

HB 0225

2005

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, 2003-304, and 2003-327,
 28 Laws of Florida, relating to the Florida Keys Aqueduct
 29 Authority, are codified, reenacted, amended, and repealed as

HB 0225

2005

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

HB 0225

2005

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 abolished,
 84 the board, body, or commission succeeding to the principal
 85 functions thereof or to whom the powers given by this act to the
 86 board of directors shall be given by law.

HB 0225

2005

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

89 (4) "Bond" includes certificates, and provisions applicable
 90 to bonds shall be equally applicable to certificates. "Bond"
 91 includes any obligation in the nature of bonds as are provided
 92 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, materials,
 100 machinery, and equipment; the cost of all lands, properties,
 101 rights, easements, and franchises acquired; federal, state, and
 102 local taxes and assessments; financing charges; the creation of
 103 initial reserve and debt service funds; working capital; interest
 104 charges incurred or estimated to be incurred on moneys borrowed
 105 prior to and during construction and acquisition and for such
 106 period of time after completion of construction or acquisition as
 107 the board of directors may determine; the cost of issuance of
 108 bonds pursuant to this act, including advertisements and
 109 printing; the cost of any election held pursuant to this act and
 110 all other expenses of issuance of bonds; discount, if any, on the
 111 sale or exchange of bonds; administrative expenses; such other
 112 expenses as may be necessary or incidental to the acquisition,
 113 construction, or reconstruction of any projects or to the
 114 financing thereof, or the development of any lands of the
 115 authority; and reimbursement of any public or private body,

HB 0225

2005

116 person, firm, or corporation of any moneys advanced in connection
 117 with any of the foregoing items of cost. Any obligation or
 118 expense incurred prior to the issuance of bonds in connection
 119 with the acquisition, construction, or reconstruction of any
 120 project or improvements thereon, or in connection with any other
 121 development of land that the board of directors of the authority
 122 shall determine to be necessary or desirable in carrying out the
 123 purposes of this act, may be treated as part of such cost.

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

135 (7) "Water system" means any existing or proposed plant,
 136 system, facility, or property and additions, extensions, and
 137 improvements thereto at any future time constructed or acquired
 138 as part thereof, useful or necessary or having the present
 139 capacity for future use in connection with the development of
 140 sources, treatment, desalination, or purification and
 141 distribution of water for public or private use and, without
 142 limiting the generality of the foregoing, includes dams,
 143 reservoirs, storage tanks, mains, lines, valves, pumping
 144 stations, laterals, and pipes for the purpose of carrying water

HB 0225

2005

145 to the premises connected with such system, and all real and
 146 personal property and any interests therein, rights, easements,
 147 and franchises of any nature whatsoever relating to any such
 148 system and necessary or convenient for the operation thereof. It
 149 shall embrace wells for supplying water located or to be located
 150 on the Florida mainland, including a pipeline or aqueduct from
 151 such wells to a point at or near the City of Key West, and shall
 152 include the water distribution system acquired by the authority
 153 from the City of Key West, and any interest the authority may
 154 have in and to the water supply system or any part thereof by
 155 contract with the department.

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

HB 0225

2005

174 construed as synonymous with the terms "sewer" and "sewer system"
 175 for all purposes under this act.

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

199 Section 5. Records of board of directors.--The board of
 200 directors shall keep a permanent record book entitled "Record of
 201 Governing Board of Florida Keys Aqueduct Authority" in which
 202 shall be recorded minutes of all meetings, resolutions,

HB 0225

2005

203 proceedings, certificates, and bonds given by employees and any
 204 and all acts, which book shall at reasonable times be open to
 205 public inspection. Such record book shall be kept at an office or
 206 other regular place of business maintained by the board of
 207 directors in Monroe County. The board shall keep a current
 208 inventory of all real and tangible personal property owned or
 209 leased by the authority in the above referenced record book.

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

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

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

HB 0225

2005

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

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

246 (4) The board of directors shall cause a copy of the
 247 proposed budget of the authority to be published in a newspaper
 248 published in Monroe County at least once not later than 60 days
 249 prior to the date the fiscal year begins. The board shall hold a
 250 public hearing and adopt such budget at least 30 days prior to
 251 such date.

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

258 (1) Employ engineers, contractors, consultants, attorneys,
 259 auditors, agents, employees, and representatives, as the board of

HB 0225

2005

260 directors may from time to time determine, on such terms and
 261 conditions as the board of directors may approve, and fix their
 262 compensation and duties.

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

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

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

277 Section 9. Powers of the authority.--In addition to and
 278 not in limitation of the powers of the authority, it shall have
 279 the following powers:

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

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

284 (3) To acquire property, real, personal, or mixed within or
 285 without its territorial limits in fee simple or any lesser
 286 interest or estate by purchase, gift, devise, or lease on such
 287 terms and conditions as the board of directors may deem necessary
 288 or desirable and by condemnation (subject to limitations herein

HB 0225

2005

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

HB 0225

2005

318 sell, grant, or otherwise dispose of the same and any of the
 319 assets and properties of the authority without regard to chapter
 320 273, Florida Statutes.

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

327 (5) The authority shall in its discretion have the power
 328 upon resolution duly passed to insure its property in accordance
 329 with the State Risk Management Trust Fund as provided by chapter
 330 284, Florida Statutes.

331 (6) To exercise within or without the territorial limits of
 332 the authority the right and power of eminent domain in all cases
 333 and under all circumstances provided for in chapter 73, Florida
 334 Statutes, and amendments thereto. In addition to and not in
 335 limitation of the foregoing, the authority may also exercise the
 336 right and power of eminent domain for the purpose of condemning
 337 any real, personal, or mixed property, public or private,
 338 including, without limitation, the property owned by any
 339 political body or municipal corporation which the board of
 340 directors shall deem necessary for the use of, construction, or
 341 operation of any of the projects of the authority or otherwise to
 342 carry out any of the purposes of the authority. The power of
 343 condemnation shall be exercised in the same manner as now
 344 provided by the general laws of the state. In any proceeding
 345 under this act or under chapter 73, Florida Statutes, for the
 346 taking of property by eminent domain or condemnation, the board

HB 0225

2005

347 of directors is authorized to file declaration of taking
 348 immediate possession of the property before the final trial by
 349 making deposit as to value as provided by the general statutes,
 350 and shall have all of the benefits provided by chapters 73 and
 351 74, Florida Statutes, and amendments thereto, or any other
 352 statutes of the state which give the right to immediate taking
 353 and possession. No public or private body and no agency or
 354 authority of the state or any political subdivision thereof shall
 355 exercise the power of eminent domain or condemnation with respect
 356 to any of the properties, easements, or rights owned by the
 357 authority and lying within the authority's jurisdiction, except
 358 with the concurrence of the board of directors of the authority
 359 which shall not be unreasonably withheld.

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

369 (8) To issue bonds or other obligations authorized by the
 370 provisions of this act or any other law or any combination of the
 371 foregoing to pay all or part of the cost of the acquisition or
 372 construction, reconstruction, extension, repair, improvement,
 373 maintenance, or operation or any project or combination of
 374 projects. To provide for any facility, service, or other activity
 375 of the authority and to provide for the retirement or refunding

HB 0225

2005

376 of any bonds or obligations of the authority or for any
377 combination of the foregoing purposes.

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

HB 0225

2005

404 the Department of Health and by the Department of Environmental
405 Protection.

406 (b) The authority shall have the power to create sewer
407 districts comprising any area within the geographic boundaries of
408 the authority. However, the boundaries of any such sewer district
409 shall not be established until approved by majority vote of the
410 Board of County Commissioners of Monroe County, after a public
411 hearing duly noticed and advertised. Any portion or portions of
412 the sewer system within a district and of benefit to the premises
413 or land served thereby shall be deemed improvements and shall
414 include, without being limited to, laterals and mains for the
415 collection and reception of sewage from premises connected
416 therewith, local or auxiliary pumping or lift stations, treatment
417 plants or disposal plants, and other pertinent facilities and
418 equipment for the collection, treatment, and disposal of sewage.
419 The board may impose fees and charges sufficient to obtain bond
420 or other financing for sewer projects. Such charges shall be a
421 lien upon any such parcel of property superior and paramount to
422 any interest except the lien of county or municipal taxes and
423 shall be on a parity with any such taxes. All operational and
424 financial records of each district shall be separately maintained
425 and open to public inspection.

426 (c) To exercise exclusive jurisdiction, control, and
427 supervision over any sewer systems owned or operated and
428 maintained by the authority and to make and enforce such rules
429 and regulations for the maintenance and operation of any sewer
430 systems as may be in the judgment of the authority necessary or
431 desirable. However, such jurisdiction shall not conflict with

HB 0225

2005

432 chapter 403, Florida Statutes, and rules of the Department of
 433 Environmental Protection.

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

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

439 (f) To approve or disapprove all subdivision plats and to
 440 provide for compliance with sewer standards, rules, and
 441 regulations. No subdivision plat or property located within the
 442 geographic boundaries of the authority shall be recorded until
 443 approval of the board is obtained. The board shall have the power
 444 to require a surety bond from any developer to ensure compliance
 445 with sewer requirements of the board.

446 (g) In addition to the other provisions and requirements of
 447 this law, any resolution authorizing the issuance of revenue
 448 bonds, assessment bonds, or any other obligations issued
 449 hereunder may contain provisions and the board is authorized to
 450 provide and make covenants and agree with several holders of such
 451 bonds as to:

452 1. Reasonable deposits with the authority in advance to
 453 ensure the payments of rates, fees, or charges for the facilities
 454 of the system.

455 2. Discontinuance of the services and facilities of any
 456 water system for delinquent payments for sewer services and the
 457 terms and conditions of the restoration of such service.

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

HB 0225

2005

461 4. Regulate the construction, acquisition, or operation of
 462 any plant, structure, facility, or property which may compete
 463 with any sewer system.

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

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

468 (h) In the event that fees, rates, and charges for services
 469 and facilities of any sewer system shall not be paid as and when
 470 due, the authority shall be empowered to discontinue furnishing
 471 water services as provided in section 16 of this act.

472 (i) Any sewer systems within the geographic boundaries of
 473 the authority may be combined into a single consolidated system
 474 for purposes of financing or of operation and administration or
 475 both. However, no water system may be combined with any sewer
 476 system for purposes of financing.

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

480 (k) The authority shall have power to contract with any
 481 person, private or public corporation, the State of Florida, or
 482 any agency, instrumentality or county, municipality, or political
 483 subdivision thereof, or any agency, instrumentality or
 484 corporation of or created by the United States of America, with
 485 respect to such wastewater system or any part thereof. The
 486 authority shall also have power to accept and receive grants or
 487 loans from the same, and in connection with any such contract,
 488 grant or loan, to stipulate and agree to such covenants, terms,

HB 0225

2005

489 and conditions as the governing body of the authority shall deem
 490 appropriate.

491 (l) To make or cause to be made such surveys,
 492 investigations, studies, borings, maps, drawings, and estimates
 493 of cost and revenues as it may deem necessary, and to prepare and
 494 adopt a comprehensive plan or plans for the location, relocation,
 495 construction, improvement, revision and development of the
 496 wastewater system.

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

514 (n) That charges shall be levied by the authority against
 515 its own books or against Monroe County with respect to providing
 516 any facilities or services rendered by such wastewater system to
 517 the authority or to Monroe County or to any other political

HB 0225

2005

518 subdivision or public body or agency which receives wastewater
 519 system services, or to any department or works thereof, at the
 520 rate or rates applicable to other customers or users taking
 521 facilities or services under similar conditions. Revenues
 522 derived from such facilities or services so furnished shall be
 523 treated as all other revenues of the wastewater system.

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

530 (p) The authority shall have exclusive jurisdiction over
 531 the administration, maintenance, development, and provision of
 532 wastewater system services in Monroe County with the exception of
 533 the Key Largo Wastewater Treatment District as defined in chapter
 534 2002-337, Laws of Florida, consisting of Key Largo, including all
 535 lands east of Tavernier Creek, including Tavernier, Key Largo,
 536 and Cross Key, but excluding Ocean Reef, the City of Key West,
 537 the City of Key Colony Beach, the City of Layton, and Islamorada,
 538 Village of Islands unless such areas shall choose to grant the
 539 authority such jurisdiction, and the authority's wastewater
 540 system authorized hereunder shall be the exclusive provider of
 541 wastewater system services and no franchise or grant of power to
 542 any other entity or provider shall be lawful unless preapproved
 543 by the authority. The authority shall have the power to regulate
 544 the use of, including prohibiting the use of or mandating the use
 545 of, specific types of wastewater facilities and, notwithstanding
 546 any other provisions hereof, shall be authorized to prescribe the

HB 0225

2005

547 specific type of wastewater treatment facility or measures
 548 required to be utilized within the boundaries of the authority,
 549 including, but not limited to, requiring the use of septic tanks
 550 in lieu of cess pits, the mandatory hook up to specific
 551 wastewater treatment plants, requiring upgrades be undertaken to
 552 on site wastewater systems, and any other combination of the
 553 foregoing in order to manage effluent disposal and wastewater
 554 matters.

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

565 Section 10. Rules.--Upon reasonable advance notice to the
 566 public and an opportunity for all persons to be heard on the
 567 matter, the board shall adopt bylaws, rules, resolutions,
 568 regulations, and orders prescribing the powers, duties, and
 569 functions of the members of the board and employees of the
 570 authority, the conduct of the business of the authority, the
 571 maintenance of records of the authority, and shall adopt
 572 administrative rules and regulations with respect to any of the
 573 projects of the authority.

574 Section 11. Exercise by authority of powers within
 575 municipalities.--The authority shall have the power to exercise

HB 0225

2005

576 any of its rights, powers, privileges, and authorities in any
 577 and all portions of the geographical limits of the authority
 578 lying within the boundaries of any municipal corporation or
 579 other political subdivision, heretofore or hereafter created or
 580 organized, whose boundaries lie wholly or partly within the
 581 geographic limits of the authority, to the same extent and in
 582 the same manner as in areas of the authority not incorporated as
 583 part of a municipality or other political subdivision.

584 Section 12. Furnishing facilities and services within the
 585 authority territory.--

586 (1) The authority shall have the power to construct,
 587 maintain, and operate its projects within the geographic limits
 588 of the authority, including any portions of the authority located
 589 inside the boundaries of any incorporated municipalities or other
 590 political subdivisions and to offer, supply, and furnish the
 591 facilities and services provided for in this act.

592 (2) The authority shall have the power to collect fees,
 593 rentals, and other charges from persons, firms, corporations,
 594 municipalities, counties, the Federal Government, the department,
 595 political subdivisions, and other public or private agencies or
 596 bodies within the geographic limits of the authority and for the
 597 use of the authority itself.

598 Section 13. Maintenance of projects across rights-of-
 599 way.--The authority shall have the power to construct and
 600 operate its projects in, along, or under any streets, alleys,
 601 highways, or other public places or ways, and across any drain,
 602 ditch, canal, floodwater, holding basin, excavation, railroad
 603 right-of-way, track, grade, fill, or cut. However, just
 604 compensation shall be paid by the authority for any private

HB 0225

2005

605 property taken or damaged by the exercise of such power.

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

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

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

HB 0225

2005

634 shall include the submission of an affidavit stating that the
 635 applicant is 60 years of age or older or a totally and
 636 permanently disabled American veteran . The submission of the
 637 affidavit shall be prima facie evidence of the applicant's age or
 638 disability. The application shall also include the annual income
 639 of the applicant.

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

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

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

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

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

HB 0225

2005

663 proposed increase at a site convenient to the public located in
 664 the district area. Such public hearings shall not occur within
 665 15 days of each other.

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

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

HB 0225

2005

692 reasonable attorneys' fees and other expenses may be recovered
 693 by the authority by suit in any court of competent jurisdiction.
 694 The authority may also enforce payment of such delinquent fees,
 695 rentals, or other charges by any other lawful method of
 696 enforcement.

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

712 Section 18. Receiver.--

713 (1) In the event that the authority shall default in the
 714 payment of the principal of or the interest on any of the bonds
 715 as the same shall become due, whether at maturity or upon call
 716 for redemption, and such default shall continue for a period of
 717 45 days, or in the event that the authority or the officers,
 718 agents, or employees of the authority shall fail or refuse to
 719 comply with the provisions of this act or shall default in any
 720 agreement made with the holders of the bonds, any holder of

HB 0225

2005

721 bonds, subject to the provisions of the resolution authorizing
 722 the same or the trust indenture, or the trustee therefor, shall
 723 have the right to apply in any appropriate judicial proceeding to
 724 the circuit court in any court of competent jurisdiction, for the
 725 appointment of a receiver of the waterworks system, excluding
 726 however, the aqueduct, whether or not all bonds shall have been
 727 declared due and payable and whether or not such holder or
 728 trustee is seeking or has sought to enforce any other right or to
 729 exercise any other remedy in connection with such bonds, and,
 730 upon such application, the court may appoint such receiver.

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

746 (3) Notwithstanding anything in this section to the
 747 contrary, any such receiver shall have no power to sell, assign,
 748 mortgage, or otherwise dispose of any assets of whatever kind or
 749 character belonging to the authority and useful for the

HB 0225

2005

750 waterworks system, and the authority of any such receiver shall
 751 be limited to the operation and maintenance of such portion of
 752 the system as may be placed in receivership and no court shall
 753 have jurisdiction to enter any order or decree requiring or
 754 permitting such receiver to sell, mortgage, or otherwise dispose
 755 of any such assets.

756 Section 19. Agreements with public and private parties
 757 concerning the furnishing of facilities and services.--The
 758 authority shall have the power to enter into agreements with any
 759 person, firm, or corporation, public or private, for the
 760 furnishing by such person, firm, or corporation of any
 761 facilities and services of the type provided for in this act to
 762 the authority, and for or on behalf of the authority to persons,
 763 firms, corporations, and other public or private bodies and
 764 agencies to whom the authority is empowered under this act to
 765 furnish facilities and services.

766 Section 20. Exclusive jurisdiction of projects and
 767 finances.--

768 (1) The board of directors shall have exclusive
 769 jurisdiction and control, except as otherwise provided herein and
 770 as to the quality and manner of discharge of effluent, over the
 771 projects of the authority without limitation as to expenditures
 772 and appropriations except to the extent otherwise provided in
 773 this act and to the extent that the board of directors may by
 774 agreement with any other public or private body authorize the
 775 same to exercise jurisdiction or control of any of the projects
 776 of the authority. It shall not be necessary for the authority to
 777 obtain any certificate of convenience or necessity, franchise,
 778 license, permit, or authorization from any bureau, board,

HB 0225

2005

779 commission, or like instrumentality of the state or any political
 780 subdivision thereof in order to construct, reconstruct, acquire,
 781 extend, repair, improve, maintain, or operate any project and the
 782 rates, fees, or other charges to be fixed and collected with
 783 respect to the facilities and service of the authority shall not
 784 be subject to supervision, regulation, or the rate-setting power
 785 of any bureau, board, commission, or other agency of the state or
 786 any political subdivision thereof.

787 (2) Except as otherwise provided in this act, the budget
 788 and finances of the authority, including without limitation
 789 expenditures and appropriations, and the exercise by the board of
 790 directors of the powers herein provided, shall not be subject to
 791 the requirements or limitations of chapter 216, Florida Statutes.

792 Section 21. Revenue bonds.--

793 (1) The authority shall have the power to issue revenue
 794 bonds from time to time without limitation as to amount. Such
 795 revenue bonds may be secured by or payable from the gross amount
 796 or net pledge of the revenues to be derived from any project or
 797 combination of projects from the rates, fees, or other charges to
 798 be collected from the users of any project or projects from any
 799 revenue-producing undertaking or activity of the authority or
 800 from any other source or pledged security. Such bond shall not
 801 constitute an indebtedness of the authority.

802 (2) Any two or more projects may be combined and
 803 consolidated into a single project and may thereafter be operated
 804 and maintained as a single project. The revenue bonds authorized
 805 herein may be issued to finance any one or more such projects
 806 separately or to finance two or more such projects regardless of
 807 whether such projects have been combined and consolidated into a

HB 0225

2005

808 single project. If the board of directors deems it advisable,
809 the proceedings authorizing such revenue bonds may provide that
810 the authority may thereafter combine the projects then being
811 financed or theretofore financed with other projects to be
812 subsequently financed by the authority, and that revenue bonds to
813 be thereafter issued by the authority shall be on parity with the
814 revenue bonds then being issued, all on such terms, conditions,
815 and limitations as shall be provided and may further provide that
816 the revenues to be derived from the subsequent projects shall at
817 the time of the issuance of such parity revenue bonds be also
818 pledged to the holders of any revenue bonds theretofore issued to
819 finance the revenue undertakings which are later combined with
820 such subsequent projects. The authority may pledge for the
821 security of the revenue bonds a fixed amount without regard to
822 any proportion of the gross revenues of any project.

823 Section 22. Refunding bonds.--The authority shall have the
824 power to issue bonds to provide for the retirement or refunding
825 of any bonds or obligations of the authority that at the time of
826 such issuance are or subsequently thereto become due and payable
827 or that at the time of issuance have been called or will be
828 subject to call for redemption within 10 years thereafter or the
829 surrender of which can be procured from the holders thereof at
830 prices satisfactory to the board of directors. Refunding bonds
831 may be issued at any time when in the judgment of the board of
832 directors such issuance will be advantageous to the authority.
833 The board of directors may, by resolution, confer upon the
834 holders of such refunding bonds all rights, powers, and remedies
835 to which the holders would be entitled if they continued to be
836 the owners and had possession of the bonds for the refinancing

HB 0225

2005

837 of which said refunding bonds are issued.

838 Section 23. Lien of pledges.--All pledges of revenues and
 839 assessments made pursuant to the provisions of this act shall be
 840 valid and binding from the time when such pledges are made. All
 841 such revenues and assessments so pledged and thereafter
 842 collected shall immediately be subject to the lien of such
 843 pledges without any physical delivery thereof or further action
 844 and the lien of such pledges shall be valid and binding as
 845 against all parties having claims of any kind in tort, contract,
 846 or otherwise against the authority irrespective of whether such
 847 parties have notice thereof.

848 Section 24. Issuance of bond anticipation notes.--In
 849 addition to the other powers applied for in this act and not in
 850 limitation thereof, the authority shall have the power at any
 851 time and from time to time after the issuance of any bonds of
 852 the authority shall have been authorized, to borrow money for
 853 the purposes for which such bonds are to be issued in
 854 anticipation of the receipt of the proceeds of the sale of such
 855 bonds and to issue bond anticipation notes in a principal amount
 856 not in excess of the authorized maximum amount of such bond
 857 issues. Such notes shall be in such denominations and bear
 858 interest at such rate or rates, mature at such time or times not
 859 later than 5 years from the date of issuance and be in such form
 860 and executed in such manner as the board of directors shall
 861 prescribe. Such notes may be sold at either public or private
 862 sale or if such notes shall be renewable, notes may be exchanged
 863 for notes then outstanding on such terms as the board of
 864 directors shall determine. Said notes shall be paid from the
 865 proceeds of such bonds when issued.

HB 0225

2005

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

883 Section 26. Trust agreements.--In the discretion of the
884 board of directors, any issue of bonds may be secured by a trust
885 agreement by and between the authority and a corporate trustee
886 or trustees which may be any trust company or bank having the
887 powers of a trust company within or without the state. The
888 resolution authorizing the issuance of the bonds or such trust
889 agreements may pledge the revenues to be received from any
890 projects of the authority and may contain such provision for
891 protecting and enforcing the rights and remedies of the
892 bondholders as the board of directors may approve, including
893 without limitation covenants setting forth the duties of the
894 authority in relation to the acquisition, construction,

HB 0225

2005

895 reconstruction, improvement, maintenance, repair, operation, and
 896 insurance of any project, the fixing and revising of the rates,
 897 fees, and charges and the custody safeguarding and application
 898 of all moneys, and for the employment of counseling engineers in
 899 connection with such acquisition, construction, reconstruction,
 900 improvement, maintenance, repair, and operation. It shall be
 901 lawful for any bank or trust company incorporated under the laws
 902 of the state which may act as a depository of the proceeds of
 903 bonds or of revenues to furnish such indemnifying bonds or to
 904 pledge such securities as may be required by the authority.
 905 Such resolution or trust agreement may set forth the rights and
 906 remedies of the bondholders and of the trustee, if any, and may
 907 restrict the individual right of action by bondholders. The
 908 board of directors may provide for the payment of proceeds from
 909 the sale of the bonds and the revenues of any project to such
 910 officer, board, or depositories as it may designate for the
 911 custody thereof, and for the method of disbursement thereof with
 912 such safeguards and restrictions as it may determine. All
 913 expenses incurred in carrying out the provision of such
 914 resolution or trust agreement may be treated as part of the cost
 915 of operation of the project to which such trust agreement
 916 pertains.

917 Section 27. Sale of bonds.--Bonds may be sold in blocks or
 918 installments at different times, or an entire issue or series
 919 may be sold at one time. Bonds shall be sold at public sale
 920 after advertisement, but not in any event at less than 95
 921 percent of the par value thereof, together with accrued interest
 922 thereon. Bonds may be sold or exchanged for refunding bonds.
 923 Bonds may be delivered as payment by the authority of the

HB 0225

2005

924 purchase price or lease of any project or part thereof or a
 925 combination of projects or parts thereof or as the purchase
 926 price or exchanged for any property, real, personal or mixed,
 927 including franchises or services rendered by any contractor,
 928 engineer, or other person at one time or in blocks from time to
 929 time and in such manner and upon such terms as the board of
 930 directors in its discretion shall determine.

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

947 Section 29. Interim certificates, replacement
 948 certificates.--Pending the preparation of definitive bonds, the
 949 board of directors may issue interim certificates or receipts or
 950 temporary bonds, in such form and with such provision as the
 951 board of directors may determine, exchangeable for definitive
 952 bonds when such bonds have been executed and are available for

HB 0225

2005

953 delivery. The board of directors may also provide for the
 954 replacement of any bonds which shall become mutilated or be lost
 955 or destroyed.

956 Section 30. Negotiability of bonds.--Any bond issued under
 957 this act and any interim certificate, receipt, or temporary bond
 958 shall, in the absence of an express recital on the face thereof
 959 that it is nonnegotiable, shall be and constitute a negotiable
 960 instrument within the meaning and for all purposes of the law
 961 merchant, the U.C.C., and the laws of the state.

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

973 Section 32. Validity of bonds.--Any bonds issued by the
 974 authority shall be incontestable in the hands of bona fide
 975 purchasers or holders for value and shall not be invalid because
 976 of any irregularity or defects in the proceedings for the issue
 977 and sales thereof. However, the authority is not required to
 978 obtain approval of the Bond Review Board as provided by chapter
 979 215, Florida Statutes.

980 Section 33. Pledge by the State of Florida to the
 981 bondholders of the authority and to the Federal Government.--The

HB 0225

2005

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

HB 0225

2005

1011 of any projects of the authority or any part thereof.

1012 Section 34. Contracts, grants, and contributions.--The
 1013 authority shall have the power to make and enter into all
 1014 contracts and agreements necessary or incidental to the
 1015 performance or functions of the authority and the execution of
 1016 its powers, and to contract with, and to accept and receive
 1017 grants or loans of money, material, or property from any person,
 1018 private or public corporation, the state, or any agency or
 1019 instrumentality thereof, any county, municipality, or other
 1020 political subdivision, or any agency, instrumentality, or
 1021 corporation of or created by the United States of America, or
 1022 the United States of America, as the board of directors shall
 1023 determine to be necessary or desirable to carry out the purpose
 1024 of this act, and in connection with any such contract, grant, or
 1025 loan to stipulate and agree to such covenants, terms, and
 1026 conditions as the board of directors shall deem appropriate.

1027 Section 35. Tax exemption.--As the exercise of the powers
 1028 conferred by this act to effect the purposes of this act
 1029 constitute the performance of essential public functions, and as
 1030 the projects of the authority will constitute public property
 1031 used for public purposes, all assets and properties of the
 1032 authority and all bonds issued hereunder and interest paid
 1033 thereon and all fees, charges, and other revenues derived by the
 1034 authority from the projects provided for by this act shall be
 1035 exempt from all taxes by the state or any political subdivision,
 1036 agency, or instrumentality thereof, except that this exemption
 1037 shall not apply to interest earnings subject to taxation under
 1038 chapter 220, Florida Statutes.

1039 Section 36. Construction of authority projects.--The board

HB 0225

2005

1040 of directors shall have the power and authority to acquire,
 1041 construct, reconstruct, extend, repair, improve, maintain, and
 1042 operate any of the projects of the authority, and to that end to
 1043 employ contractors, to purchase machinery, to employ men to
 1044 operate the same, and directly to have charge of and construct
 1045 the projects of the authority in such manner as the board of
 1046 directors may determine . The authority may undertake any such
 1047 construction work with its own facilities, without public
 1048 advertisement for bids. The board of directors shall not be
 1049 permitted to let contracts for projects of the authority or for
 1050 purchases without public advertising and the receiving of bids
 1051 in accordance with such terms and conditions of chapter 287,
 1052 Florida Statutes. The board of directors shall let contracts to
 1053 the lowest responsible bidder. However, the board may, in its
 1054 discretion, reject any and all bids.

1055 Section 37. Enforcement and penalties.--The board of
 1056 directors or any aggrieved person may have recourse to such
 1057 remedies in law and equity as may be necessary to ensure
 1058 compliance with the provisions of this act, including injunctive
 1059 relief to enjoin or restrain any person violating the provisions
 1060 of this act and any bylaws, resolutions, regulations, rules,
 1061 codes, and orders adopted under this act, and the court shall,
 1062 upon proof of such violation, have the duty to issue forthwith
 1063 such temporary and permanent injunctions as are necessary to
 1064 prevent such further violations thereof.

1065 Section 38. Investment of funds.--The board of directors
 1066 may, in its discretion, invest funds of the authority in:

1067 (1) Direct obligations of or obligations guaranteed by the
 1068 United States of America or for the payment of principal and

HB 0225

2005

1069 interest of which the faith and credit of the United States is
 1070 pledged;

1071 (2) Bonds or notes issued by any of the following Federal
 1072 agencies: Bank for Cooperatives; Federal Intermediate Credit
 1073 Banks; Federal Home Loan Banks System; Federal Land Banks; or
 1074 the Federal National Mortgage Loan Association (including the
 1075 debentures or participating certificates issued by such
 1076 association);

1077 (3) Public housing bonds issued by public housing
 1078 authorities and secured by a pledge of annual contributions
 1079 under an annual contribution contract or contracts with the
 1080 United States of America;

1081 (4) Bonds or other interest-bearing obligations of any
 1082 county, district, city, or town located in the State of Florida
 1083 for which the credit of such political subdivision is pledged;
 1084 or

1085 (5) Any investment authorized for insurers by chapter 625,
 1086 Florida Statutes, inclusive, and amendments thereto.

1087 Section 39. Fiscal year of the authority.--The board of
 1088 directors has the power to establish and from time to time
 1089 redetermine the fiscal year of the authority.

1090 Section 40. Severability of provision.--If any section,
 1091 clause, sentence, amendment, or provision of this act or the
 1092 application of such section, clause, sentence, amendment, or
 1093 provision to any person or bodies or under any circumstances
 1094 shall be held to be inoperative, invalid, or unconstitutional,
 1095 the invalidity of such section, clause, sentence, amendment, or
 1096 provision shall not be deemed held or taken to affect the
 1097 validity or constitutionality of any of the remaining parts of

HB 0225

2005

1098 this act, or amendments hereto, or the application of any of the
 1099 provisions of this act to persons, bodies or in circumstances
 1100 other than those as to which it or any part thereof shall have
 1101 been held inoperative, invalid, or unconstitutional, and it is
 1102 intended that this act shall be construed and applied as if any
 1103 section, clause, sentence, amendment, or provision held
 1104 inoperative, invalid, or unconstitutional had not been included
 1105 in this act.

1106 Section 41. Liberal construction.--The provisions of this
 1107 act shall be liberally construed to effect its purposes and
 1108 shall be deemed cumulative, supplemental, and alternative
 1109 authority for the exercise of the powers provided herein.

1110 Section 42. Notice.--It is found and determined that
 1111 notice of intention to apply for this legislation was given in
 1112 the time, form, and manner required by the Constitution and laws
 1113 of the State of Florida. Said notice is found to be sufficient
 1114 and is hereby validated and approved.

1115 Section 43. All actions of the authority occurring prior
 1116 to the effective date of this act are hereby ratified.

1117 Section 4. Chapters 76-441, 77-604, 77-605, 80-546, 83-
 1118 468, 84-483, 84-484, 86-419, 98-519, 2003-304, and 2003-327,
 1119 Laws of Florida, are repealed.

1120 Section 5. Rulemaking.--The Florida Keys Aqueduct Authority
 1121 Board, as constituted herein, and any successor agency or board
 1122 may adopt rules necessary to meet environmental requirements
 1123 imposed by federal agencies as a condition of funding. Rules
 1124 adopted by the Florida Keys Aqueduct Authority prior to effective
 1125 date of this act, contained in Part 7 of the Rules of the Florida

HB 0225

2005

1126 Keys Aqueduct Authority, are hereby affirmed as a valid exercise
1127 of delegated legislative authority.

1128 Section 6. This act shall take effect upon becoming a law.