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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 for a  
 referendum; providing, subject to referendum approval, for  
 the board of directors to be elected; providing effective  
 dates.

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.

28           Section 2. Chapters 76-441, 77-604, 77-605, 80-546, 83-  
 29 468, 84-483, 84-484, 86-419, 98-519, 2003-304, and 2003-327,  
 30 Laws of Florida, relating to the Florida Keys Aqueduct  
 31 Authority, are codified, reenacted, amended, and repealed as  
 32 herein provided.

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

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

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

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

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

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

84        (2) "Board" means the board of directors of the Florida  
85 Keys Aqueduct Authority or, if such authority shall be  
86 abolished, the board, body, or commission succeeding to the  
87 principal functions thereof or to whom the powers given by this  
88 act to the board of directors shall be given by law.

89        (3) "Department" means the Department of the Navy of the  
90 United States of America.

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

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

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

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

138 (7) "Water system" means any existing or proposed plant,  
 139 system, facility, or property and additions, extensions, and

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

159 (8) "Sewer system" means any plant, system, facility, or  
160 property and additions, extensions, and improvements thereto at  
161 any future time constructed or acquired as part thereof, useful  
162 or necessary or having the present capacity for future use in  
163 connection with the collection, treatment, purification, or  
164 disposal of sewage, including, without limitation, industrial  
165 wastes resulting from any processes of industry, manufacture,  
166 trade, or business or from the development of any natural  
167 resources, and, without limiting the generality of the

168 foregoing, shall include treatment plants, pumping stations,  
169 lift stations, valve, force mains, intercepting sewers,  
170 laterals, pressure lines, mains, and all necessary appurtenances  
171 and equipment, all sewer mains, laterals, and other devices for  
172 the reception and collection of sewage from premises connected  
173 therewith, and all real and personal property and any interest  
174 therein, rights, easements, and franchises of any nature  
175 whatsoever relating to any such system and necessary or  
176 convenient for the operation thereof. The terms "wastewater" and  
177 "wastewater system" shall be construed as synonymous with the  
178 terms "sewer" and "sewer system" for all purposes under this  
179 act.

180 Section 4. Board of directors; organization;  
181 qualification; term of office; quorum.--The Board of Directors  
182 of the Florida Keys Aqueduct Authority shall be the governing  
183 body of the authority and shall, subject to the provisions of  
184 this act, exercise the powers granted to the authority under  
185 this act. The board of directors shall consist of five members  
186 appointed by the Governor who shall each represent one of five  
187 districts which shall be conterminous with the districts of the  
188 Board of County Commissioners of Monroe County. Each member of  
189 the board of directors shall be a registered elector within  
190 Monroe County and shall have been a resident of the district for  
191 6 months prior to the date of his or her appointment. The  
192 members shall be appointed by the Governor for terms of 4 years  
193 each, except that any appointment to fill a vacancy shall be for  
194 the unexpired portion of the term. The board shall elect any one  
195 of its members as chair and shall also elect any one of its

196 members as secretary-treasurer. A majority of the members of the  
197 board shall constitute a quorum. No vacancy in the board shall  
198 impair the right of a quorum to exercise all the rights and  
199 perform all of the duties of the board. All members of the board  
200 shall be required to be bonded. Any vacancy occurring on the  
201 board shall be filled by appointment by the Governor for the  
202 duration of the unexpired term.

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

214 Section 6. Compensation of the board.--Each member shall  
215 be entitled to receive for such services a fee of \$354 per  
216 meeting, not to exceed 3 meetings per month. In addition, each  
217 board member shall receive reasonable expenses which shall not  
218 be in excess of the amounts provided by law for state and county  
219 officials in chapter 112, Florida Statutes. The compensation  
220 amount for the members of the board provided for in this section  
221 shall be adjusted annually based upon the index provided for  
222 pursuant to section 287.017(2), Florida Statutes.

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



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

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

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

250       (4) The board of directors shall cause a copy of the  
251 proposed budget of the authority to be published in a newspaper

252 published in Monroe County at least once not later than 60 days  
 253 prior to the date the fiscal year begins. The board shall hold a  
 254 public hearing and adopt such budget at least 30 days prior to  
 255 such date.

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

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

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

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

272 (4) Execute all contracts and other documents, adopt all  
 273 proceedings, and perform all acts determined by the board of  
 274 directors as necessary or advisable to carry out the purposes of  
 275 this act. The board may authorize the chair or vice chair to  
 276 execute contracts and other documents on behalf of the board or  
 277 the authority. The board may appoint a person to act as general  
 278 manager of the authority having such official title, functions,

279 duties, and powers as the board may prescribe. The general  
280 manager shall not be a member of the board.

281 Section 9. Powers of the authority.--In addition to and  
282 not in limitation of the powers of the authority, it shall have  
283 the following powers:

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

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

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

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

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

333 (5) The authority shall in its discretion have the power  
 334 upon resolution duly passed to insure its property in accordance

335 with the State Risk Management Trust Fund as provided by chapter  
336 284, Florida Statutes.

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

363 the authority and lying within the authority's jurisdiction,  
 364 except with the concurrence of the board of directors of the  
 365 authority which shall not be unreasonably withheld.

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

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

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

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

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

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

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

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

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



446        (f) To approve or disapprove all subdivision plats and to  
447 provide for compliance with sewer standards, rules, and  
448 regulations. No subdivision plat or property located within the  
449 geographic boundaries of the authority shall be recorded until  
450 approval of the board is obtained. The board shall have the  
451 power to require a surety bond from any developer to ensure  
452 compliance with sewer requirements of the board.

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

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

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

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

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

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

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

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

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

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

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

498 (l) To make or cause to be made such surveys,  
 499 investigations, studies, borings, maps, drawings, and estimates  
 500 of cost and revenues as it may deem necessary, and to prepare

501 and adopt a comprehensive plan or plans for the location,  
502 relocation, construction, improvement, revision and development  
503 of the wastewater system.

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

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

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

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

537 (p) The authority shall have exclusive jurisdiction over  
538 the administration, maintenance, development, and provision of  
539 wastewater system services in Monroe County with the exception  
540 of the Key Largo Wastewater Treatment District as defined in  
541 chapter 2002-337, Laws of Florida; the City of Key West; the  
542 City of Key Colony Beach; the City of Layton; Islamorada,  
543 Village of Islands; and the City of Marathon, if approved by  
544 vote of the Marathon City Council; unless such areas shall  
545 choose to grant the authority such jurisdiction, and the  
546 authority's wastewater system authorized hereunder shall be the  
547 exclusive provider of wastewater system services and no  
548 franchise or grant of power to any other entity or provider  
549 shall be lawful unless preapproved by the authority. The  
550 authority shall have the power to regulate the use of, including  
551 prohibiting the use of or mandating the use of, specific types  
552 of wastewater facilities and, notwithstanding any other  
553 provisions hereof, shall be authorized to prescribe the specific  
554 type of wastewater treatment facility or measures required to be  
555 utilized within the boundaries of the authority, including, but  
556 not limited to, requiring the use of septic tanks in lieu of

557 cess pits, the mandatory hook up to specific wastewater  
558 treatment plants, requiring upgrades be undertaken to on site  
559 wastewater systems, and any other combination of the foregoing  
560 in order to manage effluent disposal and wastewater matters.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

719 Section 18. Receiver.--

720 (1) In the event that the authority shall default in the  
 721 payment of the principal of or the interest on any of the bonds  
 722 as the same shall become due, whether at maturity or upon call  
 723 for redemption, and such default shall continue for a period of  
 724 45 days, or in the event that the authority or the officers,

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

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

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

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

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

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

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

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

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

802 Section 21. Revenue bonds.--

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

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

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

834 Section 22. Refunding bonds.--The authority shall have the  
835 power to issue bonds to provide for the retirement or refunding

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

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

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

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

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



892 on behalf of the authority by any one of the board of directors  
 893 to be authorized by the board.

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

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

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

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

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

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

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

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

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

984 Section 32. Validity of bonds; validation  
 985 proceedings.--Any bonds issued by the authority shall be  
 986 incontestable in the hands of bona fide purchasers or holders  
 987 for value and shall not be invalid because of any irregularity  
 988 or defects in the proceedings for the issue and sales thereof.  
 989 Prior to the issuance of any bonds, the authority shall comply  
 990 with the provisions of chapter 75, Florida Statutes, and laws  
 991 amendatory thereof or supplementary thereto. However, the  
 992 authority is not required to obtain approval of the Bond Review  
 993 Board as provided by chapter 215, Florida Statutes.

994 Section 33. Pledge by the State of Florida to the  
 995 bondholders of the authority and to the Federal Government.--The  
 996 state pledges to the holders of any bonds issued under this act  
 997 that it will not limit or alter the rights of the authority to  
 998 own, acquire, construct, reconstruct, improve, maintain,  
 999 operate, or furnish the projects or to levy rentals, rates,  
 1000 fees, or other charges provided for herein and to fulfill the  
 1001 terms of any agreement made with the holders of such bonds or  
 1002 other obligations, that it will not in any way impair the rights  
 1003 or remedies of the holders, and that it will not modify in any

1004 way the exemption for taxation provided in the act, until all  
 1005 such bonds, together with interest thereon, and all costs and  
 1006 expenses in connection with any action or proceeding by or on  
 1007 behalf of such holders, are fully met and discharged. The state  
 1008 pledges to and agrees with the Federal Government that in the  
 1009 event the Federal Government or any agency or authority thereof  
 1010 shall construct or contribute any funds, materials, or property  
 1011 for the construction, acquisition, extension, improvement,  
 1012 enlargement, maintenance, operation, or furnishing of any  
 1013 project of the authority, or any part thereof, the state will  
 1014 not alter or limit the rights and powers of the authority in any  
 1015 manner which would be inconsistent with the continued  
 1016 maintenance and operation of such project, or any part thereof,  
 1017 on the improvement thereof, or which would be inconsistent with  
 1018 due performance of any agreement between the authority and the  
 1019 Federal Government, and the authority shall continue to have,  
 1020 and may exercise, all powers herein granted so long as the board  
 1021 of directors may deem the same necessary or desirable for  
 1022 carrying out the purposes of this act and the purposes of the  
 1023 Federal Government in the construction, acquisition, extension,  
 1024 improvement, enlargement, maintenance, operation, or furnishing  
 1025 of any projects of the authority or any part thereof.

1026 Section 34. Contracts, grants, and contributions.--The  
 1027 authority shall have the power to make and enter into all  
 1028 contracts and agreements necessary or incidental to the  
 1029 performance or functions of the authority and the execution of  
 1030 its powers, and to contract with, and to accept and receive  
 1031 grants or loans of money, material, or property from any person,

1032 private or public corporation, the state, or any agency or  
 1033 instrumentality thereof, any county, municipality, or other  
 1034 political subdivision, or any agency, instrumentality, or  
 1035 corporation of or created by the United States of America, or  
 1036 the United States of America, as the board of directors shall  
 1037 determine to be necessary or desirable to carry out the purpose  
 1038 of this act, and in connection with any such contract, grant, or  
 1039 loan to stipulate and agree to such covenants, terms, and  
 1040 conditions as the board of directors shall deem appropriate.

1041 Section 35. Tax exemption.--As the exercise of the powers  
 1042 conferred by this act to effect the purposes of this act  
 1043 constitute the performance of essential public functions, and as  
 1044 the projects of the authority will constitute public property  
 1045 used for public purposes, all assets and properties of the  
 1046 authority and all bonds issued hereunder and interest paid  
 1047 thereon and all fees, charges, and other revenues derived by the  
 1048 authority from the projects provided for by this act shall be  
 1049 exempt from all taxes by the state or any political subdivision,  
 1050 agency, or instrumentality thereof, except that this exemption  
 1051 shall not apply to interest earnings subject to taxation under  
 1052 chapter 220, Florida Statutes.

1053 Section 36. Construction of authority projects.--The board  
 1054 of directors shall have the power and authority to acquire,  
 1055 construct, reconstruct, extend, repair, improve, maintain, and  
 1056 operate any of the projects of the authority, and to that end to  
 1057 employ contractors, to purchase machinery, to employ men to  
 1058 operate the same, and directly to have charge of and construct  
 1059 the projects of the authority in such manner as the board of

1060 directors may determine . The authority may undertake any such  
1061 construction work with its own facilities, without public  
1062 advertisement for bids. The board of directors shall not be  
1063 permitted to let contracts for projects of the authority or for  
1064 purchases without public advertising and the receiving of bids  
1065 in accordance with such terms and conditions of chapter 287,  
1066 Florida Statutes. The board of directors shall let contracts to  
1067 the lowest responsible bidder. However, the board may, in its  
1068 discretion, reject any and all bids.

1069 Section 37. Enforcement and penalties.--The board of  
1070 directors or any aggrieved person may have recourse to such  
1071 remedies in law and equity as may be necessary to ensure  
1072 compliance with the provisions of this act, including injunctive  
1073 relief to enjoin or restrain any person violating the provisions  
1074 of this act and any bylaws, resolutions, regulations, rules,  
1075 codes, and orders adopted under this act, and the court shall,  
1076 upon proof of such violation, have the duty to issue forthwith  
1077 such temporary and permanent injunctions as are necessary to  
1078 prevent such further violations thereof.

1079 Section 38. Investment of funds.--The board of directors  
1080 may, in its discretion, invest funds of the authority in:

1081 (1) Direct obligations of or obligations guaranteed by the  
1082 United States of America or for the payment of principal and  
1083 interest of which the faith and credit of the United States is  
1084 pledged;

1085 (2) Bonds or notes issued by any of the following Federal  
1086 agencies: Bank for Cooperatives; Federal Intermediate Credit  
1087 Banks; Federal Home Loan Banks System; Federal Land Banks; or

1088 the Federal National Mortgage Loan Association (including the  
 1089 debentures or participating certificates issued by such  
 1090 association);

1091 (3) Public housing bonds issued by public housing  
 1092 authorities and secured by a pledge of annual contributions  
 1093 under an annual contribution contract or contracts with the  
 1094 United States of America;

1095 (4) Bonds or other interest-bearing obligations of any  
 1096 county, district, city, or town located in the State of Florida  
 1097 for which the credit of such political subdivision is pledged;  
 1098 or

1099 (5) Any investment authorized for insurers by chapter 625,  
 1100 Florida Statutes, inclusive, and amendments thereto.

1101 Section 39. Fiscal year of the authority.--The board of  
 1102 directors has the power to establish and from time to time  
 1103 redetermine the fiscal year of the authority.

1104 Section 40. Rulemaking.--The Florida Keys Aqueduct  
 1105 Authority Board, as constituted herein, and any successor agency  
 1106 or board may adopt rules necessary to meet environmental  
 1107 requirements imposed by federal agencies as a condition of  
 1108 funding. Rules adopted by the Florida Keys Aqueduct Authority  
 1109 prior to May 18, 1983, (the effective date of chapter 83-468,  
 1110 Laws of Florida) contained in Part 7 of the Rules of the Florida  
 1111 Keys Aqueduct Authority, are hereby affirmed as a valid exercise  
 1112 of delegated legislative authority.

1113 Section 41. All actions of the authority occurring prior  
 1114 to June 25, 1976, (the effective date of chapter 76-441, Laws of  
 1115 Florida) are hereby ratified.



1116           Section 4. Chapters 76-441, 77-604, 77-605, 80-546, 83-  
1117 468, 84-483, 84-484, 86-419, 87-454, 98-519, 2003-304, and 2003-  
1118 327, Laws of Florida, are repealed.

1119           Section 5. Liberal construction.--The provisions of this  
1120 act shall be liberally construed to effect its purposes and  
1121 shall be deemed cumulative, supplemental, and alternative  
1122 authority for the exercise of the powers provided herein.

1123           Section 6. Severability of provisions.--If any section,  
1124 clause, sentence, amendment, or provision of this act or the  
1125 application of such section, clause, sentence, amendment, or  
1126 provision to any person or bodies or under any circumstances  
1127 shall be held to be inoperative, invalid, or unconstitutional,  
1128 the invalidity of such section, clause, sentence, amendment, or  
1129 provision shall not be deemed held or taken to affect the  
1130 validity or constitutionality of any of the remaining parts of  
1131 this act, or amendments hereto, or the application of any of the  
1132 provisions of this act to persons, bodies or in circumstances  
1133 other than those as to which it or any part thereof shall have  
1134 been held inoperative, invalid, or unconstitutional, and it is  
1135 intended that this act shall be construed and applied as if any  
1136 section, clause, sentence, amendment, or provision held  
1137 inoperative, invalid, or unconstitutional had not been included  
1138 in this act.

1139           Section 7. In accordance with the provisions of law  
1140 relating to elections currently in force, a referendum shall be  
1141 called by the Florida Keys Aqueduct Authority and conducted by  
1142 the Monroe County Supervisor of Elections, to be held no later  
1143 than October 31, 2005, on the question of whether the Board of

1144 Directors of the Florida Keys Aqueduct Authority shall be  
1145 elected by qualified electors rather than appointed by the  
1146 Governor. If the question is approved by a majority vote of  
1147 those qualified electors of Monroe County voting on the question  
1148 in the referendum, section 4 of the charter contained in section  
1149 3 of this act shall be superseded by the following:

1150 Section 4. Board of directors; organization;  
1151 qualification; term of office; quorum.--The Board of Directors  
1152 of the Florida Keys Aqueduct Authority shall be the governing  
1153 body of the authority and shall, subject to the provisions of  
1154 this act, exercise the powers granted to the authority under  
1155 this act. The board of directors shall consist of five members  
1156 who shall each represent one of five districts which shall be  
1157 coterminous with the districts of the Board of County  
1158 Commissioners of Monroe County. Each member of the board of  
1159 directors shall be a registered elector within Monroe County and  
1160 shall have been a resident of the district for 6 months prior to  
1161 the date of election. The members of the board shall be elected  
1162 by the qualified electors of the county at large as follows: two  
1163 members, representing districts one and two, shall be elected at  
1164 the general election to be held in November 2006, and three  
1165 members, representing districts three, four, and five, shall be  
1166 elected at the general election to be held in November 2008.  
1167 Each current member shall remain in office until his or her  
1168 successor is elected and assumes the duties of the position. The  
1169 terms of the members elected as provided in this section shall  
1170 begin on the Tuesday 2 weeks following the general election. The  
1171 board shall elect one of its members as chair and shall elect

1172 another member as secretary-treasurer. A majority of the members  
1173 of the board shall constitute a quorum. No vacancy in the board  
1174 shall impair the right of a quorum to exercise all the rights  
1175 and perform all of the duties of the board. All members of the  
1176 board shall be required to be bonded. Any vacancy occurring on  
1177 the board shall be filled by appointment by the Governor for the  
1178 duration of the unexpired term or until the next succeeding  
1179 general election occurring more than 4 months after the vacancy  
1180 occurs, whichever is the earliest. Any such election shall be to  
1181 fill the unexpired term.

1182       Section 8. Except as otherwise provided herein, this act  
1183 shall take effect upon becoming a law.