

1 A bill to be entitled

2 An act relating to the Florida Keys Aqueduct Authority,
 3 Monroe County; providing for codification of special laws
 4 relating to the Florida Keys Aqueduct Authority; providing
 5 legislative intent; codifying, repealing, amending, and
 6 reenacting chapters 76-441, 77-604, 77-605, 80-546, 83-
 7 468, 84-483, 84-484, 86-419, 87-454, 98-519, 2003-304, and
 8 2003-327, Laws of Florida; providing for liberal
 9 construction; providing a savings clause in the event any
 10 provision of the act is deemed invalid; providing an
 11 effective date.

12
 13 Be It Enacted by the Legislature of the State of Florida:

14
 15 Section 1. Pursuant to section 189.429, Florida Statutes,
 16 this act constitutes the codification of all special acts
 17 relating to the Florida Keys Aqueduct Authority. It is the
 18 intent of the Legislature in enacting this law to provide a
 19 single, comprehensive special act charter for the Authority,
 20 including all current legislative authority granted to the
 21 Authority by its several legislative enactments and any
 22 additional authority granted by this act. It is further the
 23 intent to preserve all Authority powers and authority in the
 24 Florida Keys, including the authority to provide water and
 25 wastewater services.

26 Section 2. Chapters 76-441, 77-604, 77-605, 80-546, 83-
 27 468, 84-483, 84-484, 86-419, 98-519, 2002-337, 2003-304, and
 28 2003-327, Laws of Florida, relating to the Florida Keys Aqueduct

29 | Authority, are codified, reenacted, amended, and repealed as
 30 | herein provided.

31 | Section 3. The Florida Keys Aqueduct Authority is re-
 32 | created and the charter for the Authority is re-created and
 33 | reenacted to read:

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

57 | voided by this act but may be continued and completed in the
 58 | name of the Florida Keys Aqueduct Authority. The Authority shall
 59 | include within its territorial boundaries all of the lands
 60 | within Monroe County, but may procure water outside its
 61 | boundaries for sale within said boundaries, and may serve
 62 | customers residing within 1 mile of its pipeline, from its well
 63 | field at Florida City in Miami-Dade County to the territorial
 64 | boundary of the Authority.

65 | Section 2. Applicability of certain provisions of Florida
 66 | law to the Florida Keys Aqueduct Authority.--This act shall give
 67 | the Authority exclusive jurisdiction over the setting of rates,
 68 | fees, and charges of, and the connection to and disconnection
 69 | from, the water system and the sewer system of the Authority as
 70 | granted by this act and to this extent shall supersede chapter
 71 | 367, Florida Statutes. Decisions made by the Florida Keys
 72 | Aqueduct Authority shall not be subject to the Administrative
 73 | Procedures Act, chapter 120, Florida Statutes.

74 | Section 3. Definitions.--Unless the context shall indicate
 75 | otherwise, the following words as used in this act shall have
 76 | the following meanings:

77 | (1) "Authority" means the Florida Keys Aqueduct Authority
 78 | hereby constituted or if such Authority shall be abolished, any
 79 | board, commission, or officer succeeding to the principal
 80 | functions thereof or upon whom the powers given by this act to
 81 | such Authority shall be given by law.

82 | (2) "Board" means the board of directors of the Florida
 83 | Keys Aqueduct Authority or, if such Authority shall be
 84 | abolished, the board, body, or commission succeeding to the

85 principal functions thereof or to whom the powers given by this
 86 act to the board of directors shall be given by law.

87 (3) "Department" means the Department of the Navy of the
 88 United States of America.

89 (4) "Bond" includes certificates, and provisions
 90 applicable to bonds shall be equally applicable to certificates.
 91 "Bond" includes any obligation in the nature of bonds as are
 92 provided for in this act as the case may be.

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

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

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

136 (7) "Water system" means any existing or proposed plant,
 137 system, facility, or property and additions, extensions, and
 138 improvements thereto at any future time constructed or acquired
 139 as part thereof, useful or necessary or having the present
 140 capacity for future use in connection with the development of

141 sources, treatment, desalination, or purification and
 142 distribution of water for public or private use and, without
 143 limiting the generality of the foregoing, includes dams,
 144 reservoirs, storage tanks, mains, lines, valves, pumping
 145 stations, laterals, and pipes for the purpose of carrying water
 146 to the premises connected with such system, and all real and
 147 personal property and any interests therein, rights, easements,
 148 and franchises of any nature whatsoever relating to any such
 149 system and necessary or convenient for the operation thereof. It
 150 shall embrace wells for supplying water located or to be located
 151 on the Florida mainland, including a pipeline or aqueduct from
 152 such wells to a point at or near the City of Key West, and shall
 153 include the water distribution system acquired by the Authority
 154 from the City of Key West, and any interest the Authority may
 155 have in and to the water supply system or any part thereof by
 156 contract with the department.

157 (8) "Sewer system" means any plant, system, facility, or
 158 property and additions, extensions, and improvements thereto at
 159 any future time constructed or acquired as part thereof, useful
 160 or necessary or having the present capacity for future use in
 161 connection with the collection, treatment, purification, or
 162 disposal of sewage, including, without limitation, industrial
 163 wastes resulting from any processes of industry, manufacture,
 164 trade, or business or from the development of any natural
 165 resources, and, without limiting the generality of the
 166 foregoing, shall include treatment plants, pumping stations,
 167 lift stations, valve, force mains, intercepting sewers,
 168 laterals, pressure lines, mains, and all necessary appurtenances

169 and equipment, all sewer mains, laterals, and other devices for
170 the reception and collection of sewage from premises connected
171 therewith, and all real and personal property and any interest
172 therein, rights, easements, and franchises of any nature
173 whatsoever relating to any such system and necessary or
174 convenient for the operation thereof. The terms "wastewater" and
175 "wastewater system" shall be construed as synonymous with the
176 terms "sewer" and "sewer system" for all purposes under this
177 act.

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

197 perform all of the duties of the board. All members of the board
198 shall be required to be bonded. Any vacancy occurring on the
199 board shall be filled by appointment by the Governor for the
200 duration of the unexpired term.

201 Section 5. Records of board of directors.--The board of
202 directors shall keep a permanent record book entitled "Record of
203 Governing Board of Florida Keys Aqueduct Authority" in which
204 shall be recorded minutes of all meetings, resolutions,
205 proceedings, certificates, and bonds given by employees and any
206 and all acts, which book shall at reasonable times be open to
207 public inspection. Such record book shall be kept at an office
208 or other regular place of business maintained by the board of
209 directors in Monroe County. The board shall keep a current
210 inventory of all real and tangible personal property owned or
211 leased by the Authority in the above referenced record book.

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

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

222 (1) Each member of the board of directors shall execute a
223 bond to the Governor in the amount of \$10,000 with a qualified
224 surety to secure his or her faithful performance of his or her

225 | powers and duties. The board of directors shall require a
 226 | certified audit of the books of the Authority at least once a
 227 | year at the expense of the Authority. Such audit shall be
 228 | available for public inspection and a notice of the availability
 229 | of the audit shall be published in a newspaper published in
 230 | Monroe County at least once within 6 months after the end of
 231 | each fiscal year. The legislative auditor may audit the
 232 | Authority at any time.

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

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

248 | (4) The board of directors shall cause a copy of the
 249 | proposed budget of the Authority to be published in a newspaper
 250 | published in Monroe County at least once not later than 60 days
 251 | prior to the date the fiscal year begins. The board shall hold a

252 public hearing and adopt such budget at least 30 days prior to
 253 such date.

254 Section 8. Powers and duties of the board of
 255 directors.--Except as otherwise provided in this act, all of the
 256 powers and duties of the Authority shall be exercised by and
 257 through the board of directors. Without limiting the generality
 258 of the foregoing, the board shall have the power and authority
 259 to:

260 (1) Employ engineers, contractors, consultants, attorneys,
 261 auditors, agents, employees, and representatives, as the board
 262 of directors may from time to time determine, on such terms and
 263 conditions as the board of directors may approve, and fix their
 264 compensation and duties.

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

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

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

279 Section 9. Powers of the Authority.--In addition to and
 280 not in limitation of the powers of the Authority, it shall have
 281 the following powers:

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

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

286 (3) To acquire property, real, personal, or mixed within
 287 or without its territorial limits in fee simple or any lesser
 288 interest or estate by purchase, gift, devise, or lease on such
 289 terms and conditions as the board of directors may deem
 290 necessary or desirable and by condemnation (subject to
 291 limitations herein below). The Authority shall provide
 292 information and assistance to Monroe County for use in preparing
 293 its comprehensive plan with respect to the availability of water
 294 and wastewater facilities. Except in cases of emergency, the
 295 purchase of sole source items, or when the board determines that
 296 delay would be detrimental to the interests of the Authority,
 297 equipment shall be purchased in accordance with part I of
 298 chapter 287, Florida Statutes. All provided that the board of
 299 directors determines that the use or ownership of such property
 300 be necessary in the furtherance of a designated lawful purpose
 301 authorized under the provisions of this act. However, the
 302 Authority may purchase equipment or material without competitive
 303 bid, regardless of price, when the manufacturer of such
 304 equipment or material refuses to bid on the equipment or
 305 material and the board determines that the public interest would
 306 be served and substantial savings would result if the equipment

307 | or material were purchased directly from the manufacturer. In
 308 | all such cases the board shall enter a record of such purchase
 309 | in the "Record of Governing Board of Florida Keys Aqueduct
 310 | Authority." The Authority is specifically excluded from the
 311 | provisions of section 253.03(6), Florida Statutes, and has the
 312 | authority to hold title to property in its own name and to
 313 | acquire easements or rights-of-way, with or without
 314 | restrictions, within or without the limits of the Authority. The
 315 | state may convey to the Authority rights-of-way over any of the
 316 | lands and structures belonging to the state or any of its
 317 | agencies for the purpose of constructing, maintaining,
 318 | supplying, establishing, and regulating the works and projects
 319 | involved in the wastewater system or the water supply and
 320 | distribution systems authorized by this act. To mortgage, hold,
 321 | manage, control, convey, lease, sell, grant, or otherwise
 322 | dispose of the same and any of the assets and properties of the
 323 | Authority without regard to chapter 273, Florida Statutes.

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

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

335 (6) To exercise within or without the territorial limits
336 of the Authority the right and power of eminent domain in all
337 cases and under all circumstances provided for in chapter 73,
338 Florida Statutes, and amendments thereto. In addition to and not
339 in limitation of the foregoing, the Authority may also exercise
340 the right and power of eminent domain for the purpose of
341 condemning any real, personal, or mixed property, public or
342 private, including, without limitation, the property owned by
343 any political body or municipal corporation which the board of
344 directors shall deem necessary for the use of, construction, or
345 operation of any of the projects of the Authority or otherwise
346 to carry out any of the purposes of the Authority. The power of
347 condemnation shall be exercised in the same manner as now
348 provided by the general laws of the state. In any proceeding
349 under this act or under chapter 73, Florida Statutes, for the
350 taking of property by eminent domain or condemnation, the board
351 of directors is authorized to file declaration of taking
352 immediate possession of the property before the final trial by
353 making deposit as to value as provided by the general statutes,
354 and shall have all of the benefits provided by chapters 73 and
355 74, Florida Statutes, and amendments thereto, or any other
356 statutes of the state which give the right to immediate taking
357 and possession. No public or private body and no agency or
358 authority of the state or any political subdivision thereof
359 shall exercise the power of eminent domain or condemnation with
360 respect to any of the properties, easements, or rights owned by
361 the Authority and lying within the Authority's jurisdiction,

362 except with the concurrence of the board of directors of the
 363 Authority which shall not be unreasonably withheld.

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

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

382 (9)(a) To purchase, construct, and otherwise acquire and
 383 to improve, extend, enlarge, and reconstruct a sewage disposal
 384 system or systems and to purchase and/or construct or
 385 reconstruct sewer improvements and to operate, manage, and
 386 control all such systems so purchased and/or constructed and all
 387 properties pertaining thereto and to furnish and supply sewage
 388 collection and disposal services to any municipalities and any
 389 persons, firms, or corporations, public or private; to prohibit

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

410 | (b) The Authority shall have the power to create sewer
 411 | districts comprising any area within the geographic boundaries
 412 | of the Authority. However, the boundaries of any such sewer
 413 | district shall not be established until approved by majority
 414 | vote of the Board of County Commissioners of Monroe County,
 415 | after a public hearing duly noticed and advertised. Any portion
 416 | or portions of the sewer system within a district and of benefit
 417 | to the premises or land served thereby shall be deemed

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

496 (l) To make or cause to be made such surveys,
 497 investigations, studies, borings, maps, drawings, and estimates
 498 of cost and revenues as it may deem necessary, and to prepare
 499 and adopt a comprehensive plan or plans for the location,

500 relocation, construction, improvement, revision and development
 501 of the wastewater system.

502 (m) That subject to covenants or agreement with
 503 bondholders contained in proceedings authorizing the issuance of
 504 bonds pursuant to this act, the Authority shall have the power
 505 to lease said wastewater system or any part or parts thereof, to
 506 any person, firm, corporation, association, or body, upon such
 507 terms and conditions and for such periods of time as shall be
 508 determined by the governing body. The Authority shall also,
 509 whenever desirable, have power to grant permits or licenses in
 510 connection with any of the facilities of such wastewater system,
 511 and shall have full and complete power to do all things
 512 necessary and desirable for the proper and efficient
 513 administration and operation of such wastewater system and all
 514 parts thereof. The Authority shall also have power, whenever
 515 deemed necessary or desirable and subject to covenants and
 516 agreements with bondholders, to lease from any person, firm,
 517 corporation, association, or body, any facilities of any nature
 518 for such wastewater system.

519 (n) That charges shall be levied by the Authority against
 520 its own books or against Monroe County with respect to providing
 521 any facilities or services rendered by such wastewater system to
 522 the Authority or to Monroe County or to any other political
 523 subdivision or public body or agency which receives wastewater
 524 system services, or to any department or works thereof, at the
 525 rate or rates applicable to other customers or users taking
 526 facilities or services under similar conditions. Revenues

527 derived from such facilities or services so furnished shall be
 528 treated as all other revenues of the wastewater system.

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

535 (p) The Authority shall have exclusive jurisdiction over
 536 the administration, maintenance, development, and provision of
 537 wastewater system services in Monroe County with the exception
 538 of the Key Largo Wastewater Treatment District as defined in
 539 chapter 2002-337, Laws of Florida, consisting of Key Largo,
 540 including all lands east of Tavernier Creek, including
 541 Tavernier, Key Largo, and Cross Key, but excluding Ocean Reef,
 542 the City of Key West, the City of Key Colony Beach, the City of
 543 Layton, and Islamorada, Village of Islands unless such areas
 544 shall choose to grant the Authority such jurisdiction, and the
 545 Authority's wastewater system authorized hereunder shall be the
 546 exclusive provider of wastewater system services and no
 547 franchise or grant of power to any other entity or provider
 548 shall be lawful unless preapproved by the Authority. The
 549 Authority shall have the power to regulate the use of, including
 550 prohibiting the use of or mandating the use of, specific types
 551 of wastewater facilities and, notwithstanding any other
 552 provisions hereof, shall be authorized to prescribe the specific
 553 type of wastewater treatment facility or measures required to be
 554 utilized within the boundaries of the Authority, including, but

555 | not limited to, requiring the use of septic tanks in lieu of
 556 | cess pits, the mandatory hook up to specific wastewater
 557 | treatment plants, requiring upgrades be undertaken to on site
 558 | wastewater systems, and any other combination of the foregoing
 559 | in order to manage effluent disposal and wastewater matters.

560 | (10) In addition to the powers specifically provided in
 561 | this chapter, the Authority shall have the power to own,
 562 | acquire, construct, reconstruct, equip, operate, maintain,
 563 | extend, and improve such other related projects as the board of
 564 | directors may in its discretion find necessary or desirable to
 565 | accomplish the primary purpose of this act which is to supply
 566 | water and sewer services and facilities to the Florida Keys. The
 567 | Authority is hereby authorized to adopt by reference and utilize
 568 | or take advantage of any of the relevant provisions of chapter
 569 | 100, chapter 153, chapter 159, or chapter 170, Florida Statutes.

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

579 | Section 11. Exercise by Authority of powers within
 580 | municipalities.--The Authority shall have the power to exercise
 581 | any of its rights, powers, privileges, and authorities in any
 582 | and all portions of the geographical limits of the Authority

583 lying within the boundaries of any municipal corporation or
584 other political subdivision, heretofore or hereafter created or
585 organized, whose boundaries lie wholly or partly within the
586 geographic limits of the Authority, to the same extent and in
587 the same manner as in areas of the Authority not incorporated as
588 part of a municipality or other political subdivision.

589 Section 12. Furnishing facilities and services within the
590 Authority territory.--

591 (1) The Authority shall have the power to construct,
592 maintain, and operate its projects within the geographic limits
593 of the Authority, including any portions of the Authority
594 located inside the boundaries of any incorporated municipalities
595 or other political subdivisions and to offer, supply, and
596 furnish the facilities and services provided for in this act.

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

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

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

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

620 (2) Such rates, fees, rentals, and charges shall be just
621 and equitable and, except as provided herein, uniform for users
622 of the same class and, where appropriate, may be based or
623 computed either upon the amount of service furnished or upon the
624 number or average number of persons working or residing or
625 working or otherwise occupying the premises served or upon any
626 other factor affecting the use of the facilities furnished, or
627 upon any combination of the foregoing factors as may be
628 determined by the board of directors on an equitable basis. The
629 Authority may prescribe, fix, and establish a special lower
630 rate, fee, rental, or other charge on the residential account of
631 any person who is 60 years of age or older or a totally and
632 permanently disabled American veteran on the date of
633 application, who meets the low income standards adopted by the
634 board and who applies for such special lower rate, fee, rental,
635 or other charge between the months of January and December,
636 inclusive, of each year. As used in this section "residential
637 account" means an account for a person residing in a house,
638 mobile home, condominium, apartment, or other housing unit. The

639 application shall include the submission of an affidavit stating
 640 that the applicant is 60 years of age or older or a totally and
 641 permanently disabled American veteran . The submission of the
 642 affidavit shall be prima facie evidence of the applicant's age
 643 or disability. The application shall also include the annual
 644 income of the applicant.

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

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

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

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

657 (4) No rate, fee, rental, or other charge may be
 658 established resulting in increased costs for service to the
 659 customer nor may any rate, fee, rental, or other charge be
 660 increased by the Authority until a public hearing has been held
 661 relating to the proposed increase in the City of Key West, and
 662 in the Marathon and the upper Keys areas. However, if the
 663 proposed rule affects wastewater only in a single wastewater
 664 district and affects rates, fees, or other charges that could
 665 result in increased costs of service to the customer, no rate,
 666 fee, rental, or other charge may be increased by the Authority

667 until two advertised public hearings have been held relating to
668 the proposed increase at a site convenient to the public located
669 in the district area. Such public hearings shall not occur
670 within 15 days of each other.

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

684 Section 16. Discontinuance of service.--In the event that
685 the fees, rentals, or other charges for the services and
686 facilities of any project are not paid when due, the board of
687 directors shall have the power to discontinue and shut off the
688 same until such fees, rentals, or other charges, including
689 interest, penalties, and charges for the shutting off or
690 discontinuance and the restoration of such services and
691 facilities, are fully paid, and for such purposes may enter on
692 any lands, waters, and premises of any person, firm,
693 corporation, or other body, public or private. Such delinquent
694 fees, rentals, or other charges together with interest,

695 penalties, and charges for the shutting off and discontinuance
696 and the restoration of such services and facilities and
697 reasonable attorneys' fees and other expenses may be recovered
698 by the Authority by suit in any court of competent jurisdiction.
699 The Authority may also enforce payment of such delinquent fees,
700 rentals, or other charges by any other lawful method of
701 enforcement.

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

717 Section 18. Receiver.--

718 (1) In the event that the Authority shall default in the
719 payment of the principal of or the interest on any of the bonds
720 as the same shall become due, whether at maturity or upon call
721 for redemption, and such default shall continue for a period of
722 45 days, or in the event that the Authority or the officers,

723 agents, or employees of the Authority shall fail or refuse to
724 comply with the provisions of this act or shall default in any
725 agreement made with the holders of the bonds, any holder of
726 bonds, subject to the provisions of the resolution authorizing
727 the same or the trust indenture, or the trustee therefor, shall
728 have the right to apply in any appropriate judicial proceeding
729 to the Circuit Court in any court of competent jurisdiction, for
730 the appointment of a receiver of the waterworks system,
731 excluding however, the aqueduct, whether or not all bonds shall
732 have been declared due and payable and whether or not such
733 holder or trustee is seeking or has sought to enforce any other
734 right or to exercise any other remedy in connection with such
735 bonds, and, upon such application, the court may appoint such
736 receiver.

737 (2) The receiver so appointed shall forthwith, directly or
738 by his agents and attorneys, enter into and upon and take
739 possession of such portion of the waterworks system and may
740 exclude the Authority, its officers, agents, and employees and
741 all persons claiming under them, wholly therefrom and shall
742 have, hold, use, operate, manage, and control the same in the
743 name of the Authority or otherwise, as the receiver may deem
744 best, and shall exercise all the rights and powers of the
745 Authority with respect thereto as the Authority itself might do.
746 Whenever all defaults shall have been cured and made good, the
747 court may, in its discretion, and after such notice and hearing
748 as it deems reasonable and proper, direct the receiver to
749 surrender possession of such property to the Authority. The

750 same right to secure the appointment of a receiver shall exist
 751 upon any subsequent default as hereinabove provided.

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

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

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

774 (1) The board of directors shall have exclusive
 775 jurisdiction and control, except as otherwise provided herein
 776 and as to the quality and manner of discharge of effluent, over
 777 the projects of the Authority without limitation as to

778 expenditures and appropriations except to the extent otherwise
 779 provided in this act and to the extent that the board of
 780 directors may by agreement with any other public or private body
 781 authorize the same to exercise jurisdiction or control of any of
 782 the projects of the Authority. It shall not be necessary for the
 783 Authority to obtain any certificate of convenience or necessity,
 784 franchise, license, permit, or authorization from any bureau,
 785 board, commission, or like instrumentality of the state or any
 786 political subdivision thereof in order to construct,
 787 reconstruct, acquire, extend, repair, improve, maintain, or
 788 operate any project and the rates, fees, or other charges to be
 789 fixed and collected with respect to the facilities and service
 790 of the Authority shall not be subject to supervision,
 791 regulation, or the rate-setting power of any bureau, board,
 792 commission, or other agency of the state or any political
 793 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
 797 of directors of the powers herein provided, shall not be subject
 798 to the requirements or limitations of chapter 216, Florida
 799 Statutes.

800 Section 21. Revenue bonds.--

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

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

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

832 Section 22. Refunding bonds.--The Authority shall have the
833 power to issue bonds to provide for the retirement or refunding

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

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

857 Section 24. Issuance of bond anticipation notes.--In
 858 addition to the other powers applied for in this act and not in
 859 limitation thereof, the Authority shall have the power at any
 860 time and from time to time after the issuance of any bonds of
 861 the Authority shall have been authorized, to borrow money for

862 the purposes for which such bonds are to be issued in
863 anticipation of the receipt of the proceeds of the sale of such
864 bonds and to issue bond anticipation notes in a principal amount
865 not in excess of the authorized maximum amount of such bond
866 issues. Such notes shall be in such denominations and bear
867 interest at such rate or rates, mature at such time or times not
868 later than 5 years from the date of issuance and be in such form
869 and executed in such manner as the board of directors shall
870 prescribe. Such notes may be sold at either public or private
871 sale or if such notes shall be renewable, notes may be exchanged
872 for notes then outstanding on such terms as the board of
873 directors shall determine. Said notes shall be paid from the
874 proceeds of such bonds when issued.

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

890 on behalf of the Authority by any one of the board of directors
 891 to be authorized by the board.

892 Section 26. Trust agreements.--In the discretion of the
 893 board of directors, any issue of bonds may be secured by a trust
 894 agreement by and between the Authority and a corporate trustee
 895 or trustees which may be any trust company or bank having the
 896 powers of a trust company within or without the state. The
 897 resolution authorizing the issuance of the bonds or such trust
 898 agreements may pledge the revenues to be received from any
 899 projects of the Authority and may contain such provision for
 900 protecting and enforcing the rights and remedies of the
 901 bondholders as the board of directors may approve, including
 902 without limitation covenants setting forth the duties of the
 903 Authority in relation to the acquisition, construction,
 904 reconstruction, improvement, maintenance, repair, operation, and
 905 insurance of any project, the fixing and revising of the rates,
 906 fees, and charges and the custody safeguarding and application
 907 of all moneys, and for the employment of counseling engineers in
 908 connection with such acquisition, construction, reconstruction,
 909 improvement, maintenance, repair, and operation. It shall be
 910 lawful for any bank or trust company incorporated under the laws
 911 of the state which may act as a depository of the proceeds of
 912 bonds or of revenues to furnish such indemnifying bonds or to
 913 pledge such securities as may be required by the Authority.
 914 Such resolution or trust agreement may set forth the rights and
 915 remedies of the bondholders and of the trustee, if any, and may
 916 restrict the individual right of action by bondholders. The
 917 board of directors may provide for the payment of proceeds from

918 | the sale of the bonds and the revenues of any project to such
 919 | officer, board, or depositories as it may designate for the
 920 | custody thereof, and for the method of disbursement thereof with
 921 | such safeguards and restrictions as it may determine. All
 922 | expenses incurred in carrying out the provision of such
 923 | resolution or trust agreement may be treated as part of the cost
 924 | of operation of the project to which such trust agreement
 925 | pertains.

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

940 | Section 28. Authorization and form of bonds.--The Board
 941 | may by resolution authorize the issuance of bonds on either a
 942 | negotiated or competitive bid basis, fix the aggregate amount of
 943 | bonds to be issued, the purpose or purposes for which the moneys
 944 | derived therefrom shall be expended, the rate or rates of
 945 | interest. The denomination of bonds, whether or not the bonds

946 are to be issued in one or more series, the date or dates
 947 thereof, the date or dates of maturity, which shall not exceed
 948 40 years from their respective dates of issuance, the medium of
 949 payment, place or places within or without the state where
 950 payment shall be made, registration, privileges (whether with or
 951 without premium), the manner of execution, the form of the
 952 bonds, including any interest coupons to be attached thereto,
 953 the manner of execution of bonds and coupons, and any and all
 954 other terms, covenants and conditions thereof, and the
 955 establishment of reserve or other funds.

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

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

971 Section 31. Bonds as legal investment or
 972 security.--Notwithstanding any provisions of any other law to
 973 the contrary, all bonds issued under provisions of this act

974 shall constitute legal investments for savings banks, trust
 975 companies, insurance companies, executors, administrators,
 976 trustees, guardians, and other fiduciaries, and for any board,
 977 body, agency, instrumentality, county, municipality, or other
 978 political subdivision of the state and shall be and constitute
 979 securities which may be deposited by banks or trust companies as
 980 security for deposit of the state, county, municipal, or other
 981 public funds, or by insurance companies.

982 Section 32. Validity of bonds.--Any bonds issued by the
 983 Authority shall be incontestable in the hands of bona fide
 984 purchasers or holders for value and shall not be invalid because
 985 of any irregularity or defects in the proceedings for the issue
 986 and sales thereof. However, the Authority is not required to
 987 obtain approval of the Bond Review Board as provided by chapter
 988 215, Florida Statutes.

989 Section 33. Pledge by the State of Florida to the
 990 bondholders of the Authority and to the Federal Government.--The
 991 State of Florida pledges to the holders of any bonds issued
 992 under this act that it will not limit or alter the rights of the
 993 Authority, to own, acquire, construct, reconstruct, improve,
 994 maintain, operate, or furnish the projects or to levy rentals,
 995 rates, fees, or other charges provided for herein and to fulfill
 996 the terms of any agreement made with the holders of such bonds
 997 or other obligations, that it will not in any way impair the
 998 rights or remedies of the holders, and that it will not modify
 999 in any way the exemption for taxation provided in the act, until
 1000 all such bonds, together with interest thereon, and all costs
 1001 and expenses in connection with any action or proceeding by or

1002 on behalf of such holders, are fully met and discharged. The
 1003 State of Florida pledges to and agrees with the Federal
 1004 Government that in the event the Federal Government or any
 1005 agency or authority thereof shall construct or contribute any
 1006 funds, materials, or property for the construction, acquisition,
 1007 extension, improvement, enlargement, maintenance, operation, or
 1008 furnishing of any project of the Authority, or any part thereof,
 1009 the state will not alter or limit the rights and powers of the
 1010 Authority in any manner which would be inconsistent with the
 1011 continued maintenance and operation of such project, or any part
 1012 thereof, on the improvement thereof, or which would be
 1013 inconsistent with due performance of any agreement between the
 1014 Authority and the Federal Government, and the Authority shall
 1015 continue to have, and may exercise, all powers herein granted so
 1016 long as the board of directors may deem the same necessary or
 1017 desirable for carrying out the purposes of this act and the
 1018 purposes of the Federal Government in the construction,
 1019 acquisition, extension, improvement, enlargement, maintenance,
 1020 operation, or furnishing of any projects of the Authority or any
 1021 part thereof.

1022 Section 34. Contracts, grants, and contributions.--The
 1023 Authority shall have the power to make and enter into all
 1024 contracts and agreements necessary or incidental to the
 1025 performance or functions of the Authority and the execution of
 1026 its powers, and to contract with, and to accept and receive
 1027 grants or loans of money, material, or property from any person,
 1028 private or public corporation, the State of Florida, or any
 1029 agency or instrumentality thereof, any county, municipality, or

1030 other political subdivision, or any agency, instrumentality, or
 1031 corporation of or created by the United States of America, or
 1032 the United States of America, as the board of directors shall
 1033 determine to be necessary or desirable to carry out the purpose
 1034 of this act, and in connection with any such contract, grant, or
 1035 loan to stipulate and agree to such covenants, terms, and
 1036 conditions as the board of directors shall deem appropriate.

1037 Section 35. Tax exemption.--As the exercise of the powers
 1038 conferred by this act to effect the purposes of this act
 1039 constitute the performance of essential public functions, and as
 1040 the projects of the Authority will constitute public property
 1041 used for public purposes, all assets and properties of the
 1042 Authority and all bonds issued hereunder and interest paid
 1043 thereon and all fees, charges, and other revenues derived by the
 1044 Authority from the projects provided for by this act shall be
 1045 exempt from all taxes by the state or any political subdivision,
 1046 agency, or instrumentality thereof, except that this exemption
 1047 shall not apply to interest earnings subject to taxation under
 1048 chapter 220, Florida Statutes.

1049 Section 36. Construction of Authority projects.--The board
 1050 of directors shall have the power and authority to acquire,
 1051 construct, reconstruct, extend, repair, improve, maintain, and
 1052 operate any of the projects of the Authority, and to that end to
 1053 employ contractors, to purchase machinery, to employ men to
 1054 operate the same, and directly to have charge of and construct
 1055 the projects of the Authority in such manner as the board of
 1056 directors may determine . The Authority may undertake any such
 1057 construction work with its own facilities, without public

1058 advertisement for bids. The board of directors shall not be
 1059 permitted to let contracts for projects of the Authority or for
 1060 purchases without public advertising and the receiving of bids
 1061 in accordance with such terms and conditions of chapter 287,
 1062 Florida Statutes. The board of directors shall let contracts to
 1063 the lowest responsible bidder. However, the board may, in its
 1064 discretion, reject any and all bids.

1065 Section 37. Enforcement and penalties.--The board of
 1066 directors or any aggrieved person may have recourse to such
 1067 remedies in law and equity as may be necessary to ensure
 1068 compliance with the provisions of this act, including injunctive
 1069 relief to enjoin or restrain any person violating the provisions
 1070 of this act and any bylaws, resolutions, regulations, rules,
 1071 codes, and orders adopted under this act, and the court shall,
 1072 upon proof of such violation, have the duty to issue forthwith
 1073 such temporary and permanent injunctions as are necessary to
 1074 prevent such further violations thereof.

1075 Section 38. Investment of funds.--The board of directors
 1076 may, in its discretion, invest funds of the Authority in:

1077 (1) Direct obligations of or obligations guaranteed by the
 1078 United States of America or for the payment of principal and
 1079 interest of which the faith and credit of the United States is
 1080 pledged;

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

1085 debentures or participating certificates issued by such
 1086 association);

1087 (3) Public housing bonds issued by public housing
 1088 authorities and secured by a pledge of annual contributions
 1089 under an annual contribution contract or contracts with the
 1090 United States of America;

1091 (4) Bonds or other interest-bearing obligations of any
 1092 county, district, city, or town located in the State of Florida
 1093 for which the credit of such political subdivision is pledged;
 1094 or

1095 (5) Any investment authorized for insurers by chapter 625,
 1096 Florida Statutes, inclusive and amendments thereto.

1097 Section 39. Fiscal year of the Authority.--The board of
 1098 directors has the power to establish and from time to time
 1099 redetermine the fiscal year of the Authority.

1100 Section 40. Severability of provision.--If any section,
 1101 clause, sentence, amendment, or provision of this act or the
 1102 application of such section, clause, sentence, amendment, or
 1103 provision to any person or bodies or under any circumstances
 1104 shall be held to be inoperative, invalid, or unconstitutional,
 1105 the invalidity of such section, clause, sentence, amendment, or
 1106 provision shall not be deemed held or taken to affect the
 1107 validity or constitutionality of any of the remaining parts of
 1108 this act, or amendments hereto, or the application of any of the
 1109 provisions of this act to persons, bodies or in circumstances
 1110 other than those as to which it or any part thereof shall have
 1111 been held inoperative, invalid, or unconstitutional, and it is
 1112 intended that this act shall be construed and applied as if any

1113 section, clause, sentence, amendment, or provision held
 1114 inoperative, invalid, or unconstitutional had not been included
 1115 in this act.

1116 Section 41. Liberal construction.--The provisions of this
 1117 act shall be liberally construed to effect its purposes and
 1118 shall be deemed cumulative, supplemental, and alternative
 1119 authority for the exercise of the powers provided herein.

1120 Section 42. Notice.--It is found and determined that
 1121 notice of intention to apply for this legislation was given in
 1122 the time, form, and manner required by the Constitution and Laws
 1123 of the State of Florida. Said notice is found to be sufficient
 1124 and is hereby validated and approved.

1125 Section 43. All actions of the Authority occurring prior
 1126 to the effective date of this act are hereby ratified.

1127 Section 4. Chapters 76-441, 77-604, 77-605, 80-546, 83-
 1128 468, 84-483, 84-484, 86-419, 98-519, 2002-337, 2003-304, and
 1129 2003-327, Laws of Florida, are repealed.

1130 Section 5. Rule making.--The Florida Keys Aqueduct
 1131 Authority Board, as constituted herein, and any successor agency
 1132 or board may adopt rules necessary to meet environmental
 1133 requirements imposed by federal agencies as a condition of
 1134 funding. Rules adopted by the Florida Keys Aqueduct Authority
 1135 prior to effective date of this act, contained in Part 7 of the
 1136 Rules of the Florida Keys Aqueduct Authority are hereby affirmed
 1137 as a valid exercise of delegated legislative authority.

1138 Section 6. This act shall take effect upon becoming a law.