a single consolidated
15 system for purposes of financing or of operation and
16 administration or both. However, no water system may be
17 combined with any sewer system for purposes of financing.

18 (j) The Authority is hereby authorized to adopt by
19 reference and utilize or take advantage of any of the
20 provisions of chapters 100, 153, 159, and 170, Florida
21 Statutes.

22 (k) The Authority shall have power to contract with
23 any person, private or public corporation, the State of
24 Florida, or any agency, instrumentality or county,
25 municipality, or political subdivision thereof, or any agency,
26 instrumentality or corporation of or created by the United
27 States of America, with respect to such wastewater system or
28 any part thereof. The Authority shall also have power to
29 accept and receive grants or loans from the same, and in
30 connection with any such contract, grant or loan, to stipulate
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1 and agree to such covenants, terms, and conditions as the
2 governing body of the Authority shall deem appropriate.

3 (l) To make or cause to be made such surveys,
4 investigations, studies, borings, maps, drawings, and
5 estimates of cost and revenues as it may deem necessary, and
6 to prepare and adopt a comprehensive plan or plans for the
7 location, relocation, construction, improvement, revision and
8 development of the wastewater system.

9 (m) That subject to covenants or agreement with
10 bondholders contained in proceedings authorizing the issuance
11 of bonds pursuant to this act, the Authority shall have the
12 power to lease said wastewater system or any part or parts
13 thereof, to any person, firm, corporation, association, or
14 body, upon such terms and conditions and for such periods of
15 time as shall be determined by the governing body. The
16 Authority shall also, whenever desirable, have power to grant
17 permits or licenses in connection with any of the facilities
18 of such wastewater system, and shall have full and complete
19 power to do all things necessary and desirable for the proper
20 and efficient administration and operation of such wastewater
21 system and all parts thereof. The Authority shall also have
22 power, whenever deemed necessary or desirable and subject to
23 covenants and agreements with bondholders, to lease from any
24 person, firm, corporation, association, or body, any
25 facilities of any nature for such wastewater system.

26 (n) That charges shall be levied by the Authority
27 against its own books or against Monroe County with respect to
28 providing any facilities or services rendered by such
29 wastewater system to the Authority or to Monroe County or to
30 any other political subdivision or public body or agency which
31 receives wastewater system services, or to any department or

1 works thereof, at the rate or rates applicable to other
2 customers or users taking facilities or services under similar
3 conditions. Revenues derived from such facilities or services
4 so furnished shall be treated as all other revenues of the
5 wastewater system.

6 (o) Neither Monroe County, nor any municipality or
7 special district therein, shall exercise any present or future
8 power, pursuant to law, to interfere with the Authority's
9 jurisdiction and operation of the wastewater system in such a
10 manner as to impair or adversely affect the covenants and
11 obligations of the Authority under agreement relating to its
12 bonds or other debts.

13 (p) The Authority shall have exclusive jurisdiction
14 over the administration, maintenance, development, and
15 provision of wastewater system services in Monroe County with
16 the exception of the Key Largo Wastewater Treatment District
17 as defined in chapter 2002-337, Laws of Florida, consisting of
18 Key Largo, including all lands east of Tavernier Creek,
19 including Tavernier, Key Largo, and Cross Key, but excluding
20 Ocean Reef, the City of Key West, the City of Key Colony
21 Beach, the City of Layton, and Islamorada, Village of Islands
22 unless such areas shall choose to grant the Authority such
23 jurisdiction, and the Authority's wastewater system authorized
24 hereunder shall be the exclusive provider of wastewater system
25 services and no franchise or grant of power to any other
26 entity or provider shall be lawful unless preapproved by the
27 Authority. The Authority shall have the power to regulate the
28 use of, including prohibiting the use of or mandating the use
29 of, specific types of wastewater facilities and,
30 notwithstanding any other provisions hereof, shall be
31 authorized to prescribe the specific type of wastewater

1 treatment facility or measures required to be utilized within
2 the boundaries of the Authority, including, but not limited
3 to, requiring the use of septic tanks in lieu of cess pits,
4 the mandatory hook up to specific wastewater treatment plants,
5 requiring upgrades be undertaken to on site wastewater
6 systems, and any other combination of the foregoing in order
7 to manage effluent disposal and wastewater matters.

8 (10) In addition to the powers specifically provided
9 in this chapter, the Authority shall have the power to own,
10 acquire, construct, reconstruct, equip, operate, maintain,
11 extend, and improve such other related projects as the board
12 of directors may in its discretion find necessary or desirable
13 to accomplish the primary purpose of this act which is to
14 supply water and sewer services and facilities to the Florida
15 Keys. The Authority is hereby authorized to adopt by reference
16 and utilize or take advantage of any of the relevant
17 provisions of chapter 100, chapter 153, chapter 159, or
18 chapter 170, Florida Statutes.

19 Section 10. Rules.--Upon reasonable advance notice to
20 the public and an opportunity for all persons to be heard on
21 the matter, the board shall adopt bylaws, rules, resolutions,
22 regulations, and orders prescribing the powers, duties, and
23 functions of the members of the board and employees of the
24 Authority, the conduct of the business of the Authority, the
25 maintenance of records of the Authority, and shall adopt
26 administrative rules and regulations with respect to any of
27 the projects of the Authority.

28 Section 11. Exercise by Authority of powers within
29 municipalities.--The Authority shall have the power to
30 exercise any of its rights, powers, privileges, and
31 authorities in any and all portions of the geographical limits

1 of the Authority lying within the boundaries of any municipal
2 corporation or other political subdivision, heretofore or
3 hereafter created or organized, whose boundaries lie wholly or
4 partly within the geographic limits of the Authority, to the
5 same extent and in the same manner as in areas of the
6 Authority not incorporated as part of a municipality or other
7 political subdivision.

8 Section 12. Furnishing facilities and services within
9 the Authority territory.--

10 (1) The Authority shall have the power to construct,
11 maintain, and operate its projects within the geographic
12 limits of the Authority, including any portions of the
13 Authority located inside the boundaries of any incorporated
14 municipalities or other political subdivisions and to offer,
15 supply, and furnish the facilities and services provided for
16 in this act.

17 (2) The Authority shall have the power to collect
18 fees, rentals, and other charges from persons, firms,
19 corporations, municipalities, counties, the Federal
20 Government, the department, political subdivisions, and other
21 public or private agencies or bodies within the geographic
22 limits of the Authority and for the use of the Authority
23 itself.

24 Section 13. Maintenance of projects across
25 rights-of-way.--The Authority shall have the power to
26 construct and operate its projects in, along, or under any
27 streets, alleys, highways, or other public places or ways, and
28 across any drain, ditch, canal, floodwater, holding basin,
29 excavation, railroad right-of-way, track, grade, fill, or cut.
30 However, just compensation shall be paid by the Authority for
31

1 any private property taken or damaged by the exercise of such
2 power.

3 Section 14. Fees, rentals, and charges; procedure for
4 adoption and modification; minimum revenue requirements.--

5 (1) The Authority shall have the power to prescribe,
6 fix, establish, and collect rates, fees, rentals, or other
7 charges (hereinafter sometimes referred to as revenue) and to
8 revise the same from time to time for the facilities and
9 services furnished or to be furnished by the Authority and to
10 provide for reasonable penalties against any user for any such
11 rates, fees, rentals, or other charges that are delinquent.

12 (2) Such rates, fees, rentals, and charges shall be
13 just and equitable and, except as provided herein, uniform for
14 users of the same class and, where appropriate, may be based
15 or computed either upon the amount of service furnished or
16 upon the number or average number of persons working or
17 residing or working or otherwise occupying the premises served
18 or upon any other factor affecting the use of the facilities
19 furnished, or upon any combination of the foregoing factors as
20 may be determined by the board of directors on an equitable
21 basis. The Authority may prescribe, fix, and establish a
22 special lower rate, fee, rental, or other charge on the
23 residential account of any person who is 60 years of age or
24 older or a totally and permanently disabled American veteran
25 on the date of application, who meets the low income standards
26 adopted by the board and who applies for such special lower
27 rate, fee, rental, or other charge between the months of
28 January and December, inclusive, of each year. As used in
29 this section "residential account" means an account for a
30 person residing in a house, mobile home, condominium,
31 apartment, or other housing unit. The application shall

1 include the submission of an affidavit stating that the
2 applicant is 60 years of age or older or a totally and
3 permanently disabled American veteran . The submission of the
4 affidavit shall be prima facie evidence of the applicant's age
5 or disability. The application shall also include the annual
6 income of the applicant.

7 (3) The rates, fees, rentals, or other charges
8 prescribed shall be such as will produce revenues at least
9 sufficient to provide for the items hereinafter listed but not
10 necessarily in the order stated:

11 (a) To provide for all costs, expenses of operation,
12 and maintenance of such facility or service for such purpose.

13 (b) To pay, when due, all bonds and interest thereon
14 for the payment of which such revenues are or shall have been
15 pledged or encumbered, including reserves for such purposes.

16 (c) To provide for any other funds which may be
17 required on the resolution or resolutions authorizing issuance
18 of bonds pursuant to this act.

19 (4) No rate, fee, rental, or other charge may be
20 established resulting in increased costs for service to the
21 customer nor may any rate, fee, rental, or other charge be
22 increased by the Authority until a public hearing has been
23 held relating to the proposed increase in the City of Key
24 West, and in the Marathon and the upper Keys areas. However,
25 if the proposed rule affects wastewater only in a single
26 wastewater district and affects rates, fees, or other charges
27 that could result in increased costs of service to the
28 customer, no rate, fee, rental, or other charge may be
29 increased by the Authority until two advertised public
30 hearings have been held relating to the proposed increase at a
31 site convenient to the public located in the district

1 area. Such public hearings shall not occur within 15 days of
2 each other.

3 Section 15. Recovery of delinquent charges.--In the
4 event that any of the rates, fees, rentals, charges, or
5 delinquent penalties shall not be paid as when due and shall
6 be in default for 30 days or more, the unpaid balance thereof
7 and all interest accrued thereon together with attorneys' fees
8 and costs may be recovered by the Authority in a civil action
9 and in accordance with any covenant in any bond indenture of
10 the Authority. The board shall have the authority to impose a
11 service charge in accordance with section 832.07(1)(a),
12 Florida Statutes upon the maker or drawer of any check, draft,
13 or order in payment of any such rate, fee, rental, charge or
14 delinquent penalty, for which payment is refused by the drawee
15 because of lack of funds or credit.

16 Section 16. Discontinuance of service.--In the event
17 that the fees, rentals, or other charges for the services and
18 facilities of any project are not paid when due, the board of
19 directors shall have the power to discontinue and shut off the
20 same until such fees, rentals, or other charges, including
21 interest, penalties, and charges for the shutting off or
22 discontinuance and the restoration of such services and
23 facilities, are fully paid, and for such purposes may enter on
24 any lands, waters, and premises of any person, firm,
25 corporation, or other body, public or private. Such
26 delinquent fees, rentals, or other charges together with
27 interest, penalties, and charges for the shutting off and
28 discontinuance and the restoration of such services and
29 facilities and reasonable attorneys' fees and other expenses
30 may be recovered by the Authority by suit in any court of
31 competent jurisdiction. The Authority may also enforce

1 payment of such delinquent fees, rentals, or other charges by
2 any other lawful method of enforcement.

3 Section 17. Remedies.--Any holder of bonds issued
4 under the provisions of this act or of any of the coupons
5 appertaining thereto, and the trustee under the trust
6 indenture, if any, except to the extent the rights herein
7 given may be restricted by resolution passed before the
8 issuance of the bonds or by the trust indenture, may, either
9 at law or in equity, by suit, action, mandamus, or other
10 proceeding, protect and enforce any and all rights under the
11 laws of the State of Florida or granted hereunder or under
12 such resolution or trust indenture, and may enforce or compel
13 performance of all duties required by this act or by such
14 resolution or trust indenture to be performed by the Authority
15 or any officer thereof, including the fixing, charging, and
16 collecting of rates and other charges for both water furnished
17 by the waterworks system and wastewater treatment furnished by
18 the wastewater system.

19 Section 18. Receiver.--

20 (1) In the event that the Authority shall default in
21 the payment of the principal of or the interest on any of the
22 bonds as the same shall become due, whether at maturity or
23 upon call for redemption, and such default shall continue for
24 a period of 45 days, or in the event that the Authority or the
25 officers, agents, or employees of the Authority shall fail or
26 refuse to comply with the provisions of this act or shall
27 default in any agreement made with the holders of the bonds,
28 any holder of bonds, subject to the provisions of the
29 resolution authorizing the same or the trust indenture, or the
30 trustee therefor, shall have the right to apply in any
31 appropriate judicial proceeding to the Circuit Court in any

1 court of competent jurisdiction, for the appointment of a
2 receiver of the waterworks system, excluding however, the
3 aqueduct, whether or not all bonds shall have been declared
4 due and payable and whether or not such holder or trustee is
5 seeking or has sought to enforce any other right or to
6 exercise any other remedy in connection with such bonds, and,
7 upon such application, the court may appoint such receiver.

8 (2) The receiver so appointed shall forthwith,
9 directly or by his agents and attorneys, enter into and upon
10 and take possession of such portion of the waterworks system
11 and may exclude the Authority, its officers, agents, and
12 employees and all persons claiming under them, wholly
13 therefrom and shall have, hold, use, operate, manage, and
14 control the same in the name of the Authority or otherwise, as
15 the receiver may deem best, and shall exercise all the rights
16 and powers of the Authority with respect thereto as the
17 Authority itself might do. Whenever all defaults shall have
18 been cured and made good, the court may, in its discretion,
19 and after such notice and hearing as it deems reasonable and
20 proper, direct the receiver to surrender possession of such
21 property to the Authority. The same right to secure the
22 appointment of a receiver shall exist upon any subsequent
23 default as hereinabove provided.

24 (3) Notwithstanding anything in this section to the
25 contrary, any such receiver shall have no power to sell,
26 assign, mortgage, or otherwise dispose of any assets of
27 whatever kind or character belonging to the Authority and
28 useful for the waterworks system, and the authority of any
29 such receiver shall be limited to the operation and
30 maintenance of such portion of the system as may be placed in
31 receivership and no court shall have jurisdiction to enter any

1 order or decree requiring or permitting such receiver to sell,
2 mortgage, or otherwise dispose of any such assets.

3 Section 19. Agreements with public and private parties
4 concerning the furnishing of facilities and services.--The
5 Authority shall have the power to enter into agreements with
6 any person, firm, or corporation, public or private, for the
7 furnishing by such person, firm, or corporation of any
8 facilities and services of the type provided for in this act
9 to the Authority, and for or on behalf of the Authority to
10 persons, firms, corporations, and other public or private
11 bodies and agencies to whom the Authority is empowered under
12 this act to furnish facilities and services.

13 Section 20. Exclusive jurisdiction of projects and
14 finances.--

15 (1) The board of directors shall have exclusive
16 jurisdiction and control, except as otherwise provided herein
17 and as to the quality and manner of discharge of effluent,
18 over the projects of the Authority without limitation as to
19 expenditures and appropriations except to the extent otherwise
20 provided in this act and to the extent that the board of
21 directors may by agreement with any other public or private
22 body authorize the same to exercise jurisdiction or control of
23 any of the projects of the Authority. It shall not be
24 necessary for the Authority to obtain any certificate of
25 convenience or necessity, franchise, license, permit, or
26 authorization from any bureau, board, commission, or like
27 instrumentality of the state or any political subdivision
28 thereof in order to construct, reconstruct, acquire, extend,
29 repair, improve, maintain, or operate any project and the
30 rates, fees, or other charges to be fixed and collected with
31 respect to the facilities and service of the Authority shall

1 not be subject to supervision, regulation, or the rate-setting
2 power of any bureau, board, commission, or other agency of the
3 state or any political subdivision thereof.

4 (2) Except as otherwise provided in this act, the
5 budget and finances of the Authority, including without
6 limitation expenditures and appropriations, and the exercise
7 by the board of directors of the powers herein provided, shall
8 not be subject to the requirements or limitations of chapter
9 216, Florida Statutes.

10 Section 21. Revenue bonds.--

11 (1) The Authority shall have the power to issue
12 revenue bonds from time to time without limitation as to
13 amount. Such revenue bonds may be secured by or payable from
14 the gross amount or net pledge of the revenues to be derived
15 from any project or combination of projects from the rates,
16 fees, or other charges to be collected from the users of any
17 project or projects from any revenue-producing undertaking or
18 activity of the Authority or from any other source or pledged
19 security. Such bond shall not constitute an indebtedness of
20 the Authority.

21 (2) Any two or more projects may be combined and
22 consolidated into a single project and may thereafter be
23 operated and maintained as a single project. The revenue
24 bonds authorized herein may be issued to finance any one or
25 more such projects separately or to finance two or more such
26 projects regardless of whether such projects have been
27 combined and consolidated into a single project. If the board
28 of directors deems it advisable, the proceedings authorizing
29 such revenue bonds may provide that the Authority may
30 thereafter combine the projects then being financed or
31 theretofore financed with other projects to be subsequently

1 financed by the Authority, and that revenue bonds to be
2 thereafter issued by the Authority shall be on parity with the
3 revenue bonds then being issued, all on such terms,
4 conditions, and limitations as shall be provided and may
5 further provide that the revenues to be derived from the
6 subsequent projects shall at the time of the issuance of such
7 parity revenue bonds be also pledged to the holders of any
8 revenue bonds theretofore issued to finance the revenue
9 undertakings which are later combined with such subsequent
10 projects. The Authority may pledge for the security of the
11 revenue bonds a fixed amount without regard to any proportion
12 of the gross revenues of any project.

13 Section 22. Refunding bonds.--The Authority shall have
14 the power to issue bonds to provide for the retirement or
15 refunding of any bonds or obligations of the Authority that at
16 the time of such issuance are or subsequently thereto become
17 due and payable or that at the time of issuance have been
18 called or will be subject to call for redemption within 10
19 years thereafter or the surrender of which can be procured
20 from the holders thereof at prices satisfactory to the board
21 of directors. Refunding bonds may be issued at any time when
22 in the judgment of the board of directors such issuance will
23 be advantageous to the Authority. The board of directors may,
24 by resolution, confer upon the holders of such refunding bonds
25 all rights, powers, and remedies to which the holders would be
26 entitled if they continued to be the owners and had possession
27 of the bonds for the refinancing of which said refunding bonds
28 are issued.

29 Section 23. Lien of pledges.--All pledges of revenues
30 and assessments made pursuant to the provisions of this act
31 shall be valid and binding from the time when such pledges are

1 made. All such revenues and assessments so pledged and
2 thereafter collected shall immediately be subject to the lien
3 of such pledges without any physical delivery thereof or
4 further action and the lien of such pledges shall be valid and
5 binding as against all parties having claims of any kind in
6 tort, contract, or otherwise against the Authority
7 irrespective of whether such parties have notice thereof.

8 Section 24. Issuance of bond anticipation notes.--In
9 addition to the other powers applied for in this act and not
10 in limitation thereof, the Authority shall have the power at
11 any time and from time to time after the issuance of any bonds
12 of the Authority shall have been authorized, to borrow money
13 for the purposes for which such bonds are to be issued in
14 anticipation of the receipt of the proceeds of the sale of
15 such bonds and to issue bond anticipation notes in a principal
16 amount not in excess of the authorized maximum amount of such
17 bond issues. Such notes shall be in such denominations and
18 bear interest at such rate or rates, mature at such time or
19 times not later than 5 years from the date of issuance and be
20 in such form and executed in such manner as the board of
21 directors shall prescribe. Such notes may be sold at either
22 public or private sale or if such notes shall be renewable,
23 notes may be exchanged for notes then outstanding on such
24 terms as the board of directors shall determine. Said notes
25 shall be paid from the proceeds of such bonds when issued.

26 Section 25. Short term borrowing.--The Authority at
27 any time may obtain loans in such amount and on such terms and
28 conditions as the board of directors may approve for the
29 purpose of paying any of the expenses of the Authority or any
30 costs incurred or that may be incurred in connection with any
31 of the projects of the Authority, which loan shall have a term

1 not exceeding 3 years from the date of issuance thereof and
2 may be renewable for a like term or terms, shall bear interest
3 not in excess of the prevailing rate available for loans of
4 similar terms and amounts at commercial lending institutions
5 licensed by the Federal Government or the State, may be
6 payable from and secured by a pledge of such funds, revenues,
7 and assessments as the board of directors may determine. For
8 the purpose of defraying such costs and expenses the Authority
9 may issue negotiable notes, warrants, and other evidences of
10 debts signed on behalf of the Authority by any one of the
11 board of directors to be authorized by the board.

12 Section 26. Trust agreements.--In the discretion of
13 the board of directors, any issue of bonds may be secured by a
14 trust agreement by and between the Authority and a corporate
15 trustee or trustees which may be any trust company or bank
16 having the powers of a trust company within or without the
17 state. The resolution authorizing the issuance of the bonds
18 or such trust agreements may pledge the revenues to be
19 received from any projects of the Authority and may contain
20 such provision for protecting and enforcing the rights and
21 remedies of the bondholders as the board of directors may
22 approve, including without limitation covenants setting forth
23 the duties of the Authority in relation to the acquisition,
24 construction, reconstruction, improvement, maintenance,
25 repair, operation, and insurance of any project, the fixing
26 and revising of the rates, fees, and charges and the custody
27 safeguarding and application of all moneys, and for the
28 employment of counseling engineers in connection with such
29 acquisition, construction, reconstruction, improvement,
30 maintenance, repair, and operation. It shall be lawful for
31 any bank or trust company incorporated under the laws of the

1 state which may act as a depository of the proceeds of bonds
2 or of revenues to furnish such indemnifying bonds or to pledge
3 such securities as may be required by the Authority. Such
4 resolution or trust agreement may set forth the rights and
5 remedies of the bondholders and of the trustee, if any, and
6 may restrict the individual right of action by
7 bondholders. The board of directors may provide for the
8 payment of proceeds from the sale of the bonds and the
9 revenues of any project to such officer, board, or
10 depositories as it may designate for the custody thereof, and
11 for the method of disbursement thereof with such safeguards
12 and restrictions as it may determine. All expenses incurred
13 in carrying out the provision of such resolution or trust
14 agreement may be treated as part of the cost of operation of
15 the project to which such trust agreement pertains.

16 Section 27. Sale of bonds.--Bonds may be sold in
17 blocks or installments at different times, or an entire issue
18 or series may be sold at one time. Bonds shall be sold at
19 public sale after advertisement, but not in any event at less
20 than 95 percent of the par value thereof, together with
21 accrued interest thereon. Bonds may be sold or exchanged for
22 refunding bonds. Bonds may be delivered as payment by the
23 Authority of the purchase price or lease of any project or
24 part thereof or a combination of projects or parts thereof or
25 as the purchase price or exchanged for any property, real,
26 personal or mixed, including franchises or services rendered
27 by any contractor, engineer, or other person at one time or in
28 blocks from time to time and in such manner and upon such
29 terms as the board of directors in its discretion shall
30 determine.

31

1 Section 28. Authorization and form of bonds.--The
2 Board may by resolution authorize the issuance of bonds on
3 either a negotiated or competitive bid basis, fix the
4 aggregate amount of bonds to be issued, the purpose or
5 purposes for which the moneys derived therefrom shall be
6 expended, the rate or rates of interest. The denomination of
7 bonds, whether or not the bonds are to be issued in one or
8 more series, the date or dates thereof, the date or dates of
9 maturity, which shall not exceed 40 years from their
10 respective dates of issuance, the medium of payment, place or
11 places within or without the state where payment shall be
12 made, registration, privileges (whether with or without
13 premium), the manner of execution, the form of the bonds,
14 including any interest coupons to be attached thereto, the
15 manner of execution of bonds and coupons, and any and all
16 other terms, covenants and conditions thereof, and the
17 establishment of reserve or other funds.

18 Section 29. Interim certificates, replacement
19 certificates.--Pending the preparation of definitive bonds,
20 the board of directors may issue interim certificates or
21 receipts or temporary bonds, in such form and with such
22 provision as the board of directors may determine,
23 exchangeable for definitive bonds when such bonds have been
24 executed and are available for delivery. The board of
25 directors may also provide for the replacement of any bonds
26 which shall become mutilated or be lost or destroyed.

27 Section 30. Negotiability of bonds.--Any bond issued
28 under this act and any interim certificate, receipt, or
29 temporary bond shall, in the absence of an express recital on
30 the face thereof that it is nonnegotiable, shall be and
31 constitute a negotiable instrument within the meaning and for

1 all purposes of the law merchant, the U.C.C. and the laws of
2 the State of Florida.

3 Section 31. Bonds as legal investment or
4 security.--Notwithstanding any provisions of any other law to
5 the contrary, all bonds issued under provisions of this act
6 shall constitute legal investments for savings banks, trust
7 companies, insurance companies, executors, administrators,
8 trustees, guardians, and other fiduciaries, and for any board,
9 body, agency, instrumentality, county, municipality, or other
10 political subdivision of the state and shall be and constitute
11 securities which may be deposited by banks or trust companies
12 as security for deposit of the state, county, municipal, or
13 other public funds, or by insurance companies.

14 Section 32. Validity of bonds.--Any bonds issued by
15 the Authority shall be incontestable in the hands of bona fide
16 purchasers or holders for value and shall not be invalid
17 because of any irregularity or defects in the proceedings for
18 the issue and sales thereof. However, the Authority is not
19 required to obtain approval of the Bond Review Board as
20 provided by chapter 215, Florida Statutes.

21 Section 33. Pledge by the State of Florida to the
22 bondholders of the Authority and to the Federal
23 Government.--The State of Florida pledges to the holders of
24 any bonds issued under this act that it will not limit or
25 alter the rights of the Authority, to own, acquire, construct,
26 reconstruct, improve, maintain, operate, or furnish the
27 projects or to levy rentals, rates, fees, or other charges
28 provided for herein and to fulfill the terms of any agreement
29 made with the holders of such bonds or other obligations, that
30 it will not in any way impair the rights or remedies of the
31 holders, and that it will not modify in any way the exemption

1 for taxation provided in the act, until all such bonds,
2 together with interest thereon, and all costs and expenses in
3 connection with any action or proceeding by or on behalf of
4 such holders, are fully met and discharged. The State of
5 Florida pledges to and agrees with the Federal Government that
6 in the event the Federal Government or any agency or authority
7 thereof shall construct or contribute any funds, materials, or
8 property for the construction, acquisition, extension,
9 improvement, enlargement, maintenance, operation, or
10 furnishing of any project of the Authority, or any part
11 thereof, the state will not alter or limit the rights and
12 powers of the Authority in any manner which would be
13 inconsistent with the continued maintenance and operation of
14 such project, or any part thereof, on the improvement thereof,
15 or which would be inconsistent with due performance of any
16 agreement between the Authority and the Federal Government,
17 and the Authority shall continue to have, and may exercise,
18 all powers herein granted so long as the board of directors
19 may deem the same necessary or desirable for carrying out the
20 purposes of this act and the purposes of the Federal
21 Government in the construction, acquisition, extension,
22 improvement, enlargement, maintenance, operation, or
23 furnishing of any projects of the Authority or any part
24 thereof.

25 Section 34. Contracts, grants, and contributions.--The
26 Authority shall have the power to make and enter into all
27 contracts and agreements necessary or incidental to the
28 performance or functions of the Authority and the execution of
29 its powers, and to contract with, and to accept and receive
30 grants or loans of money, material, or property from any
31 person, private or public corporation, the State of Florida,

1 or any agency or instrumentality thereof, any county,
2 municipality, or other political subdivision, or any agency,
3 instrumentality, or corporation of or created by the United
4 States of America, or the United States of America, as the
5 board of directors shall determine to be necessary or
6 desirable to carry out the purpose of this act, and in
7 connection with any such contract, grant, or loan to stipulate
8 and agree to such covenants, terms, and conditions as the
9 board of directors shall deem appropriate.

10 Section 35. Tax exemption.--As the exercise of the
11 powers conferred by this act to effect the purposes of this
12 act constitute the performance of essential public functions,
13 and as the projects of the Authority will constitute public
14 property used for public purposes, all assets and properties
15 of the Authority and all bonds issued hereunder and interest
16 paid thereon and all fees, charges, and other revenues derived
17 by the Authority from the projects provided for by this act
18 shall be exempt from all taxes by the state or any political
19 subdivision, agency, or instrumentality thereof, except that
20 this exemption shall not apply to interest earnings subject to
21 taxation under chapter 220, Florida Statutes.

22 Section 36. Construction of Authority projects.--The
23 board of directors shall have the power and authority to
24 acquire, construct, reconstruct, extend, repair, improve,
25 maintain, and operate any of the projects of the Authority,
26 and to that end to employ contractors, to purchase machinery,
27 to employ men to operate the same, and directly to have charge
28 of and construct the projects of the Authority in such manner
29 as the board of directors may determine . The Authority may
30 undertake any such construction work with its own facilities,
31 without public advertisement for bids. The board of directors

1 shall not be permitted to let contracts for projects of the
2 Authority or for purchases without public advertising and the
3 receiving of bids in accordance with such terms and conditions
4 of chapter 287, Florida Statutes. The board of directors
5 shall let contracts to the lowest responsible
6 bidder. However, the board may, in its discretion, reject any
7 and all bids.

8 Section 37. Enforcement and penalties.--The board of
9 directors or any aggrieved person may have recourse to such
10 remedies in law and equity as may be necessary to ensure
11 compliance with the provisions of this act, including
12 injunctive relief to enjoin or restrain any person violating
13 the provisions of this act and any bylaws, resolutions,
14 regulations, rules, codes, and orders adopted under this act,
15 and the court shall, upon proof of such violation, have the
16 duty to issue forthwith such temporary and permanent
17 injunctions as are necessary to prevent such further
18 violations thereof.

19 Section 38. Investment of funds.--The board of
20 directors may, in its discretion, invest funds of the
21 Authority in:

22 (1) Direct obligations of or obligations guaranteed by
23 the United States of America or for the payment of principal
24 and interest of which the faith and credit of the United
25 States is pledged;

26 (2) Bonds or notes issued by any of the following
27 Federal agencies: Bank for Cooperatives; Federal Intermediate
28 Credit Banks; Federal Home Loan Banks System; Federal Land
29 Banks; or the Federal National Mortgage Loan Association
30 (including the debentures or participating certificates issued
31 by such association);

1 (3) Public housing bonds issued by public housing
2 authorities and secured by a pledge of annual contributions
3 under an annual contribution contract or contracts with the
4 United States of America;

5 (4) Bonds or other interest-bearing obligations of any
6 county, district, city, or town located in the State of
7 Florida for which the credit of such political subdivision is
8 pledged; or

9 (5) Any investment authorized for insurers by chapter
10 625, Florida Statutes, inclusive and amendments thereto.

11 Section 39. Fiscal year of the Authority.--The board
12 of directors has the power to establish and from time to time
13 redetermine the fiscal year of the Authority.

14 Section 40. Severability of provision.--If any
15 section, clause, sentence, amendment, or provision of this act
16 or the application of such section, clause, sentence,
17 amendment, or provision to any person or bodies or under any
18 circumstances shall be held to be inoperative, invalid, or
19 unconstitutional, the invalidity of such section, clause,
20 sentence, amendment, or provision shall not be deemed held or
21 taken to affect the validity or constitutionality of any of
22 the remaining parts of this act, or amendments hereto, or the
23 application of any of the provisions of this act to persons,
24 bodies or in circumstances other than those as to which it or
25 any part thereof shall have been held inoperative, invalid, or
26 unconstitutional, and it is intended that this act shall be
27 construed and applied as if any section, clause, sentence,
28 amendment, or provision held inoperative, invalid, or
29 unconstitutional had not been included in this act.

30 Section 41. Liberal construction.--The provisions of
31 this act shall be liberally construed to effect its purposes

1 and shall be deemed cumulative, supplemental, and alternative
2 authority for the exercise of the powers provided herein.

3 Section 42. Notice.--It is found and determined that
4 notice of intention to apply for this legislation was given in
5 the time, form, and manner required by the Constitution and
6 Laws of the State of Florida. Said notice is found to be
7 sufficient and is hereby validated and approved.

8 Section 43. All actions of the Authority occurring
9 prior to the effective date of this act are hereby ratified.

10 Section 4. Chapters 18530 (1937), 21230 (1941), 21328
11 (1941), 23277 (1945), 26039 (1949), 27757 (1951), 29297
12 (1953), 29301 (1953), 31010 (1955), 31011 (1955), 31012
13 (1955), 57-1589, 59-1581, 63-1644, 63-1648, 70-810, 71-778,
14 75-442, 75-449, 76-441, 77-604, 77-605, 80-546, 83-468, 84-483,
15 84-484, 86-419, 98-519, 2002-337, 2003-304, and 2003-327, Laws
16 of Florida, are repealed.

17 Section 5. Rulemaking.--The Florida Keys Aqueduct
18 Authority Board, as constituted herein, and any successor
19 agency or board may adopt rules necessary to meet
20 environmental requirements imposed by federal agencies as a
21 condition of funding. Rules adopted by the Florida Keys
22 Aqueduct Authority prior to effective date of this act,
23 contained in Part 7 of the Rules of the Florida Keys Aqueduct
24 Authority are hereby affirmed as a valid exercise of delegated
25 legislative authority.

26 Section 6. This act shall take effect upon becoming a
27 law.