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A bill to be entitled

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

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

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

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30           Section 2. Chapters 18530 (1937), 21230 (1941), 21328  
 31 (1941), 23277 (1945), 26039 (1949), 27757 (1951), 29297 (1953),  
 32 29301 (1953), 31010 (1955), 31011 (1955), 31012 (1955), 57-1589,  
 33 59-1581, 63-1644, 63-1648, 70-810, 71-778, 75-442, 75-449, 76-441,  
 34 77-604, 77-605, 80-546, 83-468, 84-483, 84-484, 86-419, 98-519,  
 35 2002-337, 2003-304, and 2003-327, Laws of Florida, relating to  
 36 the Florida Keys Aqueduct Authority, are codified, reenacted,  
 37 amended, and repealed as herein provided.

38           Section 3. The Florida Keys Aqueduct Authority is re-  
 39 created and the charter for the Authority is re-created and  
 40 reenacted to read:

41           Section 1. Creation of Authority; boundaries defined.--As  
 42 of September 15, 1976, the Florida Keys Aqueduct Authority, an  
 43 independent special district, was re-created and thereafter was  
 44 the successor agency to the Florida Keys Aqueduct Authority  
 45 which was abolished by chapter 76-441, Laws of Florida. The  
 46 Florida Keys Aqueduct Authority is not being re-created by this  
 47 act or for purposes of section 189.404, Florida Statutes. The  
 48 primary purpose and function of this Authority shall be to  
 49 obtain, supply, and distribute an adequate water supply for the  
 50 Florida Keys and to collect, treat, and dispose of wastewater in  
 51 the Florida Keys. The geographic jurisdiction of the Authority  
 52 shall be as provided in this act. The Florida Keys Aqueduct  
 53 Authority shall be an autonomous public body corporate and  
 54 politic and have perpetual existence. All lawful debts, bonds,  
 55 obligations, contracts, franchises, promissory notes, audits,  
 56 minutes, resolutions, and other undertakings of the Florida Keys  
 57 Aqueduct Authority are hereby validated and shall continue to be  
 58 valid and binding on the Florida Keys Aqueduct Authority in  
 59 accordance with their respective terms, conditions, covenants,

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60 and tenor. Any proceedings heretofore begun by the Florida Keys  
61 Aqueduct Authority for the construction of any improvements,  
62 works, or facilities, for the assessment of benefits and  
63 damages, or for the borrowing of money shall not be impaired or  
64 voided by this act but may be continued and completed in the  
65 name of the Florida Keys Aqueduct Authority. The Authority shall  
66 include within its territorial boundaries all of the lands  
67 within Monroe County, but may procure water outside its  
68 boundaries for sale within said boundaries, and may serve  
69 customers residing within 1 mile of its pipeline, from its well  
70 field at Florida City in Miami-Dade County to the territorial  
71 boundary of the Authority.

72 Section 2. Applicability of certain provisions of Florida  
73 law to the Florida Keys Aqueduct Authority.--This act shall give  
74 the Authority exclusive jurisdiction over the setting of rates,  
75 fees, and charges of, and the connection to and disconnection  
76 from, the water system and the sewer system of the Authority as  
77 granted by this act and to this extent shall supersede chapter  
78 367, Florida Statutes. Decisions made by the Florida Keys  
79 Aqueduct Authority shall not be subject to the Administrative  
80 Procedures Act, chapter 120, Florida Statutes.

81 Section 3. Definitions.--Unless the context shall indicate  
82 otherwise, the following words as used in this act shall have  
83 the following meanings:

84 (1) "Authority" means the Florida Keys Aqueduct Authority  
85 hereby constituted or if such Authority shall be abolished, any  
86 board, commission, or officer succeeding to the principal  
87 functions thereof or upon whom the powers given by this act to  
88 such Authority shall be given by law.

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89       (2) "Board" means the board of directors of the Florida  
 90 Keys Aqueduct Authority or, if such Authority shall be abolished,  
 91 the board, body, or commission succeeding to the principal  
 92 functions thereof or to whom the powers given by this act to the  
 93 board of directors shall be given by law.

94       (3) "Department" means the Department of the Navy of the  
 95 United States of America.

96       (4) "Bond" includes certificates, and provisions applicable  
 97 to bonds shall be equally applicable to certificates. "Bond"  
 98 includes any obligation in the nature of bonds as are provided  
 99 for in this act as the case may be.

100       (5) "Cost" when used with reference to any project  
 101 includes, but is not limited to, the expenses of determining the  
 102 feasibility or practicability of acquisition, construction, or  
 103 reconstruction; the cost of surveys, estimates, plans, and  
 104 specifications; the cost of acquisition, construction, or  
 105 reconstruction; the cost of improvements, engineering, fiscal,  
 106 and legal expenses and charges; the cost of all labor, materials,  
 107 machinery, and equipment; the cost of all lands, properties,  
 108 rights, easements, and franchises acquired; federal, state, and  
 109 local taxes and assessments; financing charges; the creation of  
 110 initial reserve and debt service funds; working capital; interest  
 111 charges incurred or estimated to be incurred on moneys borrowed  
 112 prior to and during construction and acquisition and for such  
 113 period of time after completion of construction or acquisition as  
 114 the board of directors may determine; the cost of issuance of  
 115 bonds pursuant to this act, including advertisements and  
 116 printing; the cost of any election held pursuant to this act and  
 117 all other expenses of issuance of bonds; discount, if any, on the  
 118 sale or exchange of bonds; administrative expenses; such other

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119 expenses as may be necessary or incidental to the acquisition,  
 120 construction, or reconstruction of any projects or to the  
 121 financing thereof, or the development of any lands of the  
 122 Authority; and reimbursement of any public or private body,  
 123 person, firm, or corporation of any moneys advanced in connection  
 124 with any of the foregoing items of cost. Any obligation or  
 125 expense incurred prior to the issuance of bonds in connection  
 126 with the acquisition, construction, or reconstruction of any  
 127 project or improvements thereon, or in connection with any other  
 128 development of land that the board of directors of the Authority  
 129 shall determine to be necessary or desirable in carrying out the  
 130 purposes of this act, may be treated as part of such cost.

131 (6) "Project" means any development, improvements,  
 132 property, utility, facility, works, enterprise, service, or  
 133 convenience that the Authority is authorized to construct,  
 134 acquire, undertake, or furnish for its own use or for the use of  
 135 any person, firm, or corporation owning, leasing, or otherwise  
 136 using the same for any profit or nonprofit purpose or activity  
 137 and shall include without limitation such repairs, replacements,  
 138 additions, extensions, and betterments of and to any project as  
 139 may be deemed necessary or desirable by the board of directors to  
 140 place or to maintain such project in proper condition for the  
 141 safe, efficient, and economic operation thereof.

142 (7) "Water system" means any existing or proposed plant,  
 143 system, facility, or property and additions, extensions, and  
 144 improvements thereto at any future time constructed or acquired  
 145 as part thereof, useful or necessary or having the present  
 146 capacity for future use in connection with the development of  
 147 sources, treatment, desalination, or purification and  
 148 distribution of water for public or private use and, without

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149 limiting the generality of the foregoing, includes dams,  
 150 reservoirs, storage tanks, mains, lines, valves, pumping  
 151 stations, laterals, and pipes for the purpose of carrying water  
 152 to the premises connected with such system, and all real and  
 153 personal property and any interests therein, rights, easements,  
 154 and franchises of any nature whatsoever relating to any such  
 155 system and necessary or convenient for the operation thereof. It  
 156 shall embrace wells for supplying water located or to be located  
 157 on the Florida mainland, including a pipeline or aqueduct from  
 158 such wells to a point at or near the City of Key West, and shall  
 159 include the water distribution system acquired by the Authority  
 160 from the City of Key West, and any interest the Authority may  
 161 have in and to the water supply system or any part thereof by  
 162 contract with the department.

163 (8) "Sewer system" means any plant, system, facility, or  
 164 property and additions, extensions, and improvements thereto at  
 165 any future time constructed or acquired as part thereof, useful  
 166 or necessary or having the present capacity for future use in  
 167 connection with the collection, treatment, purification, or  
 168 disposal of sewage, including, without limitation, industrial  
 169 wastes resulting from any processes of industry, manufacture,  
 170 trade, or business or from the development of any natural  
 171 resources, and, without limiting the generality of the foregoing,  
 172 shall include treatment plants, pumping stations, lift stations,  
 173 valve, force mains, intercepting sewers, laterals, pressure  
 174 lines, mains, and all necessary appurtenances and equipment, all  
 175 sewer mains, laterals, and other devices for the reception and  
 176 collection of sewage from premises connected therewith, and all  
 177 real and personal property and any interest therein, rights,  
 178 easements, and franchises of any nature whatsoever relating to

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179 any such system and necessary or convenient for the operation  
 180 thereof. The terms "wastewater" and "wastewater system" shall be  
 181 construed as synonymous with the terms "sewer" and "sewer system"  
 182 for all purposes under this act.

183 Section 4. Board of directors; organization;  
 184 qualification; term of office; quorum.--The Board of Directors  
 185 of the Florida Keys Aqueduct Authority shall be the governing  
 186 body of the Authority and shall, subject to the provisions of  
 187 this act, exercise the powers granted to the Authority under  
 188 this act. The board of directors shall consist of five members  
 189 appointed by the Governor who shall each represent one of five  
 190 districts which shall be conterminous with the districts of the  
 191 Board of County Commissioners of Monroe County. Each member of  
 192 the board of directors shall be a registered elector within  
 193 Monroe County and shall have been a resident of the district for  
 194 6 months prior to the date of his or her appointment. The  
 195 members shall be appointed by the Governor for terms of 4 years  
 196 each, except that any appointment to fill a vacancy shall be for  
 197 the unexpired portion of the term. The board shall elect any one  
 198 of its members as chair and shall also elect any one of its  
 199 members as secretary-treasurer. A majority of the members of the  
 200 board shall constitute a quorum. No vacancy in the board shall  
 201 impair the right of a quorum to exercise all the rights and  
 202 perform all of the duties of the board. All members of the board  
 203 shall be required to be bonded. Any vacancy occurring on the  
 204 board shall be filled by appointment by the Governor for the  
 205 duration of the unexpired term.

206 Section 5. Records of board of directors.--The board of  
 207 directors shall keep a permanent record book entitled "Record of  
 208 Governing Board of Florida Keys Aqueduct Authority" in which

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209 shall be recorded minutes of all meetings, resolutions,  
 210 proceedings, certificates, and bonds given by employees and any  
 211 and all acts, which book shall at reasonable times be open to  
 212 public inspection. Such record book shall be kept at an office or  
 213 other regular place of business maintained by the board of  
 214 directors in Monroe County. The board shall keep a current  
 215 inventory of all real and tangible personal property owned or  
 216 leased by the Authority in the above referenced record book.

217 Section 6. Compensation of the board.--Each member shall  
 218 be entitled to receive for such services a fee of \$337 per  
 219 meeting, not to exceed 3 meetings per month. In addition, each  
 220 board member shall receive reasonable expenses which shall not  
 221 be in excess of the amounts provided by law for state and county  
 222 officials in chapter 112, Florida Statutes. The compensation  
 223 amount for the members of the board provided for in this section  
 224 shall be adjusted annually based upon the index provided for  
 225 pursuant to section 287.017(2), Florida Statutes.

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

227 (1) Each member of the board of directors shall execute a  
 228 bond to the Governor in the amount of \$10,000 with a qualified  
 229 surety to secure his or her faithful performance of his or her  
 230 powers and duties. The board of directors shall require a  
 231 certified audit of the books of the Authority at least once a  
 232 year at the expense of the Authority. Such audit shall be  
 233 available for public inspection and a notice of the availability  
 234 of the audit shall be published in a newspaper published in  
 235 Monroe County at least once within 6 months after the end of each  
 236 fiscal year. The legislative auditor may audit the Authority at  
 237 any time.

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238       (2) The board of directors is authorized to select  
239 depositories in which the funds of the board and of the Authority  
240 shall be deposited. Any banking corporation organized under the  
241 laws of the state or under the National Banking Act doing  
242 business in the state upon such terms and conditions as to the  
243 payment of interest by such depository upon the funds so  
244 deposited as the board may deem just and reasonable.

245       (3) The board of directors may employ a fiscal agent who  
246 shall be either a resident of the state or a corporation  
247 organized under the laws of this or any other state and who shall  
248 assist in the keeping of the books, the collection of fees, and  
249 the remitting of funds to pay maturing bonds and coupons and  
250 perform such other or additional services and duties as fiscal  
251 agent and receive such compensation as the board of directors may  
252 determine.

253       (4) The board of directors shall cause a copy of the  
254 proposed budget of the Authority to be published in a newspaper  
255 published in Monroe County at least once not later than 60 days  
256 prior to the date the fiscal year begins. The board shall hold a  
257 public hearing and adopt such budget at least 30 days prior to  
258 such date.

259       Section 8. Powers and duties of the board of  
260 directors.--Except as otherwise provided in this act, all of the  
261 powers and duties of the Authority shall be exercised by and  
262 through the board of directors. Without limiting the generality  
263 of the foregoing, the board shall have the power and authority  
264 to:

265       (1) Employ engineers, contractors, consultants, attorneys,  
266 auditors, agents, employees, and representatives, as the board of  
267 directors may from time to time determine, on such terms and

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268 conditions as the board of directors may approve, and fix their  
 269 compensation and duties.

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

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

275 (4) Execute all contracts and other documents, adopt all  
 276 proceedings, and perform all acts determined by the board of  
 277 directors as necessary or advisable to carry out the purposes of  
 278 this act. The board may authorize the chair or vice chair to  
 279 execute contracts and other documents on behalf of the board or  
 280 the Authority. The board may appoint a person to act as general  
 281 manager of the Authority having such official title, functions,  
 282 duties, and powers as the board may prescribe. The general  
 283 manager shall not be a member of the board.

284 Section 9. Powers of the Authority.--In addition to and  
 285 not in limitation of the powers of the Authority, it shall have  
 286 the following powers:

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

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

291 (3) To acquire property, real, personal, or mixed within or  
 292 without its territorial limits in fee simple or any lesser  
 293 interest or estate by purchase, gift, devise, or lease on such  
 294 terms and conditions as the board of directors may deem necessary  
 295 or desirable and by condemnation (subject to limitations herein  
 296 below). The Authority shall provide information and assistance to  
 297 Monroe County for use in preparing its comprehensive plan with

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298 respect to the availability of water and wastewater facilities.  
 299 Except in cases of emergency, the purchase of sole source items,  
 300 or when the board determines that delay would be detrimental to  
 301 the interests of the Authority, equipment shall be purchased in  
 302 accordance with part I of chapter 287, Florida Statutes. All  
 303 provided that the board of directors determines that the use or  
 304 ownership of such property be necessary in the furtherance of a  
 305 designated lawful purpose authorized under the provisions of this  
 306 act. However, the Authority may purchase equipment or material  
 307 without competitive bid, regardless of price, when the  
 308 manufacturer of such equipment or material refuses to bid on the  
 309 equipment or material and the board determines that the public  
 310 interest would be served and substantial savings would result if  
 311 the equipment or material were purchased directly from the  
 312 manufacturer. In all such cases the board shall enter a record of  
 313 such purchase in the "Record of Governing Board of Florida Keys  
 314 Aqueduct Authority." The Authority is specifically excluded from  
 315 the provisions of section 253.03(6), Florida Statutes, and has  
 316 the authority to hold title to property in its own name and to  
 317 acquire easements or rights-of-way, with or without restrictions,  
 318 within or without the limits of the Authority. The state may  
 319 convey to the Authority rights-of-way over any of the lands and  
 320 structures belonging to the state or any of its agencies for the  
 321 purpose of constructing, maintaining, supplying, establishing,  
 322 and regulating the works and projects involved in the wastewater  
 323 system or the water supply and distribution systems authorized by  
 324 this act. To mortgage, hold, manage, control, convey, lease,  
 325 sell, grant, or otherwise dispose of the same and any of the  
 326 assets and properties of the Authority without regard to chapter  
 327 273, Florida Statutes.

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328 (4) Whenever deemed necessary or desirable by the board of  
 329 directors, to lease as lessor or lessee, to or from any person,  
 330 firm, corporation, association, or body, public or private, any  
 331 projects of the type that the Authority is authorized to  
 332 undertake and facilities or property of any nature for the use of  
 333 the Authority to carry out any of the purposes of the Authority.

334 (5) The Authority shall in its discretion have the power  
 335 upon resolution duly passed to insure its property in accordance  
 336 with the State Risk Management Trust Fund as provided by chapter  
 337 284, Florida Statutes.

338 (6) To exercise within or without the territorial limits of  
 339 the Authority the right and power of eminent domain in all cases  
 340 and under all circumstances provided for in chapter 73, Florida  
 341 Statutes, and amendments thereto. In addition to and not in  
 342 limitation of the foregoing, the Authority may also exercise the  
 343 right and power of eminent domain for the purpose of condemning  
 344 any real, personal, or mixed property, public or private,  
 345 including, without limitation, the property owned by any  
 346 political body or municipal corporation which the board of  
 347 directors shall deem necessary for the use of, construction, or  
 348 operation of any of the projects of the Authority or otherwise to  
 349 carry out any of the purposes of the Authority. The power of  
 350 condemnation shall be exercised in the same manner as now  
 351 provided by the general laws of the state. In any proceeding  
 352 under this act or under chapter 73, Florida Statutes, for the  
 353 taking of property by eminent domain or condemnation, the board  
 354 of directors is authorized to file declaration of taking  
 355 immediate possession of the property before the final trial by  
 356 making deposit as to value as provided by the general statutes,  
 357 and shall have all of the benefits provided by chapters 73 and

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358 74, Florida Statutes, and amendments thereto, or any other  
 359 statutes of the state which give the right to immediate taking  
 360 and possession. No public or private body and no agency or  
 361 authority of the state or any political subdivision thereof shall  
 362 exercise the power of eminent domain or condemnation with respect  
 363 to any of the properties, easements, or rights owned by the  
 364 Authority and lying within the Authority's jurisdiction, except  
 365 with the concurrence of the board of directors of the Authority  
 366 which shall not be unreasonably withheld.

367 (7) To own, acquire, construct, reconstruct, equip,  
 368 operate, maintain, extend, and improve water systems; to regulate  
 369 the use of and supply of water including rationing, and  
 370 regulations to enforce rationing, within the Authority  
 371 boundaries, and pipes and water mains, conduits or pipelines, in,  
 372 along, or under any street, alley, highway, or other public  
 373 places or ways within or without the boundaries of the Authority  
 374 when deemed necessary or desirable by the board of directors in  
 375 accomplishing the purposes of this act.

376 (8) To issue bonds or other obligations authorized by the  
 377 provisions of this act or any other law or any combination of the  
 378 foregoing to pay all or part of the cost of the acquisition or  
 379 construction, reconstruction, extension, repair, improvement,  
 380 maintenance, or operation or any project or combination of  
 381 projects. To provide for any facility, service, or other activity  
 382 of the Authority and to provide for the retirement or refunding  
 383 of any bonds or obligations of the Authority or for any  
 384 combination of the foregoing purposes.

385 (9)(a) To purchase, construct, and otherwise acquire and to  
 386 improve, extend, enlarge, and reconstruct a sewage disposal  
 387 system or systems and to purchase and/or construct or reconstruct

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388 sewer improvements and to operate, manage, and control all such  
 389 systems so purchased and/or constructed and all properties  
 390 pertaining thereto and to furnish and supply sewage collection  
 391 and disposal services to any municipalities and any persons,  
 392 firms, or corporations, public or private; to prohibit or  
 393 regulate the use and maintenance of outhouses, privies, septic  
 394 tanks, or other sanitary structures or appliances within the  
 395 Authority boundaries, provided that prior to prohibiting the use  
 396 of any such facilities adequate new facilities must be available;  
 397 to prescribe methods of pretreatment of waste not amenable to  
 398 treatment; to refuse to accept such waste when not sufficiently  
 399 pretreated as may be prescribed and to prescribe penalties for  
 400 the refusal of any person or corporation to so pretreat such  
 401 waste; to sell or otherwise dispose of the effluent, sludge, or  
 402 other by-products as a result of sewage treatment and to  
 403 construct and operate connecting or intercepting outlets, sewers  
 404 and sewer mains and pipes and water mains, conduits, or pipelines  
 405 in, along, or under any street, alley, or highway, within or  
 406 without the Authority boundaries when deemed necessary or  
 407 desirable by the board of directors in accomplishing the purposes  
 408 of this act, with the consent of the agency owning or controlling  
 409 same. All such regulation herein authorized shall comply with the  
 410 standards and regulations pertaining to same as promulgated by  
 411 the Department of Health and by the Department of Environmental  
 412 Protection.

413 (b) The Authority shall have the power to create sewer  
 414 districts comprising any area within the geographic boundaries of  
 415 the Authority. However, the boundaries of any such sewer district  
 416 shall not be established until approved by majority vote of the  
 417 Board of County Commissioners of Monroe County, after a public

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418 hearing duly noticed and advertised. Any portion or portions of  
 419 the sewer system within a district and of benefit to the premises  
 420 or land served thereby shall be deemed improvements and shall  
 421 include, without being limited to, laterals and mains for the  
 422 collection and reception of sewage from premises connected  
 423 therewith, local or auxiliary pumping or lift stations, treatment  
 424 plants or disposal plants, and other pertinent facilities and  
 425 equipment for the collection, treatment, and disposal of sewage.  
 426 The board may impose fees and charges sufficient to obtain bond  
 427 or other financing for sewer projects. Such charges shall be a  
 428 lien upon any such parcel of property superior and paramount to  
 429 any interest except the lien of county or municipal taxes and  
 430 shall be on a parity with any such taxes. All operational and  
 431 financial records of each district shall be separately maintained  
 432 and open to public inspection.

433 (c) To exercise exclusive jurisdiction, control, and  
 434 supervision over any sewer systems owned or operated and  
 435 maintained by the Authority and to make and enforce such rules  
 436 and regulations for the maintenance and operation of any sewer  
 437 systems as may be in the judgment of the Authority necessary or  
 438 desirable. However, such jurisdiction shall not conflict with  
 439 chapter 403, Florida Statutes, and rules of the Department of  
 440 Environmental Protection.

441 (d) To restrain, enjoin, or otherwise prevent the violation  
 442 of this law or of any resolution, rules, or regulations adopted  
 443 pursuant to the powers granted by this law.

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

446 (f) To approve or disapprove all subdivision plats and to  
 447 provide for compliance with sewer standards, rules, and

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448 regulations. No subdivision plat or property located within the  
 449 geographic boundaries of the Authority shall be recorded until  
 450 approval of the board is obtained. The board shall have the power  
 451 to require a surety bond from any developer to ensure compliance  
 452 with sewer requirements of the board.

453 (g) In addition to the other provisions and requirements of  
 454 this law, any resolution authorizing the issuance of revenue  
 455 bonds, assessment bonds, or any other obligations issued  
 456 hereunder may contain provisions and the Authority Board is  
 457 authorized to provide and make covenants and agree with several  
 458 holders of such bonds as to:

459 1. Reasonable deposits with the Authority in advance to  
 460 ensure the payments of rates, fees, or charges for the facilities  
 461 of the system.

462 2. Discontinuance of the services and facilities of any  
 463 water system for delinquent payments for sewer services and the  
 464 terms and conditions of the restoration of such service.

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

468 4. Regulate the construction, acquisition, or operation of  
 469 any plant, structure, facility, or property which may compete  
 470 with any sewer system.

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

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

475 (h) In the event that fees, rates, and charges for services  
 476 and facilities of any sewer system shall not be paid as and when

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477 due, the Authority shall be empowered to discontinue furnishing  
 478 water services as provided in section 16 of this act.

479 (i) Any sewer systems within the geographic boundaries of  
 480 the Authority may be combined into a single consolidated system  
 481 for purposes of financing or of operation and administration or  
 482 both. However, no water system may be combined with any sewer  
 483 system for purposes of financing.

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

487 (k) The Authority shall have power to contract with any  
 488 person, private or public corporation, the State of Florida, or  
 489 any agency, instrumentality or county, municipality, or political  
 490 subdivision thereof, or any agency, instrumentality or  
 491 corporation of or created by the United States of America, with  
 492 respect to such wastewater system or any part thereof. The  
 493 Authority shall also have power to accept and receive grants or  
 494 loans from the same, and in connection with any such contract,  
 495 grant or loan, to stipulate and agree to such covenants, terms,  
 496 and conditions as the governing body of the Authority shall deem  
 497 appropriate.

498 (l) To make or cause to be made such surveys,  
 499 investigations, studies, borings, maps, drawings, and estimates  
 500 of cost and revenues as it may deem necessary, and to prepare and  
 501 adopt a comprehensive plan or plans for the location, relocation,  
 502 construction, improvement, revision and development of the  
 503 wastewater system.

504 (m) That subject to covenants or agreement with bondholders  
 505 contained in proceedings authorizing the issuance of bonds  
 506 pursuant to this act, the Authority shall have the power to lease

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507 said wastewater system or any part or parts thereof, to any  
 508 person, firm, corporation, association, or body, upon such terms  
 509 and conditions and for such periods of time as shall be  
 510 determined by the governing body. The Authority shall also,  
 511 whenever desirable, have power to grant permits or licenses in  
 512 connection with any of the facilities of such wastewater system,  
 513 and shall have full and complete power to do all things necessary  
 514 and desirable for the proper and efficient administration and  
 515 operation of such wastewater system and all parts thereof. The  
 516 Authority shall also have power, whenever deemed necessary or  
 517 desirable and subject to covenants and agreements with  
 518 bondholders, to lease from any person, firm, corporation,  
 519 association, or body, any facilities of any nature for such  
 520 wastewater system.

521 (n) That charges shall be levied by the Authority against  
 522 its own books or against Monroe County with respect to providing  
 523 any facilities or services rendered by such wastewater system to  
 524 the Authority or to Monroe County or to any other political  
 525 subdivision or public body or agency which receives wastewater  
 526 system services, or to any department or works thereof, at the  
 527 rate or rates applicable to other customers or users taking  
 528 facilities or services under similar conditions. Revenues  
 529 derived from such facilities or services so furnished shall be  
 530 treated as all other revenues of the wastewater system.

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

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537 (p) The Authority shall have exclusive jurisdiction over  
 538 the administration, maintenance, development, and provision of  
 539 wastewater system services in Monroe County with the exception of  
 540 the Key Largo Wastewater Treatment District as defined in chapter  
 541 2002-337, Laws of Florida, consisting of Key Largo, including all  
 542 lands east of Tavernier Creek, including Tavernier, Key Largo,  
 543 and Cross Key, but excluding Ocean Reef, the City of Key West,  
 544 the City of Key Colony Beach, the City of Layton, and Islamorada,  
 545 Village of Islands unless such areas shall choose to grant the  
 546 Authority such jurisdiction, and the Authority's wastewater  
 547 system authorized hereunder shall be the exclusive provider of  
 548 wastewater system services and no franchise or grant of power to  
 549 any other entity or provider shall be lawful unless preapproved  
 550 by the Authority. The Authority shall have the power to regulate  
 551 the use of, including prohibiting the use of or mandating the use  
 552 of, specific types of wastewater facilities and, notwithstanding  
 553 any other provisions hereof, shall be authorized to prescribe the  
 554 specific type of wastewater treatment facility or measures  
 555 required to be utilized within the boundaries of the Authority,  
 556 including, but not limited to, requiring the use of septic tanks  
 557 in lieu of cess pits, the mandatory hook up to specific  
 558 wastewater treatment plants, requiring upgrades be undertaken to  
 559 on site wastewater systems, and any other combination of the  
 560 foregoing in order to manage effluent disposal and wastewater  
 561 matters.

562 (10) In addition to the powers specifically provided in  
 563 this chapter, the Authority shall have the power to own, acquire,  
 564 construct, reconstruct, equip, operate, maintain, extend, and  
 565 improve such other related projects as the board of directors may  
 566 in its discretion find necessary or desirable to accomplish the

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567 primary purpose of this act which is to supply water and sewer  
 568 services and facilities to the Florida Keys. The Authority is  
 569 hereby authorized to adopt by reference and utilize or take  
 570 advantage of any of the relevant provisions of chapter 100,  
 571 chapter 153, chapter 159, or chapter 170, Florida Statutes.

572 Section 10. Rules.--Upon reasonable advance notice to the  
 573 public and an opportunity for all persons to be heard on the  
 574 matter, the board shall adopt bylaws, rules, resolutions,  
 575 regulations, and orders prescribing the powers, duties, and  
 576 functions of the members of the board and employees of the  
 577 Authority, the conduct of the business of the Authority, the  
 578 maintenance of records of the Authority, and shall adopt  
 579 administrative rules and regulations with respect to any of the  
 580 projects of the Authority.

581 Section 11. Exercise by Authority of powers within  
 582 municipalities.--The Authority shall have the power to exercise  
 583 any of its rights, powers, privileges, and authorities in any  
 584 and all portions of the geographical limits of the Authority  
 585 lying within the boundaries of any municipal corporation or  
 586 other political subdivision, heretofore or hereafter created or  
 587 organized, whose boundaries lie wholly or partly within the  
 588 geographic limits of the Authority, to the same extent and in  
 589 the same manner as in areas of the Authority not incorporated as  
 590 part of a municipality or other political subdivision.

591 Section 12. Furnishing facilities and services within the  
 592 Authority territory.--

593 (1) The Authority shall have the power to construct,  
 594 maintain, and operate its projects within the geographic limits  
 595 of the Authority, including any portions of the Authority located  
 596 inside the boundaries of any incorporated municipalities or other

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597 political subdivisions and to offer, supply, and furnish the  
 598 facilities and services provided for in this act.

599 (2) The Authority shall have the power to collect fees,  
 600 rentals, and other charges from persons, firms, corporations,  
 601 municipalities, counties, the Federal Government, the department,  
 602 political subdivisions, and other public or private agencies or  
 603 bodies within the geographic limits of the Authority and for the  
 604 use of the Authority itself.

605 Section 13. Maintenance of projects across rights-of-  
 606 way.--The Authority shall have the power to construct and  
 607 operate its projects in, along, or under any streets, alleys,  
 608 highways, or other public places or ways, and across any drain,  
 609 ditch, canal, floodwater, holding basin, excavation, railroad  
 610 right-of-way, track, grade, fill, or cut. However, just  
 611 compensation shall be paid by the Authority for any private  
 612 property taken or damaged by the exercise of such power.

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

615 (1) The Authority shall have the power to prescribe, fix,  
 616 establish, and collect rates, fees, rentals, or other charges  
 617 (hereinafter sometimes referred to as revenue) and to revise the  
 618 same from time to time for the facilities and services furnished  
 619 or to be furnished by the Authority and to provide for reasonable  
 620 penalties against any user for any such rates, fees, rentals, or  
 621 other charges that are delinquent.

622 (2) Such rates, fees, rentals, and charges shall be just  
 623 and equitable and, except as provided herein, uniform for users  
 624 of the same class and, where appropriate, may be based or  
 625 computed either upon the amount of service furnished or upon the  
 626 number or average number of persons working or residing or

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627 working or otherwise occupying the premises served or upon any  
 628 other factor affecting the use of the facilities furnished, or  
 629 upon any combination of the foregoing factors as may be  
 630 determined by the board of directors on an equitable basis. The  
 631 Authority may prescribe, fix, and establish a special lower rate,  
 632 fee, rental, or other charge on the residential account of any  
 633 person who is 60 years of age or older or a totally and  
 634 permanently disabled American veteran on the date of application,  
 635 who meets the low income standards adopted by the board and who  
 636 applies for such special lower rate, fee, rental, or other charge  
 637 between the months of January and December, inclusive, of each  
 638 year. As used in this section "residential account" means an  
 639 account for a person residing in a house, mobile home,  
 640 condominium, apartment, or other housing unit. The application  
 641 shall include the submission of an affidavit stating that the  
 642 applicant is 60 years of age or older or a totally and  
 643 permanently disabled American veteran . The submission of the  
 644 affidavit shall be prima facie evidence of the applicant's age or  
 645 disability. The application shall also include the annual income  
 646 of the applicant.

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

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

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

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

659 (4) No rate, fee, rental, or other charge may be  
 660 established resulting in increased costs for service to the  
 661 customer nor may any rate, fee, rental, or other charge be  
 662 increased by the Authority until a public hearing has been held  
 663 relating to the proposed increase in the City of Key West, and in  
 664 the Marathon and the upper Keys areas. However, if the proposed  
 665 rule affects wastewater only in a single wastewater district and  
 666 affects rates, fees, or other charges that could result in  
 667 increased costs of service to the customer, no rate, fee, rental,  
 668 or other charge may be increased by the Authority until two  
 669 advertised public hearings have been held relating to the  
 670 proposed increase at a site convenient to the public located in  
 671 the district area. Such public hearings shall not occur within  
 672 15 days of each other.

673 Section 15. Recovery of delinquent charges.--In the event  
 674 that any of the rates, fees, rentals, charges, or delinquent  
 675 penalties shall not be paid as when due and shall be in default  
 676 for 30 days or more, the unpaid balance thereof and all interest  
 677 accrued thereon together with attorneys' fees and costs may be  
 678 recovered by the Authority in a civil action and in accordance  
 679 with any covenant in any bond indenture of the Authority. The  
 680 board shall have the authority to impose a service charge in  
 681 accordance with section 832.07(1)(a), Florida Statutes upon the  
 682 maker or drawer of any check, draft, or order in payment of any  
 683 such rate, fee, rental, charge or delinquent penalty, for which  
 684 payment is refused by the drawee because of lack of funds or  
 685 credit.

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686        Section 16. Discontinuance of service.--In the event that  
 687 the fees, rentals, or other charges for the services and  
 688 facilities of any project are not paid when due, the board of  
 689 directors shall have the power to discontinue and shut off the  
 690 same until such fees, rentals, or other charges, including  
 691 interest, penalties, and charges for the shutting off or  
 692 discontinuance and the restoration of such services and  
 693 facilities, are fully paid, and for such purposes may enter on  
 694 any lands, waters, and premises of any person, firm,  
 695 corporation, or other body, public or private. Such delinquent  
 696 fees, rentals, or other charges together with interest,  
 697 penalties, and charges for the shutting off and discontinuance  
 698 and the restoration of such services and facilities and  
 699 reasonable attorneys' fees and other expenses may be recovered  
 700 by the Authority by suit in any court of competent jurisdiction.  
 701 The Authority may also enforce payment of such delinquent fees,  
 702 rentals, or other charges by any other lawful method of  
 703 enforcement.

704        Section 17. Remedies.--Any holder of bonds issued under  
 705 the provisions of this act or of any of the coupons appertaining  
 706 thereto, and the trustee under the trust indenture, if any,  
 707 except to the extent the rights herein given may be restricted  
 708 by resolution passed before the issuance of the bonds or by the  
 709 trust indenture, may, either at law or in equity, by suit,  
 710 action, mandamus, or other proceeding, protect and enforce any  
 711 and all rights under the laws of the State of Florida or granted  
 712 hereunder or under such resolution or trust indenture, and may  
 713 enforce or compel performance of all duties required by this act  
 714 or by such resolution or trust indenture to be performed by the  
 715 Authority or any officer thereof, including the fixing,

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716 charging, and collecting of rates and other charges for both  
 717 water furnished by the waterworks system and wastewater  
 718 treatment furnished by the wastewater system.

719 Section 18. Receiver.--

720 (1) In the event that the Authority shall default in the  
 721 payment of the principal of or the interest on any of the bonds  
 722 as the same shall become due, whether at maturity or upon call  
 723 for redemption, and such default shall continue for a period of  
 724 45 days, or in the event that the Authority or the officers,  
 725 agents, or employees of the Authority shall fail or refuse to  
 726 comply with the provisions of this act or shall default in any  
 727 agreement made with the holders of the bonds, any holder of  
 728 bonds, subject to the provisions of the resolution authorizing  
 729 the same or the trust indenture, or the trustee therefor, shall  
 730 have the right to apply in any appropriate judicial proceeding to  
 731 the Circuit Court in any court of competent jurisdiction, for the  
 732 appointment of a receiver of the waterworks system, excluding  
 733 however, the aqueduct, whether or not all bonds shall have been  
 734 declared due and payable and whether or not such holder or  
 735 trustee is seeking or has sought to enforce any other right or to  
 736 exercise any other remedy in connection with such bonds, and,  
 737 upon such application, the court may appoint such receiver.

738 (2) The receiver so appointed shall forthwith, directly or  
 739 by his agents and attorneys, enter into and upon and take  
 740 possession of such portion of the waterworks system and may  
 741 exclude the Authority, its officers, agents, and employees and  
 742 all persons claiming under them, wholly therefrom and shall have,  
 743 hold, use, operate, manage, and control the same in the name of  
 744 the Authority or otherwise, as the receiver may deem best, and  
 745 shall exercise all the rights and powers of the Authority with

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746 respect thereto as the Authority itself might do. Whenever all  
747 defaults shall have been cured and made good, the court may, in  
748 its discretion, and after such notice and hearing as it deems  
749 reasonable and proper, direct the receiver to surrender  
750 possession of such property to the Authority. The same right to  
751 secure the appointment of a receiver shall exist upon any  
752 subsequent default as hereinabove provided.

753 (3) Notwithstanding anything in this section to the  
754 contrary, any such receiver shall have no power to sell, assign,  
755 mortgage, or otherwise dispose of any assets of whatever kind or  
756 character belonging to the Authority and useful for the  
757 waterworks system, and the authority of any such receiver shall  
758 be limited to the operation and maintenance of such portion of  
759 the system as may be placed in receivership and no court shall  
760 have jurisdiction to enter any order or decree requiring or  
761 permitting such receiver to sell, mortgage, or otherwise dispose  
762 of any such assets.

763 Section 19. Agreements with public and private parties  
764 concerning the furnishing of facilities and services.--The  
765 Authority shall have the power to enter into agreements with any  
766 person, firm, or corporation, public or private, for the  
767 furnishing by such person, firm, or corporation of any  
768 facilities and services of the type provided for in this act to  
769 the Authority, and for or on behalf of the Authority to persons,  
770 firms, corporations, and other public or private bodies and  
771 agencies to whom the Authority is empowered under this act to  
772 furnish facilities and services.

773 Section 20. Exclusive jurisdiction of projects and  
774 finances.--

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775       (1) The board of directors shall have exclusive  
 776 jurisdiction and control, except as otherwise provided herein and  
 777 as to the quality and manner of discharge of effluent, over the  
 778 projects of the Authority without limitation as to expenditures  
 779 and appropriations except to the extent otherwise provided in  
 780 this act and to the extent that the board of directors may by  
 781 agreement with any other public or private body authorize the  
 782 same to exercise jurisdiction or control of any of the projects  
 783 of the Authority. It shall not be necessary for the Authority to  
 784 obtain any certificate of convenience or necessity, franchise,  
 785 license, permit, or authorization from any bureau, board,  
 786 commission, or like instrumentality of the state or any political  
 787 subdivision thereof in order to construct, reconstruct, acquire,  
 788 extend, repair, improve, maintain, or operate any project and the  
 789 rates, fees, or other charges to be fixed and collected with  
 790 respect to the facilities and service of the Authority shall not  
 791 be subject to supervision, regulation, or the rate-setting power  
 792 of any bureau, board, commission, or other agency of the state or  
 793 any political subdivision thereof.

794       (2) Except as otherwise provided in this act, the budget  
 795 and finances of the Authority, including without limitation  
 796 expenditures and appropriations, and the exercise by the board of  
 797 directors of the powers herein provided, shall not be subject to  
 798 the requirements or limitations of chapter 216, Florida Statutes.

799       Section 21. Revenue bonds.--

800       (1) The Authority shall have the power to issue revenue  
 801 bonds from time to time without limitation as to amount. Such  
 802 revenue bonds may be secured by or payable from the gross amount  
 803 or net pledge of the revenues to be derived from any project or  
 804 combination of projects from the rates, fees, or other charges to

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805 be collected from the users of any project or projects from any  
806 revenue-producing undertaking or activity of the Authority or  
807 from any other source or pledged security. Such bond shall not  
808 constitute an indebtedness of the Authority.

809 (2) Any two or more projects may be combined and  
810 consolidated into a single project and may thereafter be operated  
811 and maintained as a single project. The revenue bonds authorized  
812 herein may be issued to finance any one or more such projects  
813 separately or to finance two or more such projects regardless of  
814 whether such projects have been combined and consolidated into a  
815 single project. If the board of directors deems it advisable,  
816 the proceedings authorizing such revenue bonds may provide that  
817 the Authority may thereafter combine the projects then being  
818 financed or theretofore financed with other projects to be  
819 subsequently financed by the Authority, and that revenue bonds to  
820 be thereafter issued by the Authority shall be on parity with the  
821 revenue bonds then being issued, all on such terms, conditions,  
822 and limitations as shall be provided and may further provide that  
823 the revenues to be derived from the subsequent projects shall at  
824 the time of the issuance of such parity revenue bonds be also  
825 pledged to the holders of any revenue bonds theretofore issued to  
826 finance the revenue undertakings which are later combined with  
827 such subsequent projects. The Authority may pledge for the  
828 security of the revenue bonds a fixed amount without regard to  
829 any proportion of the gross revenues of any project.

830 Section 22. Refunding bonds.--The Authority shall have the  
831 power to issue bonds to provide for the retirement or refunding  
832 of any bonds or obligations of the Authority that at the time of  
833 such issuance are or subsequently thereto become due and payable  
834 or that at the time of issuance have been called or will be

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835 subject to call for redemption within 10 years thereafter or the  
 836 surrender of which can be procured from the holders thereof at  
 837 prices satisfactory to the board of directors. Refunding bonds  
 838 may be issued at any time when in the judgment of the board of  
 839 directors such issuance will be advantageous to the Authority.  
 840 The board of directors may, by resolution, confer upon the  
 841 holders of such refunding bonds all rights, powers, and remedies  
 842 to which the holders would be entitled if they continued to be  
 843 the owners and had possession of the bonds for the refinancing  
 844 of which said refunding bonds are issued.

845 Section 23. Lien of pledges.--All pledges of revenues and  
 846 assessments made pursuant to the provisions of this act shall be  
 847 valid and binding from the time when such pledges are made. All  
 848 such revenues and assessments so pledged and thereafter  
 849 collected shall immediately be subject to the lien of such  
 850 pledges without any physical delivery thereof or further action  
 851 and the lien of such pledges shall be valid and binding as  
 852 against all parties having claims of any kind in tort, contract,  
 853 or otherwise against the Authority irrespective of whether such  
 854 parties have notice thereof.

855 Section 24. Issuance of bond anticipation notes.--In  
 856 addition to the other powers applied for in this act and not in  
 857 limitation thereof, the Authority shall have the power at any  
 858 time and from time to time after the issuance of any bonds of  
 859 the Authority shall have been authorized, to borrow money for  
 860 the purposes for which such bonds are to be issued in  
 861 anticipation of the receipt of the proceeds of the sale of such  
 862 bonds and to issue bond anticipation notes in a principal amount  
 863 not in excess of the authorized maximum amount of such bond  
 864 issues. Such notes shall be in such denominations and bear

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865 interest at such rate or rates, mature at such time or times not  
 866 later than 5 years from the date of issuance and be in such form  
 867 and executed in such manner as the board of directors shall  
 868 prescribe. Such notes may be sold at either public or private  
 869 sale or if such notes shall be renewable, notes may be exchanged  
 870 for notes then outstanding on such terms as the board of  
 871 directors shall determine. Said notes shall be paid from the  
 872 proceeds of such bonds when issued.

873 Section 25. Short term borrowing.--The Authority at any  
 874 time may obtain loans in such amount and on such terms and  
 875 conditions as the board of directors may approve for the purpose  
 876 of paying any of the expenses of the Authority or any costs  
 877 incurred or that may be incurred in connection with any of the  
 878 projects of the Authority, which loan shall have a term not  
 879 exceeding 3 years from the date of issuance thereof and may be  
 880 renewable for a like term or terms, shall bear interest not in  
 881 excess of the prevailing rate available for loans of similar  
 882 terms and amounts at commercial lending institutions licensed by  
 883 the Federal Government or the State, may be payable from and  
 884 secured by a pledge of such funds, revenues, and assessments as  
 885 the board of directors may determine. For the purpose of  
 886 defraying such costs and expenses the Authority may issue  
 887 negotiable notes, warrants, and other evidences of debts signed  
 888 on behalf of the Authority by any one of the board of directors  
 889 to be authorized by the board.

890 Section 26. Trust agreements.--In the discretion of the  
 891 board of directors, any issue of bonds may be secured by a trust  
 892 agreement by and between the Authority and a corporate trustee  
 893 or trustees which may be any trust company or bank having the  
 894 powers of a trust company within or without the state. The

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895 resolution authorizing the issuance of the bonds or such trust  
 896 agreements may pledge the revenues to be received from any  
 897 projects of the Authority and may contain such provision for  
 898 protecting and enforcing the rights and remedies of the  
 899 bondholders as the board of directors may approve, including  
 900 without limitation covenants setting forth the duties of the  
 901 Authority in relation to the acquisition, construction,  
 902 reconstruction, improvement, maintenance, repair, operation, and  
 903 insurance of any project, the fixing and revising of the rates,  
 904 fees, and charges and the custody safeguarding and application  
 905 of all moneys, and for the employment of counseling engineers in  
 906 connection with such acquisition, construction, reconstruction,  
 907 improvement, maintenance, repair, and operation. It shall be  
 908 lawful for any bank or trust company incorporated under the laws  
 909 of the state which may act as a depository of the proceeds of  
 910 bonds or of revenues to furnish such indemnifying bonds or to  
 911 pledge such securities as may be required by the Authority.  
 912 Such resolution or trust agreement may set forth the rights and  
 913 remedies of the bondholders and of the trustee, if any, and may  
 914 restrict the individual right of action by bondholders. The  
 915 board of directors may provide for the payment of proceeds from  
 916 the sale of the bonds and the revenues of any project to such  
 917 officer, board, or depositories as it may designate for the  
 918 custody thereof, and for the method of disbursement thereof with  
 919 such safeguards and restrictions as it may determine. All  
 920 expenses incurred in carrying out the provision of such  
 921 resolution or trust agreement may be treated as part of the cost  
 922 of operation of the project to which such trust agreement  
 923 pertains.

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924 Section 27. Sale of bonds.--Bonds may be sold in blocks or  
 925 installments at different times, or an entire issue or series  
 926 may be sold at one time. Bonds shall be sold at public sale  
 927 after advertisement, but not in any event at less than 95  
 928 percent of the par value thereof, together with accrued interest  
 929 thereon. Bonds may be sold or exchanged for refunding bonds.  
 930 Bonds may be delivered as payment by the Authority of the  
 931 purchase price or lease of any project or part thereof or a  
 932 combination of projects or parts thereof or as the purchase  
 933 price or exchanged for any property, real, personal or mixed,  
 934 including franchises or services rendered by any contractor,  
 935 engineer, or other person at one time or in blocks from time to  
 936 time and in such manner and upon such terms as the board of  
 937 directors in its discretion shall determine.

938 Section 28. Authorization and form of bonds.--The Board  
 939 may by resolution authorize the issuance of bonds on either a  
 940 negotiated or competitive bid basis, fix the aggregate amount of  
 941 bonds to be issued, the purpose or purposes for which the moneys  
 942 derived therefrom shall be expended, the rate or rates of  
 943 interest. The denomination of bonds, whether or not the bonds  
 944 are to be issued in one or more series, the date or dates  
 945 thereof, the date or dates of maturity, which shall not exceed  
 946 40 years from their respective dates of issuance, the medium of  
 947 payment, place or places within or without the state where  
 948 payment shall be made, registration, privileges (whether with or  
 949 without premium), the manner of execution, the form of the  
 950 bonds, including any interest coupons to be attached thereto,  
 951 the manner of execution of bonds and coupons, and any and all  
 952 other terms, covenants and conditions thereof, and the  
 953 establishment of reserve or other funds.

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954 Section 29. Interim certificates, replacement  
 955 certificates.--Pending the preparation of definitive bonds, the  
 956 board of directors may issue interim certificates or receipts or  
 957 temporary bonds, in such form and with such provision as the  
 958 board of directors may determine, exchangeable for definitive  
 959 bonds when such bonds have been executed and are available for  
 960 delivery. The board of directors may also provide for the  
 961 replacement of any bonds which shall become mutilated or be lost  
 962 or destroyed.

963 Section 30. Negotiability of bonds.--Any bond issued under  
 964 this act and any interim certificate, receipt, or temporary bond  
 965 shall, in the absence of an express recital on the face thereof  
 966 that it is nonnegotiable, shall be and constitute a negotiable  
 967 instrument within the meaning and for all purposes of the law  
 968 merchant, the U.C.C. and the laws of the State of Florida.

969 Section 31. Bonds as legal investment or  
 970 security.--Notwithstanding any provisions of any other law to  
 971 the contrary, all bonds issued under provisions of this act  
 972 shall constitute legal investments for savings banks, trust  
 973 companies, insurance companies, executors, administrators,  
 974 trustees, guardians, and other fiduciaries, and for any board,  
 975 body, agency, instrumentality, county, municipality, or other  
 976 political subdivision of the state and shall be and constitute  
 977 securities which may be deposited by banks or trust companies as  
 978 security for deposit of the state, county, municipal, or other  
 979 public funds, or by insurance companies.

980 Section 32. Validity of bonds.--Any bonds issued by the  
 981 Authority shall be incontestable in the hands of bona fide  
 982 purchasers or holders for value and shall not be invalid because  
 983 of any irregularity or defects in the proceedings for the issue

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984 and sales thereof. However, the Authority is not required to  
 985 obtain approval of the Bond Review Board as provided by chapter  
 986 215, Florida Statutes.

987 Section 33. Pledge by the State of Florida to the  
 988 bondholders of the Authority and to the Federal Government.--The  
 989 State of Florida pledges to the holders of any bonds issued  
 990 under this act that it will not limit or alter the rights of the  
 991 Authority, to own, acquire, construct, reconstruct, improve,  
 992 maintain, operate, or furnish the projects or to levy rentals,  
 993 rates, fees, or other charges provided for herein and to fulfill  
 994 the terms of any agreement made with the holders of such bonds  
 995 or other obligations, that it will not in any way impair the  
 996 rights or remedies of the holders, and that it will not modify  
 997 in any way the exemption for taxation provided in the act, until  
 998 all such bonds, together with interest thereon, and all costs  
 999 and expenses in connection with any action or proceeding by or  
 1000 on behalf of such holders, are fully met and discharged. The  
 1001 State of Florida pledges to and agrees with the Federal  
 1002 Government that in the event the Federal Government or any  
 1003 agency or authority thereof shall construct or contribute any  
 1004 funds, materials, or property for the construction, acquisition,  
 1005 extension, improvement, enlargement, maintenance, operation, or  
 1006 furnishing of any project of the Authority, or any part thereof,  
 1007 the state will not alter or limit the rights and powers of the  
 1008 Authority in any manner which would be inconsistent with the  
 1009 continued maintenance and operation of such project, or any part  
 1010 thereof, on the improvement thereof, or which would be  
 1011 inconsistent with due performance of any agreement between the  
 1012 Authority and the Federal Government, and the Authority shall  
 1013 continue to have, and may exercise, all powers herein granted so

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1014 long as the board of directors may deem the same necessary or  
 1015 desirable for carrying out the purposes of this act and the  
 1016 purposes of the Federal Government in the construction,  
 1017 acquisition, extension, improvement, enlargement, maintenance,  
 1018 operation, or furnishing of any projects of the Authority or any  
 1019 part thereof.

1020 Section 34. Contracts, grants, and contributions.--The  
 1021 Authority shall have the power to make and enter into all  
 1022 contracts and agreements necessary or incidental to the  
 1023 performance or functions of the Authority and the execution of  
 1024 its powers, and to contract with, and to accept and receive  
 1025 grants or loans of money, material, or property from any person,  
 1026 private or public corporation, the State of Florida, or any  
 1027 agency or instrumentality thereof, any county, municipality, or  
 1028 other political subdivision, or any agency, instrumentality, or  
 1029 corporation of or created by the United States of America, or  
 1030 the United States of America, as the board of directors shall  
 1031 determine to be necessary or desirable to carry out the purpose  
 1032 of this act, and in connection with any such contract, grant, or  
 1033 loan to stipulate and agree to such covenants, terms, and  
 1034 conditions as the board of directors shall deem appropriate.

1035 Section 35. Tax exemption.--As the exercise of the powers  
 1036 conferred by this act to effect the purposes of this act  
 1037 constitute the performance of essential public functions, and as  
 1038 the projects of the Authority will constitute public property  
 1039 used for public purposes, all assets and properties of the  
 1040 Authority and all bonds issued hereunder and interest paid  
 1041 thereon and all fees, charges, and other revenues derived by the  
 1042 Authority from the projects provided for by this act shall be  
 1043 exempt from all taxes by the state or any political subdivision,

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1044 agency, or instrumentality thereof, except that this exemption  
 1045 shall not apply to interest earnings subject to taxation under  
 1046 chapter 220, Florida Statutes.

1047 Section 36. Construction of Authority projects.--The board  
 1048 of directors shall have the power and authority to acquire,  
 1049 construct, reconstruct, extend, repair, improve, maintain, and  
 1050 operate any of the projects of the Authority, and to that end to  
 1051 employ contractors, to purchase machinery, to employ men to  
 1052 operate the same, and directly to have charge of and construct  
 1053 the projects of the Authority in such manner as the board of  
 1054 directors may determine . The Authority may undertake any such  
 1055 construction work with its own facilities, without public  
 1056 advertisement for bids. The board of directors shall not be  
 1057 permitted to let contracts for projects of the Authority or for  
 1058 purchases without public advertising and the receiving of bids  
 1059 in accordance with such terms and conditions of chapter 287,  
 1060 Florida Statutes. The board of directors shall let contracts to  
 1061 the lowest responsible bidder. However, the board may, in its  
 1062 discretion, reject any and all bids.

1063 Section 37. Enforcement and penalties.--The board of  
 1064 directors or any aggrieved person may have recourse to such  
 1065 remedies in law and equity as may be necessary to ensure  
 1066 compliance with the provisions of this act, including injunctive  
 1067 relief to enjoin or restrain any person violating the provisions  
 1068 of this act and any bylaws, resolutions, regulations, rules,  
 1069 codes, and orders adopted under this act, and the court shall,  
 1070 upon proof of such violation, have the duty to issue forthwith  
 1071 such temporary and permanent injunctions as are necessary to  
 1072 prevent such further violations thereof.

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1073 Section 38. Investment of funds.--The board of directors  
 1074 may, in its discretion, invest funds of the Authority in:

1075 (1) Direct obligations of or obligations guaranteed by the  
 1076 United States of America or for the payment of principal and  
 1077 interest of which the faith and credit of the United States is  
 1078 pledged;

1079 (2) Bonds or notes issued by any of the following Federal  
 1080 agencies: Bank for Cooperatives; Federal Intermediate Credit  
 1081 Banks; Federal Home Loan Banks System; Federal Land Banks; or  
 1082 the Federal National Mortgage Loan Association (including the  
 1083 debentures or participating certificates issued by such  
 1084 association);

1085 (3) Public housing bonds issued by public housing  
 1086 authorities and secured by a pledge of annual contributions  
 1087 under an annual contribution contract or contracts with the  
 1088 United States of America;

1089 (4) Bonds or other interest-bearing obligations of any  
 1090 county, district, city, or town located in the State of Florida  
 1091 for which the credit of such political subdivision is pledged;  
 1092 or

1093 (5) Any investment authorized for insurers by chapter 625,  
 1094 Florida Statutes, inclusive and amendments thereto.

1095 Section 39. Fiscal year of the Authority.--The board of  
 1096 directors has the power to establish and from time to time  
 1097 redetermine the fiscal year of the Authority.

1098 Section 40. Severability of provision.--If any section,  
 1099 clause, sentence, amendment, or provision of this act or the  
 1100 application of such section, clause, sentence, amendment, or  
 1101 provision to any person or bodies or under any circumstances  
 1102 shall be held to be inoperative, invalid, or unconstitutional,

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1103 the invalidity of such section, clause, sentence, amendment, or  
 1104 provision shall not be deemed held or taken to affect the  
 1105 validity or constitutionality of any of the remaining parts of  
 1106 this act, or amendments hereto, or the application of any of the  
 1107 provisions of this act to persons, bodies or in circumstances  
 1108 other than those as to which it or any part thereof shall have  
 1109 been held inoperative, invalid, or unconstitutional, and it is  
 1110 intended that this act shall be construed and applied as if any  
 1111 section, clause, sentence, amendment, or provision held  
 1112 inoperative, invalid, or unconstitutional had not been included  
 1113 in this act.

1114 Section 41. Liberal construction.--The provisions of this  
 1115 act shall be liberally construed to effect its purposes and  
 1116 shall be deemed cumulative, supplemental, and alternative  
 1117 authority for the exercise of the powers provided herein.

1118 Section 42. Notice.--It is found and determined that  
 1119 notice of intention to apply for this legislation was given in  
 1120 the time, form, and manner required by the Constitution and Laws  
 1121 of the State of Florida. Said notice is found to be sufficient  
 1122 and is hereby validated and approved.

1123 Section 43. All actions of the Authority occurring prior  
 1124 to the effective date of this act are hereby ratified.

1125 Section 4. Chapters 18530 (1937), 21230 (1941), 21328  
 1126 (1941), 23277 (1945), 26039 (1949), 27757 (1951), 29297 (1953),  
 1127 29301 (1953), 31010 (1955), 31011 (1955), 31012 (1955), 57-1589,  
 1128 59-1581, 63-1644, 63-1648, 70-810, 71-778, 75-442, 75-449, 76-441,  
 1129 77-604, 77-605, 80-546, 83-468, 84-483, 84-484, 86-419, 98-519,  
 1130 2002-337, 2003-304, and 2003-327, Laws of Florida, are repealed.

1131 Section 5. Rule making.--The Florida Keys Aqueduct  
 1132 Authority Board, as constituted herein, and any successor agency

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1133 or board may adopt rules necessary to meet environmental  
 1134 requirements imposed by federal agencies as a condition of  
 1135 funding. Rules adopted by the Florida Keys Aqueduct Authority  
 1136 prior to effective date of this act, contained in Part 7 of the  
 1137 Rules of the Florida Keys Aqueduct Authority are hereby affirmed  
 1138 as a valid exercise of delegated legislative authority.

1139 Section 6. This act shall take effect upon becoming a law.