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2005 Legislature

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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.

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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 31 Authority, are codified, reenacted, amended, and repealed as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

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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.

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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

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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

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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

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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

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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.--

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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

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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,

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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

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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

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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

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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

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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

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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.

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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.

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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

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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

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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

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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

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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.

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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

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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

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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,

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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,

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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

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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

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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

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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

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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

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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

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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

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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

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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

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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

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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,

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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

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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

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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.

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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

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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

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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.