

By Senator Bullard

39-817-05

See HB 225

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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 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.

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

1 Aqueduct Authority, are codified, reenacted, amended, and
2 repealed as herein provided.

3 Section 3. The Florida Keys Aqueduct Authority is
4 re-created and the charter for the authority is re-created and
5 reenacted to read:

6 Section 1. Creation of authority; boundaries
7 defined.--As of September 15, 1976, the Florida Keys Aqueduct
8 Authority, an independent special district, was re-created and
9 thereafter was the successor agency to the Florida Keys
10 Aqueduct Authority which was abolished by chapter 76-441, Laws
11 of Florida. The Florida Keys Aqueduct Authority is not being
12 re-created by this act or for purposes of section 189.404,
13 Florida Statutes. The primary purpose and function of this
14 authority shall be to obtain, supply, and distribute an
15 adequate water supply for the Florida Keys and to collect,
16 treat, and dispose of wastewater in the Florida Keys. The
17 geographic jurisdiction of the authority shall be as provided
18 in this act. The Florida Keys Aqueduct Authority shall be an
19 autonomous public body corporate and politic and have
20 perpetual existence. All lawful debts, bonds, obligations,
21 contracts, franchises, promissory notes, audits, minutes,
22 resolutions, and other undertakings of the Florida Keys
23 Aqueduct Authority are hereby validated and shall continue to
24 be valid and binding on the Florida Keys Aqueduct Authority in
25 accordance with their respective terms, conditions, covenants,
26 and tenor. Any proceedings heretofore begun by the Florida
27 Keys Aqueduct Authority for the construction of any
28 improvements, works, or facilities, for the assessment of
29 benefits and damages, or for the borrowing of money shall not
30 be impaired or voided by this act but may be continued and
31 completed in the name of the Florida Keys Aqueduct Authority.

1 The authority shall include within its territorial boundaries
2 all of the lands within Monroe County, but may procure water
3 outside its boundaries for sale within said boundaries, and
4 may serve customers residing within 1 mile of its pipeline,
5 from its well field at Florida City in Miami-Dade County to
6 the territorial boundary of the authority.

7 Section 2. Applicability of certain provisions of
8 Florida law to the Florida Keys Aqueduct Authority.--This act
9 shall give the authority exclusive jurisdiction over the
10 setting of rates, fees, and charges of, and the connection to
11 and disconnection from, the water system and the sewer system
12 of the authority as granted by this act and to this extent
13 shall supersede chapter 367, Florida Statutes. Decisions made
14 by the Florida Keys Aqueduct Authority shall not be subject to
15 the Administrative Procedures Act, chapter 120, Florida
16 Statutes.

17 Section 3. Definitions.--Unless the context shall
18 indicate otherwise, the following words as used in this act
19 shall have the following meanings:

20 (1) "Authority" means the Florida Keys Aqueduct
21 Authority hereby constituted or, if such authority shall be
22 abolished, any board, commission, or officer succeeding to the
23 principal functions thereof or upon whom the powers given by
24 this act to such authority shall be given by law.

25 (2) "Board" means the board of directors of the
26 Florida Keys Aqueduct Authority or, if such authority shall be
27 abolished, the board, body, or commission succeeding to the
28 principal functions thereof or to whom the powers given by
29 this act to the board of directors shall be given by law.

30 (3) "Department" means the Department of the Navy of
31 the United States of America.

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

5 (5) "Cost" when used with reference to any project
6 includes, but is not limited to, the expenses of determining
7 the feasibility or practicability of acquisition,
8 construction, or reconstruction; the cost of surveys,
9 estimates, plans, and specifications; the cost of acquisition,
10 construction, or reconstruction; the cost of improvements,
11 engineering, fiscal, and legal expenses and charges; the cost
12 of all labor, materials, machinery, and equipment; the cost of
13 all lands, properties, rights, easements, and franchises
14 acquired; federal, state, and local taxes and assessments;
15 financing charges; the creation of initial reserve and debt
16 service funds; working capital; interest charges incurred or
17 estimated to be incurred on moneys borrowed prior to and
18 during construction and acquisition and for such period of
19 time after completion of construction or acquisition as the
20 board of directors may determine; the cost of issuance of
21 bonds pursuant to this act, including advertisements and
22 printing; the cost of any election held pursuant to this act
23 and all other expenses of issuance of bonds; discount, if any,
24 on the sale or exchange of bonds; administrative expenses;
25 such other expenses as may be necessary or incidental to the
26 acquisition, construction, or reconstruction of any projects
27 or to the financing thereof, or the development of any lands
28 of the authority; and reimbursement of any public or private
29 body, person, firm, or corporation of any moneys advanced in
30 connection with any of the foregoing items of cost. Any
31 obligation or expense incurred prior to the issuance of bonds

1 in connection with the acquisition, construction, or
2 reconstruction of any project or improvements thereon, or in
3 connection with any other development of land that the board
4 of directors of the authority shall determine to be necessary
5 or desirable in carrying out the purposes of this act, may be
6 treated as part of such cost.

7 (6) "Project" means any development, improvements,
8 property, utility, facility, works, enterprise, service, or
9 convenience that the authority is authorized to construct,
10 acquire, undertake, or furnish for its own use or for the use
11 of any person, firm, or corporation owning, leasing, or
12 otherwise using the same for any profit or nonprofit purpose
13 or activity and shall include without limitation such repairs,
14 replacements, additions, extensions, and betterments of and to
15 any project as may be deemed necessary or desirable by the
16 board of directors to place or to maintain such project in
17 proper condition for the safe, efficient, and economic
18 operation thereof.

19 (7) "Water system" means any existing or proposed
20 plant, system, facility, or property and additions,
21 extensions, and improvements thereto at any future time
22 constructed or acquired as part thereof, useful or necessary
23 or having the present capacity for future use in connection
24 with the development of sources, treatment, desalination, or
25 purification and distribution of water for public or private
26 use and, without limiting the generality of the foregoing,
27 includes dams, reservoirs, storage tanks, mains, lines,
28 valves, pumping stations, laterals, and pipes for the purpose
29 of carrying water to the premises connected with such system,
30 and all real and personal property and any interests therein,
31 rights, easements, and franchises of any nature whatsoever

1 relating to any such system and necessary or convenient for
2 the operation thereof. It shall embrace wells for supplying
3 water located or to be located on the Florida mainland,
4 including a pipeline or aqueduct from such wells to a point at
5 or near the City of Key West, and shall include the water
6 distribution system acquired by the authority from the City of
7 Key West, and any interest the authority may have in and to
8 the water supply system or any part thereof by contract with
9 the department.

10 (8) "Sewer system" means any plant, system, facility,
11 or property and additions, extensions, and improvements
12 thereto at any future time constructed or acquired as part
13 thereof, useful or necessary or having the present capacity
14 for future use in connection with the collection, treatment,
15 purification, or disposal of sewage, including, without
16 limitation, industrial wastes resulting from any processes of
17 industry, manufacture, trade, or business or from the
18 development of any natural resources, and, without limiting
19 the generality of the foregoing, shall include treatment
20 plants, pumping stations, lift stations, valve, force mains,
21 intercepting sewers, laterals, pressure lines, mains, and all
22 necessary appurtenances and equipment, all sewer mains,
23 laterals, and other devices for the reception and collection
24 of sewage from premises connected therewith, and all real and
25 personal property and any interest therein, rights, easements,
26 and franchises of any nature whatsoever relating to any such
27 system and necessary or convenient for the operation thereof.
28 The terms "wastewater" and "wastewater system" shall be
29 construed as synonymous with the terms "sewer" and "sewer
30 system" for all purposes under this act.

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

25 Section 5. Records of board of directors.--The board
26 of directors shall keep a permanent record book entitled
27 "Record of Governing Board of Florida Keys Aqueduct Authority"
28 in which shall be recorded minutes of all meetings,
29 resolutions, proceedings, certificates, and bonds given by
30 employees and any and all acts, which book shall at reasonable
31 times be open to public inspection. Such record book shall be

1 kept at an office or other regular place of business
2 maintained by the board of directors in Monroe County. The
3 board shall keep a current inventory of all real and tangible
4 personal property owned or leased by the authority in the
5 above referenced record book.

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

16 Section 4. Bonds; depositories; fiscal agent;
17 budget.--

18 (1) Each member of the board of directors shall
19 execute a bond to the Governor in the amount of \$10,000 with a
20 qualified surety to secure his or her faithful performance of
21 his or her powers and duties. The board of directors shall
22 require a certified audit of the books of the authority at
23 least once a year at the expense of the authority. Such audit
24 shall be available for public inspection and a notice of the
25 availability of the audit shall be published in a newspaper
26 published in Monroe County at least once within 6 months after
27 the end of each fiscal year. The legislative auditor may audit
28 the authority at any time.

29 (2) The board of directors is authorized to select
30 depositories in which the funds of the board and of the
31 authority shall be deposited. Any banking corporation

1 organized under the laws of the state or under the National
2 Banking Act doing business in the state upon such terms and
3 conditions as to the payment of interest by such depository
4 upon the funds so deposited as the board may deem just and
5 reasonable.

6 (3) The board of directors may employ a fiscal agent
7 who shall be either a resident of the state or a corporation
8 organized under the laws of this or any other state and who
9 shall assist in the keeping of the books, the collection of
10 fees, and the remitting of funds to pay maturing bonds and
11 coupons and perform such other or additional services and
12 duties as fiscal agent and receive such compensation as the
13 board of directors may determine.

14 (4) The board of directors shall cause a copy of the
15 proposed budget of the authority to be published in a
16 newspaper published in Monroe County at least once not later
17 than 60 days prior to the date the fiscal year begins. The
18 board shall hold a public hearing and adopt such budget at
19 least 30 days prior to such date.

20 Section 5. Powers and duties of the board of
21 directors.--Except as otherwise provided in this act, all of
22 the powers and duties of the authority shall be exercised by
23 and through the board of directors. Without limiting the
24 generality of the foregoing, the board shall have the power
25 and authority to:

26 (1) Employ engineers, contractors, consultants,
27 attorneys, auditors, agents, employees, and representatives,
28 as the board of directors may from time to time determine, on
29 such terms and conditions as the board of directors may
30 approve, and fix their compensation and duties.

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

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

6 (4) Execute all contracts and other documents, adopt
7 all proceedings, and perform all acts determined by the board
8 of directors as necessary or advisable to carry out the
9 purposes of this act. The board may authorize the chair or
10 vice chair to execute contracts and other documents on behalf
11 of the board or the authority. The board may appoint a person
12 to act as general manager of the authority having such
13 official title, functions, duties, and powers as the board may
14 prescribe. The general manager shall not be a member of the
15 board.

16 Section 6. Powers of the authority.--In addition to
17 and not in limitation of the powers of the authority, it shall
18 have the following powers:

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

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

23 (3) To acquire property, real, personal, or mixed
24 within or without its territorial limits in fee simple or any
25 lesser interest or estate by purchase, gift, devise, or lease
26 on such terms and conditions as the board of directors may
27 deem necessary or desirable and by condemnation (subject to
28 limitations herein below). The authority shall provide
29 information and assistance to Monroe County for use in
30 preparing its comprehensive plan with respect to the
31 availability of water and wastewater facilities. Except in

1 cases of emergency, the purchase of sole source items, or when
2 the board determines that delay would be detrimental to the
3 interests of the authority, equipment shall be purchased in
4 accordance with part I of chapter 287, Florida Statutes. All
5 provided that the board of directors determines that the use
6 or ownership of such property be necessary in the furtherance
7 of a designated lawful purpose authorized under the provisions
8 of this act. However, the authority may purchase equipment or
9 material without competitive bid, regardless of price, when
10 the manufacturer of such equipment or material refuses to bid
11 on the equipment or material and the board determines that the
12 public interest would be served and substantial savings would
13 result if the equipment or material were purchased directly
14 from the manufacturer. In all such cases the board shall enter
15 a record of such purchase in the "Record of Governing Board of
16 Florida Keys Aqueduct Authority." The authority is
17 specifically excluded from the provisions of section
18 253.03(6), Florida Statutes, and has the authority to hold
19 title to property in its own name and to acquire easements or
20 rights-of-way, with or without restrictions, within or without
21 the limits of the authority. The state may convey to the
22 authority rights-of-way over any of the lands and structures
23 belonging to the state or any of its agencies for the purpose
24 of constructing, maintaining, supplying, establishing, and
25 regulating the works and projects involved in the wastewater
26 system or the water supply and distribution systems authorized
27 by this act. To mortgage, hold, manage, control, convey,
28 lease, sell, grant, or otherwise dispose of the same and any
29 of the assets and properties of the authority without regard
30 to chapter 273, Florida Statutes.

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1 (4) Whenever deemed necessary or desirable by the
2 board of directors, to lease as lessor or lessee, to or from
3 any person, firm, corporation, association, or body, public or
4 private, any projects of the type that the authority is
5 authorized to undertake and facilities or property of any
6 nature for the use of the authority to carry out any of the
7 purposes of the authority.

8 (5) The authority shall in its discretion have the
9 power upon resolution duly passed to insure its property in
10 accordance with the State Risk Management Trust Fund as
11 provided by chapter 284, Florida Statutes.

12 (6) To exercise within or without the territorial
13 limits of the authority the right and power of eminent domain
14 in all cases and under all circumstances provided for in
15 chapter 73, Florida Statutes, and amendments thereto. In
16 addition to and not in limitation of the foregoing, the
17 authority may also exercise the right and power of eminent
18 domain for the purpose of condemning any real, personal, or
19 mixed property, public or private, including, without
20 limitation, the property owned by any political body or
21 municipal corporation which the board of directors shall deem
22 necessary for the use of, construction, or operation of any of
23 the projects of the authority or otherwise to carry out any of
24 the purposes of the authority. The power of condemnation shall
25 be exercised in the same manner as now provided by the general
26 laws of the state. In any proceeding under this act or under
27 chapter 73, Florida Statutes, for the taking of property by
28 eminent domain or condemnation, the board of directors is
29 authorized to file declaration of taking immediate possession
30 of the property before the final trial by making deposit as to
31 value as provided by the general statutes, and shall have all

1 of the benefits provided by chapters 73 and 74, Florida
2 Statutes, and amendments thereto, or any other statutes of the
3 state which give the right to immediate taking and possession.
4 No public or private body and no agency or authority of the
5 state or any political subdivision thereof shall exercise the
6 power of eminent domain or condemnation with respect to any of
7 the properties, easements, or rights owned by the authority
8 and lying within the authority's jurisdiction, except with the
9 concurrence of the board of directors of the authority which
10 shall not be unreasonably withheld.

11 (7) To own, acquire, construct, reconstruct, equip,
12 operate, maintain, extend, and improve water systems; to
13 regulate the use of and supply of water including rationing,
14 and regulations to enforce rationing, within the authority
15 boundaries, and pipes and water mains, conduits or pipelines,
16 in, along, or under any street, alley, highway, or other
17 public places or ways within or without the boundaries of the
18 authority when deemed necessary or desirable by the board of
19 directors in accomplishing the purposes of this act.

20 (8) To issue bonds or other obligations authorized by
21 the provisions of this act or any other law or any combination
22 of the foregoing to pay all or part of the cost of the
23 acquisition or construction, reconstruction, extension,
24 repair, improvement, maintenance, or operation or any project
25 or combination of projects. To provide for any facility,
26 service, or other activity of the authority and to provide for
27 the retirement or refunding of any bonds or obligations of the
28 authority or for any combination of the foregoing purposes.

29 (9)(a) To purchase, construct, and otherwise acquire
30 and to improve, extend, enlarge, and reconstruct a sewage
31 disposal system or systems and to purchase or construct or

1 reconstruct sewer improvements and to operate, manage, and
2 control all such systems so purchased or constructed and all
3 properties pertaining thereto and to furnish and supply sewage
4 collection and disposal services to any municipalities and any
5 persons, firms, or corporations, public or private; to
6 prohibit or regulate the use and maintenance of outhouses,
7 privies, septic tanks, or other sanitary structures or
8 appliances within the authority boundaries, provided that
9 prior to prohibiting the use of any such facilities adequate
10 new facilities must be available; to prescribe methods of
11 pretreatment of waste not amenable to treatment; to refuse to
12 accept such waste when not sufficiently pretreated as may be
13 prescribed and to prescribe penalties for the refusal of any
14 person or corporation to so pretreat such waste; to sell or
15 otherwise dispose of the effluent, sludge, or other
16 by-products as a result of sewage treatment and to construct
17 and operate connecting or intercepting outlets, sewers and
18 sewer mains and pipes and water mains, conduits, or pipelines
19 in, along, or under any street, alley, or highway, within or
20 without the authority boundaries when deemed necessary or
21 desirable by the board of directors in accomplishing the
22 purposes of this act, with the consent of the agency owning or
23 controlling same. All such regulation herein authorized shall
24 comply with the standards and regulations pertaining to same
25 as promulgated by the Department of Health and by the
26 Department of Environmental Protection.

27 (b) The authority shall have the power to create sewer
28 districts comprising any area within the geographic boundaries
29 of the authority. However, the boundaries of any such sewer
30 district shall not be established until approved by majority
31 vote of the Board of County Commissioners of Monroe County,

1 after a public hearing duly noticed and advertised. Any
2 portion or portions of the sewer system within a district and
3 of benefit to the premises or land served thereby shall be
4 deemed improvements and shall include, without being limited
5 to, laterals and mains for the collection and reception of
6 sewage from premises connected therewith, local or auxiliary
7 pumping or lift stations, treatment plants or disposal plants,
8 and other pertinent facilities and equipment for the
9 collection, treatment, and disposal of sewage. The board may
10 impose fees and charges sufficient to obtain bond or other
11 financing for sewer projects. Such charges shall be a lien
12 upon any such parcel of property superior and paramount to any
13 interest except the lien of county or municipal taxes and
14 shall be on a parity with any such taxes. All operational and
15 financial records of each district shall be separately
16 maintained and open to public inspection.

17 (c) To exercise exclusive jurisdiction, control, and
18 supervision over any sewer systems owned or operated and
19 maintained by the authority and to make and enforce such rules
20 and regulations for the maintenance and operation of any sewer
21 systems as may be in the judgment of the authority necessary
22 or desirable. However, such jurisdiction shall not conflict
23 with chapter 403, Florida Statutes, and rules of the
24 Department of Environmental Protection.

25 (d) To restrain, enjoin, or otherwise prevent the
26 violation of this law or of any resolution, rules, or
27 regulations adopted pursuant to the powers granted by this
28 law.

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

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1 (f) To approve or disapprove all subdivision plats and
2 to provide for compliance with sewer standards, rules, and
3 regulations. No subdivision plat or property located within
4 the geographic boundaries of the authority shall be recorded
5 until approval of the board is obtained. The board shall have
6 the power to require a surety bond from any developer to
7 ensure compliance with sewer requirements of the board.

8 (g) In addition to the other provisions and
9 requirements of this law, any resolution authorizing the
10 issuance of revenue bonds, assessment bonds, or any other
11 obligations issued hereunder may contain provisions and the
12 board is authorized to provide and make covenants and agree
13 with several holders of such bonds as to:

14 1. Reasonable deposits with the authority in advance
15 to ensure the payments of rates, fees, or charges for the
16 facilities of the system.

17 2. Discontinuance of the services and facilities of
18 any water system for delinquent payments for sewer services
19 and the terms and conditions of the restoration of such
20 service.

21 3. Contracts with private or public owners of sewer
22 systems not owned and operated by the authority for the
23 discontinuance of service to any users of the sewer systems.

24 4. Regulate the construction, acquisition, or
25 operation of any plant, structure, facility, or property which
26 may compete with any sewer system.

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

29 6. Any other matters necessary to secure such bonds
30 and the payment of such principal and interest thereof.
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1 (h) In the event that fees, rates, and charges for
2 services and facilities of any sewer system shall not be paid
3 as and when due, the authority shall be empowered to
4 discontinue furnishing water services as provided in section
5 16 of this act.

6 (i) Any sewer systems within the geographic boundaries
7 of the authority may be combined into a single consolidated
8 system for purposes of financing or of operation and
9 administration or both. However, no water system may be
10 combined with any sewer system for purposes of financing.

11 (j) The authority is hereby authorized to adopt by
12 reference and utilize or take advantage of any of the
13 provisions of chapters 100, 153, 159, and 170, Florida
14 Statutes.

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

26 (l) To make or cause to be made such surveys,
27 investigations, studies, borings, maps, drawings, and
28 estimates of cost and revenues as it may deem necessary, and
29 to prepare and adopt a comprehensive plan or plans for the
30 location, relocation, construction, improvement, revision and
31 development of the wastewater system.

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

18 (n) That charges shall be levied by the authority
19 against its own books or against Monroe County with respect to
20 providing any facilities or services rendered by such
21 wastewater system to the authority or to Monroe County or to
22 any other political subdivision or public body or agency which
23 receives wastewater system services, or to any department or
24 works thereof, at the rate or rates applicable to other
25 customers or users taking facilities or services under similar
26 conditions. Revenues derived from such facilities or services
27 so furnished shall be treated as all other revenues of the
28 wastewater system.

29 (o) Neither Monroe County, nor any municipality or
30 special district therein, shall exercise any present or future
31 power, pursuant to law, to interfere with the authority's

1 jurisdiction and operation of the wastewater system in such a
2 manner as to impair or adversely affect the covenants and
3 obligations of the authority under agreement relating to its
4 bonds or other debts.

5 (p) The authority shall have exclusive jurisdiction
6 over the administration, maintenance, development, and
7 provision of wastewater system services in Monroe County with
8 the exception of the Key Largo Wastewater Treatment District
9 as defined in chapter 2002-337, Laws of Florida, consisting of
10 Key Largo, including all lands east of Tavernier Creek,
11 including Tavernier, Key Largo, and Cross Key, but excluding
12 Ocean Reef, the City of Key West, the City of Key Colony
13 Beach, the City of Layton, and Islamorada, Village of Islands
14 unless such areas shall choose to grant the authority such
15 jurisdiction, and the authority's wastewater system authorized
16 hereunder shall be the exclusive provider of wastewater system
17 services and no franchise or grant of power to any other
18 entity or provider shall be lawful unless preapproved by the
19 authority. The authority shall have the power to regulate the
20 use of, including prohibiting the use of or mandating the use
21 of, specific types of wastewater facilities and,
22 notwithstanding any other provisions hereof, shall be
23 authorized to prescribe the specific type of wastewater
24 treatment facility or measures required to be utilized within
25 the boundaries of the authority, including, but not limited
26 to, requiring the use of septic tanks in lieu of cess pits,
27 the mandatory hook up to specific wastewater treatment plants,
28 requiring upgrades be undertaken to on site wastewater
29 systems, and any other combination of the foregoing in order
30 to manage effluent disposal and wastewater matters.

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

12 Section 7. Rules.--Upon reasonable advance notice to
13 the public and an opportunity for all persons to be heard on
14 the matter, the board shall adopt bylaws, rules, resolutions,
15 regulations, and orders prescribing the powers, duties, and
16 functions of the members of the board and employees of the
17 authority, the conduct of the business of the authority, the
18 maintenance of records of the authority, and shall adopt
19 administrative rules and regulations with respect to any of
20 the projects of the authority.

21 Section 8. Exercise by authority of powers within
22 municipalities.--The authority shall have the power to
23 exercise any of its rights, powers, privileges, and
24 authorities in any and all portions of the geographical limits
25 of the authority lying within the boundaries of any municipal
26 corporation or other political subdivision, heretofore or
27 hereafter created or organized, whose boundaries lie wholly or
28 partly within the geographic limits of the authority, to the
29 same extent and in the same manner as in areas of the
30 authority not incorporated as part of a municipality or other
31 political subdivision.

1 Section 9. Furnishing facilities and services within
2 the authority territory.--

3 (1) The authority shall have the power to construct,
4 maintain, and operate its projects within the geographic
5 limits of the authority, including any portions of the
6 authority located inside the boundaries of any incorporated
7 municipalities or other political subdivisions and to offer,
8 supply, and furnish the facilities and services provided for
9 in this act.

10 (2) The authority shall have the power to collect
11 fees, rentals, and other charges from persons, firms,
12 corporations, municipalities, counties, the Federal
13 Government, the department, political subdivisions, and other
14 public or private agencies or bodies within the geographic
15 limits of the authority and for the use of the authority
16 itself.

17 Section 10. Maintenance of projects across
18 rights-of-way.--The authority shall have the power to
19 construct and operate its projects in, along, or under any
20 streets, alleys, highways, or other public places or ways, and
21 across any drain, ditch, canal, floodwater, holding basin,
22 excavation, railroad right-of-way, track, grade, fill, or cut.
23 However, just compensation shall be paid by the authority for
24 any private property taken or damaged by the exercise of such
25 power.

26 Section 11. Fees, rentals, and charges; procedure for
27 adoption and modification; minimum revenue requirements.--

28 (1) The authority shall have the power to prescribe,
29 fix, establish, and collect rates, fees, rentals, or other
30 charges (hereinafter sometimes referred to as revenue) and to
31 revise the same from time to time for the facilities and

1 services furnished or to be furnished by the authority and to
2 provide for reasonable penalties against any user for any such
3 rates, fees, rentals, or other charges that are delinquent.

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

30 (3) The rates, fees, rentals, or other charges
31 prescribed shall be such as will produce revenues at least

1 sufficient to provide for the items hereinafter listed but not
2 necessarily in the order stated:

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

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

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

11 (4) No rate, fee, rental, or other charge may be
12 established resulting in increased costs for service to the
13 customer nor may any rate, fee, rental, or other charge be
14 increased by the authority until a public hearing has been
15 held relating to the proposed increase in the City of Key
16 West, and in the Marathon and the upper Keys areas. However,
17 if the proposed rule affects wastewater only in a single
18 wastewater district and affects rates, fees, or other charges
19 that could result in increased costs of service to the
20 customer, no rate, fee, rental, or other charge may be
21 increased by the authority until two advertised public
22 hearings have been held relating to the proposed increase at a
23 site convenient to the public located in the district
24 area. Such public hearings shall not occur within 15 days of
25 each other.

26 Section 12. Recovery of delinquent charges.--In the
27 event that any of the rates, fees, rentals, charges, or
28 delinquent penalties shall not be paid as when due and shall
29 be in default for 30 days or more, the unpaid balance thereof
30 and all interest accrued thereon together with attorney's fees
31 and costs may be recovered by the authority in a civil action

1 and in accordance with any covenant in any bond indenture of
2 the authority. The board shall have the authority to impose a
3 service charge in accordance with section 832.07(1)(a),
4 Florida Statutes upon the maker or drawer of any check, draft,
5 or order in payment of any such rate, fee, rental, charge or
6 delinquent penalty, for which payment is refused by the drawee
7 because of lack of funds or credit.

8 Section 13. Discontinuance of service.--In the event
9 that the fees, rentals, or other charges for the services and
10 facilities of any project are not paid when due, the board of
11 directors shall have the power to discontinue and shut off the
12 same until such fees, rentals, or other charges, including
13 interest, penalties, and charges for the shutting off or
14 discontinuance and the restoration of such services and
15 facilities, are fully paid, and for such purposes may enter on
16 any lands, waters, and premises of any person, firm,
17 corporation, or other body, public or private. Such
18 delinquent fees, rentals, or other charges together with
19 interest, penalties, and charges for the shutting off and
20 discontinuance and the restoration of such services and
21 facilities and reasonable attorney's fees and other expenses
22 may be recovered by the authority by suit in any court of
23 competent jurisdiction. The authority may also enforce
24 payment of such delinquent fees, rentals, or other charges by
25 any other lawful method of enforcement.

26 Section 14. Remedies.--Any holder of bonds issued
27 under the provisions of this act or of any of the coupons
28 appertaining thereto, and the trustee under the trust
29 indenture, if any, except to the extent the rights herein
30 given may be restricted by resolution passed before the
31 issuance of the bonds or by the trust indenture, may, either

1 at law or in equity, by suit, action, mandamus, or other
2 proceeding, protect and enforce any and all rights under the
3 laws of the State of Florida or granted hereunder or under
4 such resolution or trust indenture, and may enforce or compel
5 performance of all duties required by this act or by such
6 resolution or trust indenture to be performed by the authority
7 or any officer thereof, including the fixing, charging, and
8 collecting of rates and other charges for both water furnished
9 by the waterworks system and wastewater treatment furnished by
10 the wastewater system.

11 Section 15. Receiver.--

12 (1) In the event that the authority shall default in
13 the payment of the principal of or the interest on any of the
14 bonds as the same shall become due, whether at maturity or
15 upon call for redemption, and such default shall continue for
16 a period of 45 days, or in the event that the authority or the
17 officers, agents, or employees of the authority shall fail or
18 refuse to comply with the provisions of this act or shall
19 default in any agreement made with the holders of the bonds,
20 any holder of bonds, subject to the provisions of the
21 resolution authorizing the same or the trust indenture, or the
22 trustee therefor, shall have the right to apply in any
23 appropriate judicial proceeding to the circuit court in any
24 court of competent jurisdiction, for the appointment of a
25 receiver of the waterworks system, excluding however, the
26 aqueduct, whether or not all bonds shall have been declared
27 due and payable and whether or not such holder or trustee is
28 seeking or has sought to enforce any other right or to
29 exercise any other remedy in connection with such bonds, and,
30 upon such application, the court may appoint such receiver.
31

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

17 (3) Notwithstanding anything in this section to the
18 contrary, any such receiver shall have no power to sell,
19 assign, mortgage, or otherwise dispose of any assets of
20 whatever kind or character belonging to the authority and
21 useful for the waterworks system, and the authority of any
22 such receiver shall be limited to the operation and
23 maintenance of such portion of the system as may be placed in
24 receivership and no court shall have jurisdiction to enter any
25 order or decree requiring or permitting such receiver to sell,
26 mortgage, or otherwise dispose of any such assets.

27 Section 16. Agreements with public and private parties
28 concerning the furnishing of facilities and services.--The
29 authority shall have the power to enter into agreements with
30 any person, firm, or corporation, public or private, for the
31 furnishing by such person, firm, or corporation of any

1 facilities and services of the type provided for in this act
2 to the authority, and for or on behalf of the authority to
3 persons, firms, corporations, and other public or private
4 bodies and agencies to whom the authority is empowered under
5 this act to furnish facilities and services.

6 Section 17. Exclusive jurisdiction of projects and
7 finances.--

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

28 (2) Except as otherwise provided in this act, the
29 budget and finances of the authority, including, without
30 limitation, expenditures and appropriations, and the exercise
31 by the board of directors of the powers herein provided, shall

1 not be subject to the requirements or limitations of chapter
2 216, Florida Statutes.

3 Section 18. Revenue bonds.--

4 (1) The authority shall have the power to issue
5 revenue bonds from time to time without limitation as to
6 amount. Such revenue bonds may be secured by or payable from
7 the gross amount or net pledge of the revenues to be derived
8 from any project or combination of projects from the rates,
9 fees, or other charges to be collected from the users of any
10 project or projects from any revenue-producing undertaking or
11 activity of the authority or from any other source or pledged
12 security. Such bond shall not constitute an indebtedness of
13 the authority.

14 (2) Any two or more projects may be combined and
15 consolidated into a single project and may thereafter be
16 operated and maintained as a single project. The revenue
17 bonds authorized herein may be issued to finance any one or
18 more such projects separately or to finance two or more such
19 projects regardless of whether such projects have been
20 combined and consolidated into a single project. If the board
21 of directors deems it advisable, the proceedings authorizing
22 such revenue bonds may provide that the authority may
23 thereafter combine the projects then being financed or
24 theretofore financed with other projects to be subsequently
25 financed by the authority, and that revenue bonds to be
26 thereafter issued by the authority shall be on parity with the
27 revenue bonds then being issued, all on such terms,
28 conditions, and limitations as shall be provided and may
29 further provide that the revenues to be derived from the
30 subsequent projects shall at the time of the issuance of such
31 parity revenue bonds be also pledged to the holders of any

1 revenue bonds theretofore issued to finance the revenue
2 undertakings which are later combined with such subsequent
3 projects. The authority may pledge for the security of the
4 revenue bonds a fixed amount without regard to any proportion
5 of the gross revenues of any project.

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

22 Section 20. Lien of pledges.--All pledges of revenues
23 and assessments made pursuant to the provisions of this act
24 shall be valid and binding from the time when such pledges are
25 made. All such revenues and assessments so pledged and
26 thereafter collected shall immediately be subject to the lien
27 of such pledges without any physical delivery thereof or
28 further action and the lien of such pledges shall be valid and
29 binding as against all parties having claims of any kind in
30 tort, contract, or otherwise against the authority
31 irrespective of whether such parties have notice thereof.

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

19 Section 22. Short term borrowing.--The authority at
20 any time may obtain loans in such amount and on such terms and
21 conditions as the board of directors may approve for the
22 purpose of paying any of the expenses of the authority or any
23 costs incurred or that may be incurred in connection with any
24 of the projects of the authority, which loan shall have a term
25 not exceeding 3 years from the date of issuance thereof and
26 may be renewable for a like term or terms, shall bear interest
27 not in excess of the prevailing rate available for loans of
28 similar terms and amounts at commercial lending institutions
29 licensed by the Federal Government or the state, may be
30 payable from and secured by a pledge of such funds, revenues,
31 and assessments as the board of directors may determine. For

1 the purpose of defraying such costs and expenses the authority
2 may issue negotiable notes, warrants, and other evidences of
3 debts signed on behalf of the authority by any one of the
4 board of directors to be authorized by the board.

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

1 payment of proceeds from the sale of the bonds and the
2 revenues of any project to such officer, board, or
3 depositories as it may designate for the custody thereof, and
4 for the method of disbursement thereof with such safeguards
5 and restrictions as it may determine. All expenses incurred
6 in carrying out the provision of such resolution or trust
7 agreement may be treated as part of the cost of operation of
8 the project to which such trust agreement pertains.

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

24 Section 25. Authorization and form of bonds.--The
25 board may by resolution authorize the issuance of bonds on
26 either a negotiated or competitive bid basis, fix the
27 aggregate amount of bonds to be issued, the purpose or
28 purposes for which the moneys derived therefrom shall be
29 expended, and the rate or rates of interest. The denomination
30 of bonds, whether or not the bonds are to be issued in one or
31 more series, the date or dates thereof, the date or dates of

1 maturity, which shall not exceed 40 years from their
2 respective dates of issuance, the medium of payment, place or
3 places within or without the state where payment shall be
4 made, registration, privileges (whether with or without
5 premium), the manner of execution, the form of the bonds,
6 including any interest coupons to be attached thereto, the
7 manner of execution of bonds and coupons, and any and all
8 other terms, covenants and conditions thereof, and the
9 establishment of reserve or other funds.

10 Section 26. Interim certificates, replacement
11 certificates.--Pending the preparation of definitive bonds,
12 the board of directors may issue interim certificates or
13 receipts or temporary bonds, in such form and with such
14 provision as the board of directors may determine,
15 exchangeable for definitive bonds when such bonds have been
16 executed and are available for delivery. The board of
17 directors may also provide for the replacement of any bonds
18 which shall become mutilated or be lost or destroyed.

19 Section 27. Negotiability of bonds.--Any bond issued
20 under this act and any interim certificate, receipt, or
21 temporary bond shall, in the absence of an express recital on
22 the face thereof that it is nonnegotiable, shall be and
23 constitute a negotiable instrument within the meaning and for
24 all purposes of the law merchant, the U.C.C., and the laws of
25 the state.

26 Section 28. Bonds as legal investment or
27 security.--Notwithstanding any provisions of any other law to
28 the contrary, all bonds issued under provisions of this act
29 shall constitute legal investments for savings banks, trust
30 companies, insurance companies, executors, administrators,
31 trustees, guardians, and other fiduciaries, and for any board,

1 body, agency, instrumentality, county, municipality, or other
2 political subdivision of the state and shall be and constitute
3 securities which may be deposited by banks or trust companies
4 as security for deposit of the state, county, municipal, or
5 other public funds, or by insurance companies.

6 Section 29. Validity of bonds.--Any bonds issued by
7 the authority shall be incontestable in the hands of bona fide
8 purchasers or holders for value and shall not be invalid
9 because of any irregularity or defects in the proceedings for
10 the issue and sales thereof. However, the authority is not
11 required to obtain approval of the Bond Review Board as
12 provided by chapter 215, Florida Statutes.

13 Section 30. Pledge by the State of Florida to the
14 bondholders of the authority and to the Federal
15 Government.--The state pledges to the holders of any bonds
16 issued under this act that it will not limit or alter the
17 rights of the authority to own, acquire, construct,
18 reconstruct, improve, maintain, operate, or furnish the
19 projects or to levy rentals, rates, fees, or other charges
20 provided for herein and to fulfill the terms of any agreement
21 made with the holders of such bonds or other obligations, that
22 it will not in any way impair the rights or remedies of the
23 holders, and that it will not modify in any way the exemption
24 for taxation provided in the act, until all such bonds,
25 together with interest thereon, and all costs and expenses in
26 connection with any action or proceeding by or on behalf of
27 such holders, are fully met and discharged. The state pledges
28 to and agrees with the Federal Government that in the event
29 the Federal Government or any agency or authority thereof
30 shall construct or contribute any funds, materials, or
31 property for the construction, acquisition, extension,

1 improvement, enlargement, maintenance, operation, or
2 furnishing of any project of the authority, or any part
3 thereof, the state will not alter or limit the rights and
4 powers of the authority in any manner which would be
5 inconsistent with the continued maintenance and operation of
6 such project, or any part thereof, on the improvement thereof,
7 or which would be inconsistent with due performance of any
8 agreement between the authority and the Federal Government,
9 and the authority shall continue to have, and may exercise,
10 all powers herein granted so long as the board of directors
11 may deem the same necessary or desirable for carrying out the
12 purposes of this act and the purposes of the Federal
13 Government in the construction, acquisition, extension,
14 improvement, enlargement, maintenance, operation, or
15 furnishing of any projects of the authority or any part
16 thereof.

17 Section 31. Contracts, grants, and contributions.--The
18 authority shall have the power to make and enter into all
19 contracts and agreements necessary or incidental to the
20 performance or functions of the authority and the execution of
21 its powers, and to contract with, and to accept and receive
22 grants or loans of money, material, or property from any
23 person, private or public corporation, the state, or any
24 agency or instrumentality thereof, any county, municipality,
25 or other political subdivision, or any agency,
26 instrumentality, or corporation of or created by the United
27 States of America, or the United States of America, as the
28 board of directors shall determine to be necessary or
29 desirable to carry out the purpose of this act, and in
30 connection with any such contract, grant, or loan to stipulate
31

1 and agree to such covenants, terms, and conditions as the
2 board of directors shall deem appropriate.

3 Section 32. Tax exemption.--As the exercise of the
4 powers conferred by this act to effect the purposes of this
5 act constitute the performance of essential public functions,
6 and as the projects of the authority will constitute public
7 property used for public purposes, all assets and properties
8 of the authority and all bonds issued hereunder and interest
9 paid thereon and all fees, charges, and other revenues derived
10 by the authority from the projects provided for by this act
11 shall be exempt from all taxes by the state or any political
12 subdivision, agency, or instrumentality thereof, except that
13 this exemption shall not apply to interest earnings subject to
14 taxation under chapter 220, Florida Statutes.

15 Section 33. Construction of authority projects.--The
16 board of directors shall have the power and authority to
17 acquire, construct, reconstruct, extend, repair, improve,
18 maintain, and operate any of the projects of the authority,
19 and to that end to employ contractors, to purchase machinery,
20 to employ men to operate the same, and directly to have charge
21 of and construct the projects of the authority in such manner
22 as the board of directors may determine . The authority may
23 undertake any such construction work with its own facilities,
24 without public advertisement for bids. The board of directors
25 shall not be permitted to let contracts for projects of the
26 authority or for purchases without public advertising and the
27 receiving of bids in accordance with such terms and conditions
28 of chapter 287, Florida Statutes. The board of directors
29 shall let contracts to the lowest responsible
30 bidder. However, the board may, in its discretion, reject any
31 and all bids.

1 Section 34. Enforcement and penalties.--The board of
2 directors or any aggrieved person may have recourse to such
3 remedies in law and equity as may be necessary to ensure
4 compliance with the provisions of this act, including
5 injunctive relief to enjoin or restrain any person violating
6 the provisions of this act and any bylaws, resolutions,
7 regulations, rules, codes, and orders adopted under this act,
8 and the court shall, upon proof of such violation, have the
9 duty to issue forthwith such temporary and permanent
10 injunctions as are necessary to prevent such further
11 violations thereof.

12 Section 35. Investment of funds.--The board of
13 directors may, in its discretion, invest funds of the
14 authority in:

15 (1) Direct obligations of or obligations guaranteed by
16 the United States of America or for the payment of principal
17 and interest of which the faith and credit of the United
18 States is pledged;

19 (2) Bonds or notes issued by any of the following
20 Federal agencies: Bank for Cooperatives; Federal Intermediate
21 Credit Banks; Federal Home Loan Banks System; Federal Land
22 Banks; or the Federal National Mortgage Loan Association
23 (including the debentures or participating certificates issued
24 by such association);

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

29 (4) Bonds or other interest-bearing obligations of any
30 county, district, city, or town located in the State of
31

1 Florida for which the credit of such political subdivision is
2 pledged; or

3 (5) Any investment authorized for insurers by chapter
4 625, Florida Statutes, inclusive, and amendments thereto.

5 Section 36. Fiscal year of the authority.--The board
6 of directors has the power to establish and from time to time
7 redetermine the fiscal year of the authority.

8 Section 37. Severability of provision.--If any
9 section, clause, sentence, amendment, or provision of this act
10 or the application of such section, clause, sentence,
11 amendment, or provision to any person or bodies or under any
12 circumstances shall be held to be inoperative, invalid, or
13 unconstitutional, the invalidity of such section, clause,
14 sentence, amendment, or provision shall not be deemed held or
15 taken to affect the validity or constitutionality of any of
16 the remaining parts of this act, or amendments hereto, or the
17 application of any of the provisions of this act to persons,
18 bodies or in circumstances other than those as to which it or
19 any part thereof shall have been held inoperative, invalid, or
20 unconstitutional, and it is intended that this act shall be
21 construed and applied as if any section, clause, sentence,
22 amendment, or provision held inoperative, invalid, or
23 unconstitutional had not been included in this act.

24 Section 38. Liberal construction.--The provisions of
25 this act shall be liberally construed to effect its purposes
26 and shall be deemed cumulative, supplemental, and alternative
27 authority for the exercise of the powers provided herein.

28 Section 39. Notice.--It is found and determined that
29 notice of intention to apply for this legislation was given in
30 the time, form, and manner required by the Constitution and
31

1 laws of the State of Florida. Said notice is found to be
2 sufficient and is hereby validated and approved.

3 Section 40. All actions of the authority occurring
4 prior to the effective date of this act are hereby ratified.

5 Section 41. Chapters 76-441, 77-604, 77-605, 80-546,
6 83-468, 84-483, 84-484, 86-419, 98-519, 2003-304, and
7 2003-327, Laws of Florida, are repealed.

8 Section 42. Rulemaking.--The Florida Keys Aqueduct
9 Authority Board, as constituted herein, and any successor
10 agency or board may adopt rules necessary to meet
11 environmental requirements imposed by federal agencies as a
12 condition of funding. Rules adopted by the Florida Keys
13 Aqueduct Authority prior to effective date of this act,
14 contained in Part 7 of the Rules of the Florida Keys Aqueduct
15 Authority, are hereby affirmed as a valid exercise of
16 delegated legislative authority.

17 Section 43. This act shall take effect upon becoming a
18 law.

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