

CHAMBER ACTION

1 The Committee on Local Government & Veterans' Affairs recommends  
2 the following:

3  
4 **Committee Substitute**

5 Remove the entire bill and insert:

6 A bill to be entitled

7 An act relating to the Florida Keys Aqueduct Authority,  
8 Monroe County; providing for codification of special laws  
9 relating to the Florida Keys Aqueduct Authority; providing  
10 legislative intent; codifying, repealing, amending, and  
11 reenacting chapters 76-441, 77-604, 77-605, 80-546, 83-  
12 468, 84-483, 84-484, 86-419, 87-454, 98-519, 2003-304, and  
13 2003-327, Laws of Florida; providing for liberal  
14 construction; providing a savings clause in the event any  
15 provision of the act is deemed invalid; providing an  
16 effective date.

17  
18 Be It Enacted by the Legislature of the State of Florida:

19  
20 Section 1. Pursuant to section 189.429, Florida Statutes,  
21 this act constitutes the codification of all special acts  
22 relating to the Florida Keys Aqueduct Authority. It is the  
23 intent of the Legislature in enacting this law to provide a

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24 single, comprehensive special act charter for the Authority,  
 25 including all current legislative authority granted to the  
 26 Authority by its several legislative enactments and any  
 27 additional authority granted by this act. It is further the  
 28 intent to preserve all Authority powers and authority in the  
 29 Florida Keys, including the authority to provide water and  
 30 wastewater services.

31 Section 2. Chapters 76-441, 77-604, 77-605, 80-546, 83-  
 32 468, 84-483, 84-484, 86-419, 98-519, 2002-337, 2003-304, and  
 33 2003-327, Laws of Florida, relating to the Florida Keys Aqueduct  
 34 Authority, are codified, reenacted, amended, and repealed as  
 35 herein provided.

36 Section 3. The Florida Keys Aqueduct Authority is re-  
 37 created and the charter for the Authority is re-created and  
 38 reenacted to read:

39 Section 1. Creation of Authority; boundaries defined.--As  
 40 of September 15, 1976, the Florida Keys Aqueduct Authority, an  
 41 independent special district, was re-created and thereafter was  
 42 the successor agency to the Florida Keys Aqueduct Authority  
 43 which was abolished by chapter 76-441, Laws of Florida. The  
 44 Florida Keys Aqueduct Authority is not being re-created by this  
 45 act or for purposes of section 189.404, Florida Statutes. The  
 46 primary purpose and function of this Authority shall be to  
 47 obtain, supply, and distribute an adequate water supply for the  
 48 Florida Keys and to collect, treat, and dispose of wastewater in  
 49 the Florida Keys. The geographic jurisdiction of the Authority  
 50 shall be as provided in this act. The Florida Keys Aqueduct  
 51 Authority shall be an autonomous public body corporate and

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52 politic and have perpetual existence. All lawful debts, bonds,  
 53 obligations, contracts, franchises, promissory notes, audits,  
 54 minutes, resolutions, and other undertakings of the Florida Keys  
 55 Aqueduct Authority are hereby validated and shall continue to be  
 56 valid and binding on the Florida Keys Aqueduct Authority in  
 57 accordance with their respective terms, conditions, covenants,  
 58 and tenor. Any proceedings heretofore begun by the Florida Keys  
 59 Aqueduct Authority for the construction of any improvements,  
 60 works, or facilities, for the assessment of benefits and  
 61 damages, or for the borrowing of money shall not be impaired or  
 62 voided by this act but may be continued and completed in the  
 63 name of the Florida Keys Aqueduct Authority. The Authority shall  
 64 include within its territorial boundaries all of the lands  
 65 within Monroe County, but may procure water outside its  
 66 boundaries for sale within said boundaries, and may serve  
 67 customers residing within 1 mile of its pipeline, from its well  
 68 field at Florida City in Miami-Dade County to the territorial  
 69 boundary of the Authority.

70 Section 2. Applicability of certain provisions of Florida  
 71 law to the Florida Keys Aqueduct Authority.--This act shall give  
 72 the Authority exclusive jurisdiction over the setting of rates,  
 73 fees, and charges of, and the connection to and disconnection  
 74 from, the water system and the sewer system of the Authority as  
 75 granted by this act and to this extent shall supersede chapter  
 76 367, Florida Statutes. Decisions made by the Florida Keys  
 77 Aqueduct Authority shall not be subject to the Administrative  
 78 Procedures Act, chapter 120, Florida Statutes.

79        Section 3. Definitions.--Unless the context shall indicate  
 80 otherwise, the following words as used in this act shall have  
 81 the following meanings:

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

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

92        (3) "Department" means the Department of the Navy of the  
 93 United States of America.

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

98        (5) "Cost" when used with reference to any project  
 99 includes, but is not limited to, the expenses of determining the  
 100 feasibility or practicability of acquisition, construction, or  
 101 reconstruction; the cost of surveys, estimates, plans, and  
 102 specifications; the cost of acquisition, construction, or  
 103 reconstruction; the cost of improvements, engineering, fiscal,  
 104 and legal expenses and charges; the cost of all labor,  
 105 materials, machinery, and equipment; the cost of all lands,  
 106 properties, rights, easements, and franchises acquired; federal,

107 state, and local taxes and assessments; financing charges; the  
 108 creation of initial reserve and debt service funds; working  
 109 capital; interest charges incurred or estimated to be incurred  
 110 on moneys borrowed prior to and during construction and  
 111 acquisition and for such period of time after completion of  
 112 construction or acquisition as the board of directors may  
 113 determine; the cost of issuance of bonds pursuant to this act,  
 114 including advertisements and printing; the cost of any election  
 115 held pursuant to this act and all other expenses of issuance of  
 116 bonds; discount, if any, on the sale or exchange of bonds;  
 117 administrative expenses; such other expenses as may be necessary  
 118 or incidental to the acquisition, construction, or  
 119 reconstruction of any projects or to the financing thereof, or  
 120 the development of any lands of the Authority; and reimbursement  
 121 of any public or private body, person, firm, or corporation of  
 122 any moneys advanced in connection with any of the foregoing  
 123 items of cost. Any obligation or expense incurred prior to the  
 124 issuance of bonds in connection with the acquisition,  
 125 construction, or reconstruction of any project or improvements  
 126 thereon, or in connection with any other development of land  
 127 that the board of directors of the Authority shall determine to  
 128 be necessary or desirable in carrying out the purposes of this  
 129 act, may be treated as part of such cost.

130 (6) "Project" means any development, improvements,  
 131 property, utility, facility, works, enterprise, service, or  
 132 convenience that the Authority is authorized to construct,  
 133 acquire, undertake, or furnish for its own use or for the use of  
 134 any person, firm, or corporation owning, leasing, or otherwise

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135 using the same for any profit or nonprofit purpose or activity  
136 and shall include without limitation such repairs, replacements,  
137 additions, extensions, and betterments of and to any project as  
138 may be deemed necessary or desirable by the board of directors  
139 to place or to maintain such project in proper condition for the  
140 safe, efficient, and economic operation thereof.

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

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

183       Section 4. Board of directors; organization;  
 184 qualification; term of office; quorum.--The Board of Directors  
 185 of the Florida Keys Aqueduct Authority shall be the governing  
 186 body of the Authority and shall, subject to the provisions of  
 187 this act, exercise the powers granted to the Authority under  
 188 this act. The board of directors shall consist of five members  
 189 appointed by the Governor who shall each represent one of five

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190 districts which shall be conterminous with the districts of the  
 191 Board of County Commissioners of Monroe County. Each member of  
 192 the board of directors shall be a registered elector within  
 193 Monroe County and shall have been a resident of the district for  
 194 6 months prior to the date of his or her appointment. The  
 195 members shall be appointed by the Governor for terms of 4 years  
 196 each, except that any appointment to fill a vacancy shall be for  
 197 the unexpired portion of the term. The board shall elect any one  
 198 of its members as chair and shall also elect any one of its  
 199 members as secretary-treasurer. A majority of the members of the  
 200 board shall constitute a quorum. No vacancy in the board shall  
 201 impair the right of a quorum to exercise all the rights and  
 202 perform all of the duties of the board. All members of the board  
 203 shall be required to be bonded. Any vacancy occurring on the  
 204 board shall be filled by appointment by the Governor for the  
 205 duration of the unexpired term.

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

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

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

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

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

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

253       (4) The board of directors shall cause a copy of the  
 254 proposed budget of the Authority to be published in a newspaper  
 255 published in Monroe County at least once not later than 60 days  
 256 prior to the date the fiscal year begins. The board shall hold a  
 257 public hearing and adopt such budget at least 30 days prior to  
 258 such date.

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

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

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

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

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

284       Section 9. Powers of the Authority.--In addition to and  
 285 not in limitation of the powers of the Authority, it shall have  
 286 the following powers:

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

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

291       (3) To acquire property, real, personal, or mixed within  
 292 or without its territorial limits in fee simple or any lesser  
 293 interest or estate by purchase, gift, devise, or lease on such  
 294 terms and conditions as the board of directors may deem  
 295 necessary or desirable and by condemnation (subject to  
 296 limitations herein below). The Authority shall provide  
 297 information and assistance to Monroe County for use in preparing  
 298 its comprehensive plan with respect to the availability of water  
 299 and wastewater facilities. Except in cases of emergency, the

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

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327 dispose of the same and any of the assets and properties of the  
 328 Authority without regard to chapter 273, Florida Statutes.

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

336 (5) The Authority shall in its discretion have the power  
 337 upon resolution duly passed to insure its property in accordance  
 338 with the State Risk Management Trust Fund as provided by chapter  
 339 284, Florida Statutes.

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

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355 taking of property by eminent domain or condemnation, the board  
 356 of directors is authorized to file declaration of taking  
 357 immediate possession of the property before the final trial by  
 358 making deposit as to value as provided by the general statutes,  
 359 and shall have all of the benefits provided by chapters 73 and  
 360 74, Florida Statutes, and amendments thereto, or any other  
 361 statutes of the state which give the right to immediate taking  
 362 and possession. No public or private body and no agency or  
 363 authority of the state or any political subdivision thereof  
 364 shall exercise the power of eminent domain or condemnation with  
 365 respect to any of the properties, easements, or rights owned by  
 366 the Authority and lying within the Authority's jurisdiction,  
 367 except with the concurrence of the board of directors of the  
 368 Authority which shall not be unreasonably withheld.

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

378 (8) To issue bonds or other obligations authorized by the  
 379 provisions of this act or any other law or any combination of  
 380 the foregoing to pay all or part of the cost of the acquisition  
 381 or construction, reconstruction, extension, repair, improvement,  
 382 maintenance, or operation or any project or combination of

383 projects. To provide for any facility, service, or other  
 384 activity of the Authority and to provide for the retirement or  
 385 refunding of any bonds or obligations of the Authority or for  
 386 any combination of the foregoing purposes.

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

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411 agency owning or controlling same. All such regulation herein  
 412 authorized shall comply with the standards and regulations  
 413 pertaining to same as promulgated by the Department of Health  
 414 and by the Department of Environmental Protection.

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

436 (c) To exercise exclusive jurisdiction, control, and  
 437 supervision over any sewer systems owned or operated and  
 438 maintained by the Authority and to make and enforce such rules

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439 and regulations for the maintenance and operation of any sewer  
 440 systems as may be in the judgment of the Authority necessary or  
 441 desirable. However, such jurisdiction shall not conflict with  
 442 chapter 403, Florida Statutes, and rules of the Department of  
 443 Environmental Protection.

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

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

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

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

462 1. Reasonable deposits with the Authority in advance to  
 463 ensure the payments of rates, fees, or charges for the  
 464 facilities of the system.

465        2. Discontinuance of the services and facilities of any  
 466 water system for delinquent payments for sewer services and the  
 467 terms and conditions of the restoration of such service.

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

471        4. Regulate the construction, acquisition, or operation of  
 472 any plant, structure, facility, or property which may compete  
 473 with any sewer system.

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

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

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

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

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

490        (k) The Authority shall have power to contract with any  
 491 person, private or public corporation, the State of Florida, or  
 492 any agency, instrumentality or county, municipality, or

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493 political subdivision thereof, or any agency, instrumentality or  
494 corporation of or created by the United States of America, with  
495 respect to such wastewater system or any part thereof. The  
496 Authority shall also have power to accept and receive grants or  
497 loans from the same, and in connection with any such contract,  
498 grant or loan, to stipulate and agree to such covenants, terms,  
499 and conditions as the governing body of the Authority shall deem  
500 appropriate.

501 (l) To make or cause to be made such surveys,  
502 investigations, studies, borings, maps, drawings, and estimates  
503 of cost and revenues as it may deem necessary, and to prepare  
504 and adopt a comprehensive plan or plans for the location,  
505 relocation, construction, improvement, revision and development  
506 of the wastewater system.

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

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521 agreements with bondholders, to lease from any person, firm,  
 522 corporation, association, or body, any facilities of any nature  
 523 for such wastewater system.

524 (n) That charges shall be levied by the Authority against  
 525 its own books or against Monroe County with respect to providing  
 526 any facilities or services rendered by such wastewater system to  
 527 the Authority or to Monroe County or to any other political  
 528 subdivision or public body or agency which receives wastewater  
 529 system services, or to any department or works thereof, at the  
 530 rate or rates applicable to other customers or users taking  
 531 facilities or services under similar conditions. Revenues  
 532 derived from such facilities or services so furnished shall be  
 533 treated as all other revenues of the wastewater system.

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

540 (p) The Authority shall have exclusive jurisdiction over  
 541 the administration, maintenance, development, and provision of  
 542 wastewater system services in Monroe County with the exception  
 543 of the Key Largo Wastewater Treatment District as defined in  
 544 chapter 2002-337, Laws of Florida, consisting of Key Largo,  
 545 including all lands east of Tavernier Creek, including  
 546 Tavernier, Key Largo, and Cross Key, but excluding Ocean Reef,  
 547 the City of Key West, the City of Key Colony Beach, the City of  
 548 Layton, and Islamorada, Village of Islands unless such areas

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549 shall choose to grant the Authority such jurisdiction, and the  
 550 Authority's wastewater system authorized hereunder shall be the  
 551 exclusive provider of wastewater system services and no  
 552 franchise or grant of power to any other entity or provider  
 553 shall be lawful unless preapproved by the Authority. The  
 554 Authority shall have the power to regulate the use of, including  
 555 prohibiting the use of or mandating the use of, specific types  
 556 of wastewater facilities and, notwithstanding any other  
 557 provisions hereof, shall be authorized to prescribe the specific  
 558 type of wastewater treatment facility or measures required to be  
 559 utilized within the boundaries of the Authority, including, but  
 560 not limited to, requiring the use of septic tanks in lieu of  
 561 cess pits, the mandatory hook up to specific wastewater  
 562 treatment plants, requiring upgrades be undertaken to on site  
 563 wastewater systems, and any other combination of the foregoing  
 564 in order to manage effluent disposal and wastewater matters.

565 (10) In addition to the powers specifically provided in  
 566 this chapter, the Authority shall have the power to own,  
 567 acquire, construct, reconstruct, equip, operate, maintain,  
 568 extend, and improve such other related projects as the board of  
 569 directors may in its discretion find necessary or desirable to  
 570 accomplish the primary purpose of this act which is to supply  
 571 water and sewer services and facilities to the Florida Keys. The  
 572 Authority is hereby authorized to adopt by reference and utilize  
 573 or take advantage of any of the relevant provisions of chapter  
 574 100, chapter 153, chapter 159, or chapter 170, Florida Statutes.

575 Section 10. Rules.--Upon reasonable advance notice to the  
 576 public and an opportunity for all persons to be heard on the

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577 matter, the board shall adopt bylaws, rules, resolutions,  
 578 regulations, and orders prescribing the powers, duties, and  
 579 functions of the members of the board and employees of the  
 580 Authority, the conduct of the business of the Authority, the  
 581 maintenance of records of the Authority, and shall adopt  
 582 administrative rules and regulations with respect to any of the  
 583 projects of the Authority.

584 Section 11. Exercise by Authority of powers within  
 585 municipalities.--The Authority shall have the power to exercise  
 586 any of its rights, powers, privileges, and authorities in any  
 587 and all portions of the geographical limits of the Authority  
 588 lying within the boundaries of any municipal corporation or  
 589 other political subdivision, heretofore or hereafter created or  
 590 organized, whose boundaries lie wholly or partly within the  
 591 geographic limits of the Authority, to the same extent and in  
 592 the same manner as in areas of the Authority not incorporated as  
 593 part of a municipality or other political subdivision.

594 Section 12. Furnishing facilities and services within the  
 595 Authority territory.--

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

602 (2) The Authority shall have the power to collect fees,  
 603 rentals, and other charges from persons, firms, corporations,  
 604 municipalities, counties, the Federal Government, the

605 department, political subdivisions, and other public or private  
 606 agencies or bodies within the geographic limits of the Authority  
 607 and for the use of the Authority itself.

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

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

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

625 (2) Such rates, fees, rentals, and charges shall be just  
 626 and equitable and, except as provided herein, uniform for users  
 627 of the same class and, where appropriate, may be based or  
 628 computed either upon the amount of service furnished or upon the  
 629 number or average number of persons working or residing or  
 630 working or otherwise occupying the premises served or upon any  
 631 other factor affecting the use of the facilities furnished, or  
 632 upon any combination of the foregoing factors as may be

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633 determined by the board of directors on an equitable basis. The  
634 Authority may prescribe, fix, and establish a special lower  
635 rate, fee, rental, or other charge on the residential account of  
636 any person who is 60 years of age or older or a totally and  
637 permanently disabled American veteran on the date of  
638 application, who meets the low income standards adopted by the  
639 board and who applies for such special lower rate, fee, rental,  
640 or other charge between the months of January and December,  
641 inclusive, of each year. As used in this section "residential  
642 account" means an account for a person residing in a house,  
643 mobile home, condominium, apartment, or other housing unit. The  
644 application shall include the submission of an affidavit stating  
645 that the applicant is 60 years of age or older or a totally and  
646 permanently disabled American veteran . The submission of the  
647 affidavit shall be prima facie evidence of the applicant's age  
648 or disability. The application shall also include the annual  
649 income of the applicant.

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

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

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

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

662 (4) No rate, fee, rental, or other charge may be  
 663 established resulting in increased costs for service to the  
 664 customer nor may any rate, fee, rental, or other charge be  
 665 increased by the Authority until a public hearing has been held  
 666 relating to the proposed increase in the City of Key West, and  
 667 in the Marathon and the upper Keys areas. However, if the  
 668 proposed rule affects wastewater only in a single wastewater  
 669 district and affects rates, fees, or other charges that could  
 670 result in increased costs of service to the customer, no rate,  
 671 fee, rental, or other charge may be increased by the Authority  
 672 until two advertised public hearings have been held relating to  
 673 the proposed increase at a site convenient to the public located  
 674 in the district area. Such public hearings shall not occur  
 675 within 15 days of each other.

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

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687 payment is refused by the drawee because of lack of funds or  
688 credit.

689 Section 16. Discontinuance of service.--In the event that  
690 the fees, rentals, or other charges for the services and  
691 facilities of any project are not paid when due, the board of  
692 directors shall have the power to discontinue and shut off the  
693 same until such fees, rentals, or other charges, including  
694 interest, penalties, and charges for the shutting off or  
695 discontinuance and the restoration of such services and  
696 facilities, are fully paid, and for such purposes may enter on  
697 any lands, waters, and premises of any person, firm,  
698 corporation, or other body, public or private. Such delinquent  
699 fees, rentals, or other charges together with interest,  
700 penalties, and charges for the shutting off and discontinuance  
701 and the restoration of such services and facilities and  
702 reasonable attorneys' fees and other expenses may be recovered  
703 by the Authority by suit in any court of competent jurisdiction.  
704 The Authority may also enforce payment of such delinquent fees,  
705 rentals, or other charges by any other lawful method of  
706 enforcement.

707 Section 17. Remedies.--Any holder of bonds issued under  
708 the provisions of this act or of any of the coupons appertaining  
709 thereto, and the trustee under the trust indenture, if any,  
710 except to the extent the rights herein given may be restricted  
711 by resolution passed before the issuance of the bonds or by the  
712 trust indenture, may, either at law or in equity, by suit,  
713 action, mandamus, or other proceeding, protect and enforce any  
714 and all rights under the laws of the State of Florida or granted

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715 hereunder or under such resolution or trust indenture, and may  
 716 enforce or compel performance of all duties required by this act  
 717 or by such resolution or trust indenture to be performed by the  
 718 Authority or any officer thereof, including the fixing,  
 719 charging, and collecting of rates and other charges for both  
 720 water furnished by the waterworks system and wastewater  
 721 treatment furnished by the wastewater system.

722 Section 18. Receiver.--

723 (1) In the event that the Authority shall default in the  
 724 payment of the principal of or the interest on any of the bonds  
 725 as the same shall become due, whether at maturity or upon call  
 726 for redemption, and such default shall continue for a period of  
 727 45 days, or in the event that the Authority or the officers,  
 728 agents, or employees of the Authority shall fail or refuse to  
 729 comply with the provisions of this act or shall default in any  
 730 agreement made with the holders of the bonds, any holder of  
 731 bonds, subject to the provisions of the resolution authorizing  
 732 the same or the trust indenture, or the trustee therefor, shall  
 733 have the right to apply in any appropriate judicial proceeding  
 734 to the Circuit Court in any court of competent jurisdiction, for  
 735 the appointment of a receiver of the waterworks system,  
 736 excluding however, the aqueduct, whether or not all bonds shall  
 737 have been declared due and payable and whether or not such  
 738 holder or trustee is seeking or has sought to enforce any other  
 739 right or to exercise any other remedy in connection with such  
 740 bonds, and, upon such application, the court may appoint such  
 741 receiver.

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

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

767       Section 19. Agreements with public and private parties  
 768 concerning the furnishing of facilities and services.--The  
 769 Authority shall have the power to enter into agreements with any

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770 person, firm, or corporation, public or private, for the  
 771 furnishing by such person, firm, or corporation of any  
 772 facilities and services of the type provided for in this act to  
 773 the Authority, and for or on behalf of the Authority to persons,  
 774 firms, corporations, and other public or private bodies and  
 775 agencies to whom the Authority is empowered under this act to  
 776 furnish facilities and services.

777 Section 20. Exclusive jurisdiction of projects and  
 778 finances.--

779 (1) The board of directors shall have exclusive  
 780 jurisdiction and control, except as otherwise provided herein  
 781 and as to the quality and manner of discharge of effluent, over  
 782 the projects of the Authority without limitation as to  
 783 expenditures and appropriations except to the extent otherwise  
 784 provided in this act and to the extent that the board of  
 785 directors may by agreement with any other public or private body  
 786 authorize the same to exercise jurisdiction or control of any of  
 787 the projects of the Authority. It shall not be necessary for the  
 788 Authority to obtain any certificate of convenience or necessity,  
 789 franchise, license, permit, or authorization from any bureau,  
 790 board, commission, or like instrumentality of the state or any  
 791 political subdivision thereof in order to construct,  
 792 reconstruct, acquire, extend, repair, improve, maintain, or  
 793 operate any project and the rates, fees, or other charges to be  
 794 fixed and collected with respect to the facilities and service  
 795 of the Authority shall not be subject to supervision,  
 796 regulation, or the rate-setting power of any bureau, board,

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797 commission, or other agency of the state or any political  
798 subdivision thereof.

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

805 Section 21. Revenue bonds.--

806 (1) The Authority shall have the power to issue revenue  
807 bonds from time to time without limitation as to amount. Such  
808 revenue bonds may be secured by or payable from the gross amount  
809 or net pledge of the revenues to be derived from any project or  
810 combination of projects from the rates, fees, or other charges  
811 to be collected from the users of any project or projects from  
812 any revenue-producing undertaking or activity of the Authority  
813 or from any other source or pledged security. Such bond shall  
814 not constitute an indebtedness of the Authority.

815 (2) Any two or more projects may be combined and  
816 consolidated into a single project and may thereafter be  
817 operated and maintained as a single project. The revenue bonds  
818 authorized herein may be issued to finance any one or more such  
819 projects separately or to finance two or more such projects  
820 regardless of whether such projects have been combined and  
821 consolidated into a single project. If the board of directors  
822 deems it advisable, the proceedings authorizing such revenue  
823 bonds may provide that the Authority may thereafter combine the  
824 projects then being financed or theretofore financed with other

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825 projects to be subsequently financed by the Authority, and that  
826 revenue bonds to be thereafter issued by the Authority shall be  
827 on parity with the revenue bonds then being issued, all on such  
828 terms, conditions, and limitations as shall be provided and may  
829 further provide that the revenues to be derived from the  
830 subsequent projects shall at the time of the issuance of such  
831 parity revenue bonds be also pledged to the holders of any  
832 revenue bonds theretofore issued to finance the revenue  
833 undertakings which are later combined with such subsequent  
834 projects. The Authority may pledge for the security of the  
835 revenue bonds a fixed amount without regard to any proportion of  
836 the gross revenues of any project.

837 Section 22. Refunding bonds.--The Authority shall have the  
838 power to issue bonds to provide for the retirement or refunding  
839 of any bonds or obligations of the Authority that at the time of  
840 such issuance are or subsequently thereto become due and payable  
841 or that at the time of issuance have been called or will be  
842 subject to call for redemption within 10 years thereafter or the  
843 surrender of which can be procured from the holders thereof at  
844 prices satisfactory to the board of directors. Refunding bonds  
845 may be issued at any time when in the judgment of the board of  
846 directors such issuance will be advantageous to the Authority.  
847 The board of directors may, by resolution, confer upon the  
848 holders of such refunding bonds all rights, powers, and remedies  
849 to which the holders would be entitled if they continued to be  
850 the owners and had possession of the bonds for the refinancing  
851 of which said refunding bonds are issued.

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

862        Section 24. Issuance of bond anticipation notes.--In  
 863 addition to the other powers applied for in this act and not in  
 864 limitation thereof, the Authority shall have the power at any  
 865 time and from time to time after the issuance of any bonds of  
 866 the Authority shall have been authorized, to borrow money for  
 867 the purposes for which such bonds are to be issued in  
 868 anticipation of the receipt of the proceeds of the sale of such  
 869 bonds and to issue bond anticipation notes in a principal amount  
 870 not in excess of the authorized maximum amount of such bond  
 871 issues. Such notes shall be in such denominations and bear  
 872 interest at such rate or rates, mature at such time or times not  
 873 later than 5 years from the date of issuance and be in such form  
 874 and executed in such manner as the board of directors shall  
 875 prescribe. Such notes may be sold at either public or private  
 876 sale or if such notes shall be renewable, notes may be exchanged  
 877 for notes then outstanding on such terms as the board of  
 878 directors shall determine. Said notes shall be paid from the  
 879 proceeds of such bonds when issued.

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

897        Section 26. Trust agreements.--In the discretion of the  
 898 board of directors, any issue of bonds may be secured by a trust  
 899 agreement by and between the Authority and a corporate trustee  
 900 or trustees which may be any trust company or bank having the  
 901 powers of a trust company within or without the state. The  
 902 resolution authorizing the issuance of the bonds or such trust  
 903 agreements may pledge the revenues to be received from any  
 904 projects of the Authority and may contain such provision for  
 905 protecting and enforcing the rights and remedies of the  
 906 bondholders as the board of directors may approve, including  
 907 without limitation covenants setting forth the duties of the

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908 | Authority in relation to the acquisition, construction,  
 909 | reconstruction, improvement, maintenance, repair, operation, and  
 910 | insurance of any project, the fixing and revising of the rates,  
 911 | fees, and charges and the custody safeguarding and application  
 912 | of all moneys, and for the employment of counseling engineers in  
 913 | connection with such acquisition, construction, reconstruction,  
 914 | improvement, maintenance, repair, and operation. It shall be  
 915 | lawful for any bank or trust company incorporated under the laws  
 916 | of the state which may act as a depository of the proceeds of  
 917 | bonds or of revenues to furnish such indemnifying bonds or to  
 918 | pledge such securities as may be required by the Authority.  
 919 | Such resolution or trust agreement may set forth the rights and  
 920 | remedies of the bondholders and of the trustee, if any, and may  
 921 | restrict the individual right of action by bondholders. The  
 922 | board of directors may provide for the payment of proceeds from  
 923 | the sale of the bonds and the revenues of any project to such  
 924 | officer, board, or depositories as it may designate for the  
 925 | custody thereof, and for the method of disbursement thereof with  
 926 | such safeguards and restrictions as it may determine. All  
 927 | expenses incurred in carrying out the provision of such  
 928 | resolution or trust agreement may be treated as part of the cost  
 929 | of operation of the project to which such trust agreement  
 930 | pertains.

931 | Section 27. Sale of bonds.--Bonds may be sold in blocks or  
 932 | installments at different times, or an entire issue or series  
 933 | may be sold at one time. Bonds shall be sold at public sale  
 934 | after advertisement, but not in any event at less than 95  
 935 | percent of the par value thereof, together with accrued interest

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936 thereon. Bonds may be sold or exchanged for refunding bonds.  
 937 Bonds may be delivered as payment by the Authority of the  
 938 purchase price or lease of any project or part thereof or a  
 939 combination of projects or parts thereof or as the purchase  
 940 price or exchanged for any property, real, personal or mixed,  
 941 including franchises or services rendered by any contractor,  
 942 engineer, or other person at one time or in blocks from time to  
 943 time and in such manner and upon such terms as the board of  
 944 directors in its discretion shall determine.

945 Section 28. Authorization and form of bonds.--The Board  
 946 may by resolution authorize the issuance of bonds on either a  
 947 negotiated or competitive bid basis, fix the aggregate amount of  
 948 bonds to be issued, the purpose or purposes for which the moneys  
 949 derived therefrom shall be expended, the rate or rates of  
 950 interest. The denomination of bonds, whether or not the bonds  
 951 are to be issued in one or more series, the date or dates  
 952 thereof, the date or dates of maturity, which shall not exceed  
 953 40 years from their respective dates of issuance, the medium of  
 954 payment, place or places within or without the state where  
 955 payment shall be made, registration, privileges (whether with or  
 956 without premium), the manner of execution, the form of the  
 957 bonds, including any interest coupons to be attached thereto,  
 958 the manner of execution of bonds and coupons, and any and all  
 959 other terms, covenants and conditions thereof, and the  
 960 establishment of reserve or other funds.

961 Section 29. Interim certificates, replacement  
 962 certificates.--Pending the preparation of definitive bonds, the  
 963 board of directors may issue interim certificates or receipts or

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964 temporary bonds, in such form and with such provision as the  
 965 board of directors may determine, exchangeable for definitive  
 966 bonds when such bonds have been executed and are available for  
 967 delivery. The board of directors may also provide for the  
 968 replacement of any bonds which shall become mutilated or be lost  
 969 or destroyed.

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

976 Section 31. Bonds as legal investment or  
 977 security.--Notwithstanding any provisions of any other law to  
 978 the contrary, all bonds issued under provisions of this act  
 979 shall constitute legal investments for savings banks, trust  
 980 companies, insurance companies, executors, administrators,  
 981 trustees, guardians, and other fiduciaries, and for any board,  
 982 body, agency, instrumentality, county, municipality, or other  
 983 political subdivision of the state and shall be and constitute  
 984 securities which may be deposited by banks or trust companies as  
 985 security for deposit of the state, county, municipal, or other  
 986 public funds, or by insurance companies.

987 Section 32. Validity of bonds.--Any bonds issued by the  
 988 Authority shall be incontestable in the hands of bona fide  
 989 purchasers or holders for value and shall not be invalid because  
 990 of any irregularity or defects in the proceedings for the issue  
 991 and sales thereof. However, the Authority is not required to

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992 obtain approval of the Bond Review Board as provided by chapter  
 993 215, 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 of Florida pledges to the holders of any bonds issued  
 997 under this act that it will not limit or alter the rights of the  
 998 Authority, to own, acquire, construct, reconstruct, improve,  
 999 maintain, operate, or furnish the projects or to levy rentals,  
 1000 rates, fees, or other charges provided for herein and to fulfill  
 1001 the terms of any agreement made with the holders of such bonds  
 1002 or other obligations, that it will not in any way impair the  
 1003 rights or remedies of the holders, and that it will not modify  
 1004 in any way the exemption for taxation provided in the act, until  
 1005 all such bonds, together with interest thereon, and all costs  
 1006 and expenses in connection with any action or proceeding by or  
 1007 on behalf of such holders, are fully met and discharged. The  
 1008 State of Florida pledges to and agrees with the Federal  
 1009 Government that in the event the Federal Government or any  
 1010 agency or authority thereof shall construct or contribute any  
 1011 funds, materials, or property for the construction, acquisition,  
 1012 extension, improvement, enlargement, maintenance, operation, or  
 1013 furnishing of any project of the Authority, or any part thereof,  
 1014 the state will not alter or limit the rights and powers of the  
 1015 Authority in any manner which would be inconsistent with the  
 1016 continued maintenance and operation of such project, or any part  
 1017 thereof, on the improvement thereof, or which would be  
 1018 inconsistent with due performance of any agreement between the  
 1019 Authority and the Federal Government, and the Authority shall

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1020 continue to have, and may exercise, all powers herein granted so  
 1021 long as the board of directors may deem the same necessary or  
 1022 desirable for carrying out the purposes of this act and the  
 1023 purposes of the Federal Government in the construction,  
 1024 acquisition, extension, improvement, enlargement, maintenance,  
 1025 operation, or furnishing of any projects of the Authority or any  
 1026 part thereof.

1027 Section 34. Contracts, grants, and contributions.--The  
 1028 Authority shall have the power to make and enter into all  
 1029 contracts and agreements necessary or incidental to the  
 1030 performance or functions of the Authority and the execution of  
 1031 its powers, and to contract with, and to accept and receive  
 1032 grants or loans of money, material, or property from any person,  
 1033 private or public corporation, the State of Florida, or any  
 1034 agency or instrumentality thereof, any county, municipality, or  
 1035 other political subdivision, or any agency, instrumentality, or  
 1036 corporation of or created by the United States of America, or  
 1037 the United States of America, as the board of directors shall  
 1038 determine to be necessary or desirable to carry out the purpose  
 1039 of this act, and in connection with any such contract, grant, or  
 1040 loan to stipulate and agree to such covenants, terms, and  
 1041 conditions as the board of directors shall deem appropriate.

1042 Section 35. Tax exemption.--As the exercise of the powers  
 1043 conferred by this act to effect the purposes of this act  
 1044 constitute the performance of essential public functions, and as  
 1045 the projects of the Authority will constitute public property  
 1046 used for public purposes, all assets and properties of the  
 1047 Authority and all bonds issued hereunder and interest paid

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1048 thereon and all fees, charges, and other revenues derived by the  
 1049 Authority from the projects provided for by this act shall be  
 1050 exempt from all taxes by the state or any political subdivision,  
 1051 agency, or instrumentality thereof, except that this exemption  
 1052 shall not apply to interest earnings subject to taxation under  
 1053 chapter 220, Florida Statutes.

1054 Section 36. Construction of Authority projects.--The board  
 1055 of directors shall have the power and authority to acquire,  
 1056 construct, reconstruct, extend, repair, improve, maintain, and  
 1057 operate any of the projects of the Authority, and to that end to  
 1058 employ contractors, to purchase machinery, to employ men to  
 1059 operate the same, and directly to have charge of and construct  
 1060 the projects of the Authority in such manner as the board of  
 1061 directors may determine . The Authority may undertake any such  
 1062 construction work with its own facilities, without public  
 1063 advertisement for bids. The board of directors shall not be  
 1064 permitted to let contracts for projects of the Authority or for  
 1065 purchases without public advertising and the receiving of bids  
 1066 in accordance with such terms and conditions of chapter 287,  
 1067 Florida Statutes. The board of directors shall let contracts to  
 1068 the lowest responsible bidder. However, the board may, in its  
 1069 discretion, reject any and all bids.

1070 Section 37. Enforcement and penalties.--The board of  
 1071 directors or any aggrieved person may have recourse to such  
 1072 remedies in law and equity as may be necessary to ensure  
 1073 compliance with the provisions of this act, including injunctive  
 1074 relief to enjoin or restrain any person violating the provisions  
 1075 of this act and any bylaws, resolutions, regulations, rules,

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1076 codes, and orders adopted under this act, and the court shall,  
 1077 upon proof of such violation, have the duty to issue forthwith  
 1078 such temporary and permanent injunctions as are necessary to  
 1079 prevent such further violations thereof.

1080 Section 38. Investment of funds.--The board of directors  
 1081 may, in its discretion, invest funds of the Authority in:

1082 (1) Direct obligations of or obligations guaranteed by the  
 1083 United States of America or for the payment of principal and  
 1084 interest of which the faith and credit of the United States is  
 1085 pledged;

1086 (2) Bonds or notes issued by any of the following Federal  
 1087 agencies: Bank for Cooperatives; Federal Intermediate Credit  
 1088 Banks; Federal Home Loan Banks System; Federal Land Banks; or  
 1089 the Federal National Mortgage Loan Association (including the  
 1090 debentures or participating certificates issued by such  
 1091 association);

1092 (3) Public housing bonds issued by public housing  
 1093 authorities and secured by a pledge of annual contributions  
 1094 under an annual contribution contract or contracts with the  
 1095 United States of America;

1096 (4) Bonds or other interest-bearing obligations of any  
 1097 county, district, city, or town located in the State of Florida  
 1098 for which the credit of such political subdivision is pledged;  
 1099 or

1100 (5) Any investment authorized for insurers by chapter 625,  
 1101 Florida Statutes, inclusive and amendments thereto.

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1102        Section 39. Fiscal year of the Authority.--The board of  
 1103 directors has the power to establish and from time to time  
 1104 redetermine the fiscal year of the Authority.

1105        Section 40. Severability of provision.--If any section,  
 1106 clause, sentence, amendment, or provision of this act or the  
 1107 application of such section, clause, sentence, amendment, or  
 1108 provision to any person or bodies or under any circumstances  
 1109 shall be held to be inoperative, invalid, or unconstitutional,  
 1110 the invalidity of such section, clause, sentence, amendment, or  
 1111 provision shall not be deemed held or taken to affect the  
 1112 validity or constitutionality of any of the remaining parts of  
 1113 this act, or amendments hereto, or the application of any of the  
 1114 provisions of this act to persons, bodies or in circumstances  
 1115 other than those as to which it or any part thereof shall have  
 1116 been held inoperative, invalid, or unconstitutional, and it is  
 1117 intended that this act shall be construed and applied as if any  
 1118 section, clause, sentence, amendment, or provision held  
 1119 inoperative, invalid, or unconstitutional had not been included  
 1120 in this act.

1121        Section 41. Liberal construction.--The provisions of this  
 1122 act shall be liberally construed to effect its purposes and  
 1123 shall be deemed cumulative, supplemental, and alternative  
 1124 authority for the exercise of the powers provided herein.

1125        Section 42. Notice.--It is found and determined that  
 1126 notice of intention to apply for this legislation was given in  
 1127 the time, form, and manner required by the Constitution and Laws  
 1128 of the State of Florida. Said notice is found to be sufficient  
 1129 and is hereby validated and approved.

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1130           Section 43. All actions of the Authority occurring prior  
 1131 to the effective date of this act are hereby ratified.

1132           Section 4. Chapters 76-441, 77-604, 77-605, 80-546, 83-  
 1133 468, 84-483, 84-484, 86-419, 98-519, 2002-337, 2003-304, and  
 1134 2003-327, Laws of Florida, are repealed.

1135           Section 5. Rule making.--The Florida Keys Aqueduct  
 1136 Authority Board, as constituted herein, and any successor agency  
 1137 or board may adopt rules necessary to meet environmental  
 1138 requirements imposed by federal agencies as a condition of  
 1139 funding. Rules adopted by the Florida Keys Aqueduct Authority  
 1140 prior to effective date of this act, contained in Part 7 of the  
 1141 Rules of the Florida Keys Aqueduct Authority are hereby affirmed  
 1142 as a valid exercise of delegated legislative authority.

1143           Section 6. This act shall take effect upon becoming a law.