

Section 3. Sections 22, 23, 24, 25, and 26 of chapter 67-1726, Laws of Florida, are renumbered as sections 23, 24, 25, 26, and 27, respectively, and a new section 22 is added to said chapter to read:

Section 22. The board of commissioners of the mosquito control district shall have the authority to set up and maintain a properly controlled public mix program providing for the alleviation of mosquito and other arthropod infestations throughout the district. Any program established pursuant to this section shall provide the following restrictions:

(1) The mix shall be provided to persons for residential use only.

(2) No person may obtain more than one gallon of mix at any one time nor may any person obtain more than two gallons of mix during any month.

(3) Any person seeking to obtain mix shall provide the container therefor.

The board may establish a fee schedule or provide mix to the public ~~free of charge.~~ The board shall maintain records of all distribution or sales of mix under its program.

Section 4. This act shall take effect upon becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State June 25, 1976.

CHAPTER 76-441

Committee Substitute for House Bill No. 3967

AN ACT relating to Monroe County; abolishing and recreating the Florida Keys Aqueduct Authority; providing definitions; providing for the election, qualifications, terms, compensation, and recall of members of the Board of Directors of the Authority; requiring all members to post a bond; requiring publication of the audit and proposed budget of the Authority; requiring a hearing on the budget; providing powers and duties of the board and of the Authority including the ownership, acquisition, mortgage, lease, and disposal of property and facilities, the furnishing of services and facilities relating to water supply, water supply systems, and sewer systems, the exercising of the power of eminent domain, and the financing of the projects and activities of the Authority through the issuance of bonds; restricting the purchase of equipment; authorizing the Authority to enter into agreement with other public agencies of the State of Florida and the United States of America; providing authority to set rates, fees, rentals, tolls, fares, and charges and to pledge the same as security for bonds; providing for special lower rates for certain

persons; requiring hearings for increases in rate, fee, rental, and other charges; providing authority to recover delinquent charges together with attorneys' fees, expenses, and penalties and to discontinue services; authorizing agreements with private or public persons or agencies concerning the furnishing of facilities and services; granting the Authority exclusive jurisdiction over projects and budgets and providing exemption of Authority projects and activities and the Authority budget and finances from other regulatory laws and authorities; authorizing the Authority to adopt a comprehensive general plan for the furnishing of water services and systems; providing the power to issue bond anticipation notes; providing the power to make short term borrowings and to issue certificates of indebtedness; providing authority for making trust agreements; providing for the sale of bonds subject to the approval of the electorate; providing authorization and form of bonds; providing for interim and replacement certificates and negotiability; making Authority bonds legal investment or security for other public and private bodies; providing Authority to make bond covenants and to provide for the rights, remedies, and security of bondholders; providing for validation of bonds by publication of notice of issuance and by validation proceedings under chapter 75, Florida Statutes; providing independent authority to issue bonds and authorizing the issuance without approval of other public authorities; extending pledges to bondholders and safeguarding agreement with the Federal Government against impairment of rights; providing for agreements with municipalities, state and federal agencies; providing for tax exemption of Authority properties, bonds, and revenues; providing for investment of funds by the Authority; providing for fiscal year of the Authority; repealing chapters 70-810, 71-778, 75-442, 75-446, and 75-449, Laws of Florida, relating to the Florida Keys Aqueduct Authority, to conform to this act; providing for a referendum; providing an effective date.

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

Section 1. Creation of Authority; boundaries defined.--The Florida Keys Aqueduct Authority is recreated and shall be the successor agency to the Florida Keys Aqueduct Authority which is abolished by this act. The primary purpose and function of this Authority shall be to obtain, supply, and distribute an adequate water supply for the Florida Keys. The geographic jurisdiction of the Authority shall be as provided in this act. The Florida Keys Aqueduct Authority shall be an autonomous public body corporate and politic and have perpetual existence. All lawful debts, bonds, obligations, contracts, franchises, promissory notes, audits, minutes, resolutions, and other undertakings of the Florida Keys Aqueduct Authority are hereby validated and shall continue to be valid and binding on the Florida Keys Aqueduct Authority in accordance with their respective terms, conditions, covenants, and tenor. Any proceedings heretofore begun by the Florida Keys Aqueduct Authority for the construction of any improvements, works, or facilities; for the assessment of benefits and damages or for the

borrowing of money shall not be impaired or voided by this act but may be continued and completed in the name of the Florida Keys Aqueduct Authority. The Authority shall include within its territorial boundaries all of the lands within Monroe County, but may procure water outside its boundaries for sale within said boundaries.

Section 2. Applicability of certain provisions of Florida law to the Florida Keys Aqueduct Authority.--Except as specifically provided herein, the provisions of this act shall control over the provisions of any other special or general law.

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

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

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

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

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

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

development of land that the board of directors of the Authority shall determine to be necessary or desirable in carrying out the purposes of this act, may be treated as part of such cost.

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

(7) "Water system" means any existing or proposed plant, system, facility, or property and additions, extensions, and improvements thereto at any future time constructed or acquired or part thereof, useful or necessary or having the present capacity for future use in connection with the development or sources, treatment, desalination or purification and distribution of water for domestic or industrial use and, without limiting the generality of the foregoing, includes dams, reservoirs, storage tanks, mains, lines, valves, pumping stations, laterals, and pipes for the purpose of carrying water to the premises connected with such system, and all real and personal property and any interests therein, rights, easements, and franchises of any nature whatsoever relating to any such system and necessary or convenient for the operation thereof. It shall embrace wells for supplying water located or to be located on the Florida mainland, including a pipeline or aqueduct from such wells to a point at or near the City of Key West, and shall include the water distribution system acquired by the Authority from the City of Key West, and any interest the Authority may have in and to the water supply system or any part thereof by contract with the Department of the Navy of the United States.

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

Section 4. Board of directors; organization; qualification; term of office; quorum; annual meeting, report, and minutes.--

(1) The board of directors of the Florida Keys Aqueduct Authority shall be the governing body of the Authority and shall, subject to the provisions of this act, exercise the powers granted to the Authority under this act. The board of directors shall consist of

five members who shall each represent one of five districts which shall be conterminous with the districts of the Board of County Commissioners of Monroe County. Each member of the board of directors shall be a registered elector within Monroe County and shall have been a resident of the district for 6 months prior to the date of election. The members of the board shall be elected by the electors of the county at large as follows: two members, representing districts two and four, shall be elected at the general election to be held in November 1976 and thereafter for terms of 4 years each and three members, representing districts one, three, and five, shall be elected at the general election to be held in November 1978 and thereafter for terms of 4 years each. The terms of members elected as provided in this section shall begin on the Tuesday 2 weeks following the general election. The board shall elect one of its members as chairman and shall also elect one of its members as secretary-treasurer. A majority of the members of the board shall constitute a quorum. No vacancy in the board shall impair the right of a quorum to exercise all the rights and perform all of the duties of the board. All members of the board shall be required to be bonded. The members of the board representing districts two and four on the effective date of this act shall continue in office until succeeded by the members elected in November 1976. The members of the board representing districts one, three, and five on the effective date of this act shall continue in office until succeeded by the members elected in November 1978. Any vacancy occurring on the board shall be filled by appointment by the Governor for the duration of the unexpired term or until the next succeeding general election occurring more than 4 months after the vacancy occurs, whichever is the earliest. Any such election shall be to fill the unexpired term.

(2) The board of directors shall keep a permanent record book entitled "Record of Governing Board of Florida Keys Aqueduct Authority" in which shall be recorded minutes of all meetings, resolutions, proceedings, certificates, bonds given by employees and any and all acts, which book shall at reasonable times be opened to public inspection. Such record book shall be kept at an office or other regular place of business maintained by the board of directors in Monroe County. The "board" shall keep a current inventory of all real and tangible personal property owned or leased by the Authority in the above referenced "Record Book."

Section 5. Recall of members of the board.--Any member of the board, whether appointed or elected, may be removed from office by the electors of the county by the following procedure:

(1) A petition must be prepared which shall contain a statement of the charges against the member and the signatures of at least 15 percent of the qualified electors of Monroe County.

(2) The petition shall be filed with the board which shall submit the petition to the supervisor of elections of Monroe County for verification of signatures. Upon receipt of certification by the supervisor of elections that the petition contains at least 15 percent of qualified electors within the county, the board shall fix a day for holding a recall election to be held not less than 30 days nor more than 60 days from the receipt of such certification. The board of directors shall compensate the supervisor out of funds of the Authority for the costs incurred by the supervisor in his verification of such signatures.

If a majority of the votes cast in a recall election is in favor of removal of a member of the board, the member shall be deemed removed from office upon the announcement of the official canvass of the election and the vacancy shall be filled in the manner provided in section 4.

Section 6. Compensation of the board.--Each member shall be entitled to receive for his services a fee of \$250 per month except that the chairman shall be entitled to \$300 per month. The secretary-treasurer shall also be entitled to \$300 per month. In addition, each board member shall receive reasonable expenses which shall not be in excess of the amounts provided by law for state and county officials in chapter 112, Florida Statutes.

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

(1) Each member of the board of directors shall execute a bond to the Governor in the amount of \$10,000 with a qualified surety to secure their faithful performance of their powers and duties. The board of directors shall require a certified audit of the books of the Authority at least once a year at the expense of the Authority. Such audit shall be available for public inspection and shall be published in a newspaper published in Monroe County at least once within 6 months after the end of each fiscal year. The legislative auditor may audit the Authority at any time.

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

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

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

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

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

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

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

(4) Execute all contracts and other documents, adopt all proceedings and perform all acts determined by the board of directors as necessary or advisable to carry out the purposes of this act. The board may authorize two or more members of the board to execute contracts and other documents on behalf of the board or the Authority. The board may appoint a person to act as general manager of the Authority having such official title, functions, duties, and powers as the board may prescribe. The general manager shall not be a member of the board.

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

(1) LEGAL PROCEEDINGS.--To sue and be sued by its name in any court of law or in equity.

(2) CORPORATE SEAL.--To adopt and use a corporate seal and to alter the same at pleasure.

(3) OWNERSHIP AND DISPOSITION OF PROPERTY.--To acquire property, real, personal, or mixed within or without its territorial limits in fee simple or any lesser interest or estate by purchase, gift, devise, or lease on such terms and conditions as the board of directors may deem necessary or desirable and by condemnation (subject to limitations hereinbelow). Except in cases of emergency when the board determines that delay would be detrimental to the interests of the Authority, no equipment whose purchase price exceeds \$2,000 shall be purchased unless purchased upon competitive bids received. In addition, and subject to such exception, no equipment whose purchase price is more than \$1,000 but less than \$2,000 shall be purchased unless purchased upon receipt of sealed solicited proposals. All provided that the board of directors determines that the use or ownership of such property be necessary in the furtherance of a designated lawful purpose authorized under the provisions of this act. The Authority is specifically excluded from the provisions of s. 253.03(6), Florida Statutes, and has the authority to hold title to property in its own name; to acquire easements or rights-of-way, with or without restrictions, within or without the limits of the Authority. The State of Florida may convey to the Authority rights-of-way over any of the lands and structures belonging to the State of Florida or any of its agencies for the purpose of constructing, maintaining, supplying, establishing, and regulating the works and projects involved in the water supply and distribution systems authorized by this act. To mortgage, hold, manage, control, convey, lease, sell, grant, or otherwise dispose of the same and any of the assets and properties of the Authority without regard to chapter 273, Florida Statutes; provided, however, such sales and grants of land, buildings, or materials with a value in excess of \$2,000 are determined to be in the public interest after a public hearing.

(4) LEASE OF FACILITIES.--Whenever deemed necessary or desirable by the board of directors, to lease as lessor or lessee, to or from

any person, firm, corporation, association, or body, public or private, any projects of the type that the Authority is authorized to undertake and facilities or property of any nature for the use of the Authority to carry out any of the purposes of the Authority.

(5) INSURANCE.--The Authority shall in its discretion have the power upon resolution duly passed to insure its property in accordance with the State Fire Insurance Trust Fund as provided by chapter 284, Florida Statutes.

(6) EMINENT DOMAIN.--To exercise within or without the territorial limits of the Authority the right and power of eminent domain in all cases and under all circumstances provided for in chapter 73, Florida Statutes, and amendments thereto. In addition to and not in limitation of the foregoing, the Authority may also exercise the right and power of eminent domain for the purpose of condemning any real, personal, or mixed property, public or private, including without limitation, the property owned by any political body or municipal corporation which the board of directors shall deem necessary for the use of, construction or operation of any of the projects of the Authority or otherwise to carry out any of the purposes of the Authority. The power of condemnation shall be exercised in the same manner as now provided by the general laws of the state. In any proceeding under this act or under chapter 73, Florida Statutes, for the taking of property by eminent domain or condemnation, the board of directors is authorized to file declaration of taking immediate possession of the property before the final trial by making deposit as to value as provided by the general statutes, and shall have all of the benefits provided by chapters 73 and 74, Florida Statutes, and amendments thereto, or any other statutes of the State of Florida which give the right to immediate taking and possession. No public or private body and no agency or authority of the state or any political subdivision thereof shall exercise the power of eminent domain or condemnation with respect to any of the properties, easements, or rights owned by the Authority and lying within the Authority's jurisdiction, except with the concurrence of the board of directors of the Authority which shall not be unreasonably withheld.

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

(8) ISSUANCE OF BONDS.--To issue bonds or other obligations authorized by the provisions of this act or any other law or any combination of the foregoing to pay all or part of the cost of the acquisition or construction, reconstruction, extension, repair, improvement, maintenance, or operation or any project or combination of projects. To provide for any facility, service, or other activity of the Authority and to provide for the retirement or refunding of any bonds or obligations of the Authority or for any combination of the foregoing purposes.

(9) (a) SEWER SYSTEM.--To purchase, construct, and otherwise acquire and to improve, extend, enlarge, and reconstruct a sewage

disposal system or systems and to purchase and/or construct or reconstruct sewer improvements and to operate, manage, and control all such systems so purchased and/or constructed and all properties pertaining thereto and to furnish and supply sewage collection and disposal services to any municipalities and any persons, firms, or corporations, public or private; to prohibit or regulate the use and maintenance of outhouses, privies, septic tanks, or other sanitary structures or appliances within the Authority boundaries, provided that prior to prohibiting the use of any such facilities adequate new facilities must be available; to prescribe methods of pretreatment of waste not amenable to treatment, to refuse to accept such waste when not sufficiently pretreated as may be prescribed and to prescribe penalties for the refusal of any person or corporation to so pretreat such waste; to sell or otherwise dispose of the effluent, sludge, or other by-products as a result of sewage treatment and to construct and operate connecting or intercepting outlets, sewers and sewer mains and pipes and water mains, conduits, or pipelines in, along, or under any street, alley, highways, within or without the Authority boundaries when deemed necessary or desirable by the board of directors in accomplishing the purposes of this act, with the consent of the agency owning or controlling same. All such regulation herein authorized shall comply with the standards and regulations pertaining to same as promulgated by the Department of Health and Rehabilitative Services and by the Department of Environmental Regulation and be adopted pursuant to chapter 120, Florida Statutes.

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

(c) To exercise exclusive jurisdiction, control, and supervision over any sewer systems owned or operated and maintained by the Authority; to make and enforce such rules and regulations for the maintenance and operation of any sewer systems as may be in the judgment of the Authority necessary or desirable. However, such jurisdiction shall not conflict with chapter 403, Florida Statutes, and rules of the Department of Environmental Regulation.

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

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

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

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

1. Reasonable deposits with the Authority in advance to insure the payments of rates, fees, or charges for the facilities of the system;

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

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

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

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

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

(h) In the event that fees, rates, and charges for services and facilities of any sewer system shall not be paid as and when due, the Authority shall be empowered to discontinue furnishing water services as provided in section 15 of this act.

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

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

(10) OTHER POWERS.--In addition to the powers specifically provided in this chapter, the Authority shall have the power to own, acquire, construct, reconstruct, equip, operate, maintain, extend, and improve such other related projects as the board of directors may in its discretion find necessary or desirable to accomplish the ~~primary purpose of this act which is to supply water and sewer services and facilities to the Florida Keys.~~

Section 10. Rules.--The board shall adopt bylaws, rules, resolutions, regulations, and orders prescribing the powers, duties, and functions of the members of the board and employees of the Authority; the conduct of the business of the Authority; the maintenance of records of the Authority, and shall adopt administrative rules and regulations with respect to any of the projects of the Authority. All such bylaws, rules, resolutions, regulations, orders and administrative rules shall be adopted pursuant to the provisions of chapter 120, Florida Statutes.

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

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

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

(2) The Authority shall have the power to collect fees, rentals, and other charges from persons, firms, corporations, municipalities, counties, the Federal Government, the Navy Department, political subdivisions and other public or private agencies or bodies within the geographic limits of the Authority and for the use of the Authority itself.

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

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

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

(2) Such rates, fees, rentals, and charges shall be just and equitable and, except as provided herein, uniform for users of the same class and, where appropriate, may be based or computed either upon the amount of service furnished or upon the number or average

number of persons working or residing or working or otherwise occupying the premises served or upon any other factor affecting the use of the facilities furnished, or upon any combination of the foregoing factors as may be determined by the board of directors on an equitable basis. The Authority may prescribe, fix, and establish a special lower rate, fee, rental, or other charge on the residential account of any person who is 60 years of age or older or a totally and permanently disabled American veteran on the date of application, who meets the low income standards adopted by the board and who applies for such special lower rate, fee, rental, or other charge between the months of January and March, inclusive, of each year. As used in this section "residential account" means an account for a person residing in a house, mobile home, condominium, apartment, or other housing unit. The application shall include the submission of an affidavit stating that the applicant is 60 years of age or older or a totally and permanently disabled American veteran. The submission of the affidavit shall be prima facie evidence of the applicant's age or disability. The application shall also include the annual income of the applicant.

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

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

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

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

(4) No rate, fee, rental, or other charge may be established resulting in increased costs for service to the customer nor may any rate, fee, rental, or other charge be increased by the Authority until a public hearing has been held relating to the proposed increase in the City of Key West, and in the Marathon and the upper Keys areas.

Section 15. Recovery of delinquent charges.--In the event that any of the rates, fees, rentals, charges, or delinquent penalties shall not be paid as when due and shall be in default for 30 days or more, the unpaid balance thereof and all interest accrued thereon together with attorneys' fees and costs may be recovered by the Authority in a civil action and in accordance with any covenant in any bond indenture of the Authority. The board shall have the authority to impose a \$5 service charge upon the maker or drawer of any check, draft, or order in payment of any such rate, fee, rental, charge or delinquent penalty, for which payment is refused by the drawee because of lack of funds or credit.

Section 16. Discontinuance of service.--In the event that the fees, rentals, or other charges for the services and facilities of any project are not paid when due, the board of directors shall have the power to discontinue and shut off the same until such fees, rentals, or other charges, including interest, penalties, and charges for the shutting off or discontinuance and the restoration of such services and facilities, are fully paid, and for such purposes may

enter on any lands, waters, and premises of any person, firm, corporation, or other body, public or private. Such delinquent fees, rentals, or other charges together with interest, penalties, and charges for the shutting off and discontinuance and the restoration of such services and facilities and reasonable attorneys' fees and other expenses may be recovered by the Authority by suit in any court of competent jurisdiction. The Authority may also enforce payment of such delinquent fees, rentals, or other charges by any other lawful method of enforcement.

Section 17. Remedies.--Any holder of bonds issued under the provisions of this act or of any of the coupons appertaining thereto, and the trustee under the trust indenture, if any, except to the extent the rights herein given may be restricted by resolution passed before the issuance of the bonds or by the trust indenture, may, either at law or in equity, by suit, action, mandamus, or other proceeding, protect and enforce any and all rights under the laws of the State of Florida or granted hereunder or under such resolution or trust indenture, and may enforce and compel performance of all duties required by this act or by such resolution or trust indenture to be performed by the Authority or any officer thereof, including the fixing, charging, and collecting of rates and other charges for water furnished by the waterworks system.

Section 18. Receiver.--

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

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

(3) Notwithstanding anything in this section to the contrary, any such receiver shall have no power to sell, assign, mortgage, or

otherwise dispose of any assets of whatever kind or character belonging to the Authority and useful for the waterworks system, and the authority of any such receiver shall be limited to the operation and maintenance of such portion of the system as may be placed in receivership and no court shall have jurisdiction to enter any order or decree requiring or permitting such receiver to sell, mortgage, or otherwise dispose of any such assets.

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

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

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

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

Section 21. Revenue bonds.--

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

(2) Any two or more projects may be combined and consolidated into a single project and may thereafter be operated and maintained as a single project. The revenue bonds authorized herein may be issued to finance any one or more such projects separately or to

finance two or more such projects regardless of whether such projects have been combined and consolidated into a single project. If the board of directors deems it advisable, the proceedings authorizing such revenue bonds may provide that the Authority may thereafter combine the projects then being financed or theretofore financed with other projects to be subsequently financed by the Authority, and that revenue bonds to be thereafter issued by the Authority shall be on parity with the revenue bonds then being issued, all on such terms, conditions, and limitations as shall be provided and may further provide that the revenues to be derived from the subsequent projects shall at the time of the issuance of such parity revenue bonds be also pledged to the holders of any revenue bonds theretofore issued to finance the revenue undertakings which are later combined with such subsequent projects. The Authority may pledge for the security of the revenue bonds a fixed amount without regard to any proportion of the gross revenues of any project.

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

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

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

Section 25. Short term borrowing.--The Authority at any time may obtain loans in such amount and on such terms and conditions as the

board of directors may approve for the purpose of paying any of the expenses of the Authority or any costs incurred or that may be incurred in connection with any of the projects of the Authority, which loan shall have a term not exceeding 2 years from the date of issuance thereof and may be renewable for a like term or terms, shall bear interest not in excess of 9 percent, may be payable from and secured by a pledge of such funds, revenues, and assessments as the board of directors may determine. For the purpose of defraying such costs and expenses the Authority may issue negotiable notes, warrants, and other evidences of debts signed on behalf of the Authority by any one of the board of directors to be authorized by the board.

Section 26. Trust agreements.--In the discretion of the board of directors, any issue of bonds may be secured by a trust agreement by and between the Authority and a corporate trustee or trustees which may be any trust company or bank having the powers of a trust company within or without the state. The resolution authorizing the issuance of the bonds or such trust agreements may pledge the revenues to be received from any projects of the Authority and may contain such provision for protecting and enforcing the rights and remedies of the bondholders as the board of directors may approve, including without limitation covenants setting forth the duties of the Authority in relation to the acquisition, construction, reconstruction, improvement, maintenance, repair, operation, and insurance of any project, the fixing and revising of the rates, fees, and charges and the custody safeguarding and application of all moneys, and for the employment of counseling engineers in connection with such acquisition, construction, reconstruction, improvement, maintenance, repair, and operation. It shall be lawful for any bank or trust company incorporated under the laws of the state which may act as a depository of the proceeds of bonds or of revenues to furnish such indemnifying bonds or to pledge such securities as may be required by the Authority. Such resolution or trust agreement may set forth the rights and remedies of the bondholders and of the trustee, if any, and may restrict the individual right of action by bondholders. The board of directors may provide for the payment of proceeds from the sale of the bonds and the revenues of any project to such officer, board, or depositories as it may designate for the custody thereof, and for the method of disbursement thereof with such safeguards and restrictions as it may determine. All expenses incurred in carrying out the provision of such resolution or trust agreement may be treated as part of the cost of operation of the project to which such trust agreement pertains.

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

Section 28. Authorization and form of bonds.--Bonds may be authorized by resolution of the board of directors which shall be

adopted by a majority of all members thereof then in office, subject to approval of a majority of the electors of Monroe County voting in a referendum election called by the board of directors. However, no such election shall be required for the approval of the issuance of any revenue bond to finance any emergency repair of any equipment or machinery owned or operated by the Authority if such issuance is approved by a majority of the bond trustees. If the board holds a special election for approval of a bond resolution instead of placing the issue before the electors at a regularly scheduled primary or general election, the board of directors shall pay the cost of the election out of funds of the Authority. Such resolutions may be adopted at the meeting subsequent to and not at the same meeting at which they are introduced and need not be published or posted. The board may by resolution authorize the issuance of bonds, fix the aggregate amount of bonds to be issued, the purpose or purposes for which the moneys derived therefrom shall be expended, the rate or rates of interest, which rate shall not exceed 1 percent above the rate authorized by chapter 69-1739, Laws of Florida, for similar bonds. The denomination of bonds, whether or not the bonds are to be issued in one or more series, the date or dates thereof, the date or dates of maturity, which shall not exceed 40 years from their respective dates of issuance, the medium of payment, place or places within or without the state where payment shall be made, registration privileges, redemption terms and privileges (whether within or without premium), the manner of execution, the form of the bonds, including any interest coupons to be attached thereto, the manner of execution of bonds and coupons, and any and all other terms, covenants and conditions thereof, and the establishment of reserve or other funds.

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

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

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

Section 32. Validity of bonds; validation proceedings.--Any bonds issued by the Authority shall be incontestable in the hands of bona fide purchasers or holders for value and shall not be invalid because of any irregularity or defects in the proceedings for the issue and

sales thereof. Prior to the issuance of any bonds, the Authority shall comply with the provisions of chapter 75, Florida Statutes, and laws amendatory thereof or supplementary thereto. However, the Authority is not required to obtain approval of the Bond Review Board as provided by chapter 215, Florida Statutes.

Section 33. Pledge by the State of Florida to the bondholders of the Authority and to the Federal Government.--The State of Florida pledges to the holders of any bonds issued under this act that it will not limit or alter the rights of the Authority, to own, acquire, construct, reconstruct, improve, maintain, operate, or furnish the projects or to levy rentals, rates, fees, or other charges provided for herein and to fulfill the terms of any agreement made with the holders of such bonds or other obligations, that it will not in any way impair the rights or remedies of the holders, and that it will not modify in any way the exemption for taxation provided in the act, until all such bonds, together with interest thereon, and all costs and expenses in connection with any action or proceeding by or on behalf of such holders, are fully met and discharged. The State of Florida pledges to and agrees with the Federal Government that in the event the Federal Government or any agency or authority thereof shall construct or contribute any funds, materials, or property for the construction, acquisition, extension, improvement, enlargement, maintenance, operation, or furnishing of any project of the Authority, or any part thereof, the state will not alter or limit the rights and powers of the Authority in any manner which would be inconsistent with the continued maintenance and operation of such project, or any part thereof, on the improvement thereof, or which would be inconsistent with due performance of any agreement between the Authority and the Federal Government, and the Authority shall continue to have, and may exercise, all powers herein granted so long as the board of directors may deem the same necessary or desirable for carrying out the purposes of this act and the purposes of the Federal Government in the construction, acquisition, extension, improvement, enlargement, maintenance, operation, or furnishing of any projects of the Authority or any part thereof.

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

Section 35. Tax exemption.--As the exercise of the powers conferred by this act to effect the purposes of this act constitute the performance of essential public functions, and as the projects of the Authority will constitute public property used for public purposes, all assets and properties of the Authority and all bonds issued hereunder and interest paid thereon and all fees, charges, and other revenues derived by the Authority from the projects provided for by this act shall be exempt from all taxes by the state or any political subdivision, agency, or instrumentality thereof, except

that this exemption shall not apply to interest earnings subject to taxation under chapter 220, Florida Statutes.

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

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

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

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

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

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

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

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

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

Section 40. Severability of provision.--If any section, clause, sentence, or provision of this act or the application of such section, clause, sentence, or provision to any person or bodies or under any circumstances shall be held to be inoperative, invalid, or

unconstitutional, the invalidity of such section, clause, sentence, or provision shall not be deemed held or taken to affect the validity or constitutionality of any of the remaining parts of this act, or the application of any of the provisions of this act to persons, bodies or in circumstances other than those as to which it or any part thereof shall have been held inoperative, invalid, or unconstitutional, and it is intended that this act shall be construed and applied as if any section, clause, sentence, or provision held inoperative, invalid, or unconstitutional had not been included in this act.

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

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

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

Section 44. Chapters 70-810, 71-778, 75-442, 75-446, and 75-449, Laws of Florida, are hereby repealed.

Section 45. In the event that the electors of Monroe County vote against the election of the board of directors of the Florida Keys Aqueduct Authority pursuant to the provisions of section 46, effective upon such rejection, Section 4 of this act shall read:

Section 4. Board of directors; organization; qualification; term of office; quorum; annual meeting, report and minutes.--

(1) The board of directors of the Florida Keys Aqueduct Authority shall be the governing body of the Authority and shall, subject to the provisions of this act, exercise the powers granted to the Authority under this act. The board of directors shall consist of five members who shall each represent one of five districts which shall be coterminous with the districts of the Board of County Commissioners of Monroe County. Each member of the board of directors shall be a registered elector within Monroe County and shall have been a resident of the district for 6 months prior to the date of election. The members of the board shall be appointed by the Governor for terms of 4 years each upon the expiration of the terms of the members serving on the effective date of this section, and every 4 years thereafter. The board shall elect one of its members as chairman and shall also elect one of its members as secretary-treasurer. A majority of the members of the board shall constitute a quorum. No vacancy in the board shall impair the right of a quorum to exercise all the rights and perform all of the duties of the board. All members of the board shall be required to be bonded. Any vacancy occurring on the board shall be filled by appointment by the Governor for the duration of the unexpired term.

(2) The board of directors shall keep a permanent record book entitled "Record of Governing Board of Florida Keys Aqueduct Authority" in which shall be recorded minutes of all meetings, resolutions, proceedings, certificates, bonds given by employees and

any and all acts, which book shall at reasonable times be opened to public inspection. Such record book shall be kept at an office or other regular place of business maintained by the board of directors in Monroe County. The "board" shall keep a current inventory of all real and tangible personal property owned or leased by the Authority in the above referenced "Record Book."

Section 46. This act shall take effect September 15, 1976, except that the provisions of section 4 and the provisions of section 28 which require a referendum for the approval of bonds adopted by the board of directors of the Florida Keys Aqueduct Authority shall take effect only upon the express approval by a majority vote of those qualified electors of Monroe County voting on the following questions:

(1) Shall the board of directors of the Florida Keys Aqueduct Authority be elected to office rather than appointed by the Governor?

Yes _____ No _____

(2) Shall all bonds, including revenue bonds, of the Florida Keys Aqueduct Authority (except revenue bonds to finance the emergency repair of equipment or machinery of the Authority) be subject to the approval of the electors of Monroe County?

Yes _____ No _____

in a referendum to be held by the Monroe County Board of County Commissioners in conjunction with the first primary election to be held on September 7, 1976, in accordance with the provisions of law relating to elections currently in force in Monroe County; except that the provisions of this section shall take effect upon becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State June 25, 1976.

CHAPTER 76-442

House Bill No. 3682

AN ACT relating to the City of Naples, Collier County; amending section 1.2 of Article I of chapter 59-1598, Laws of Florida, as amended, changing the boundaries of the city; providing an effective date.

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

Section 1. Section 1.2 of Article I of chapter 59-1598, Laws of Florida, as amended, is amended to read:

ARTICLE I

INCORPORATION, BOUNDARIES, FORM OF GOVERNMENT, POWERS

Section 1.2. BOUNDARIES: The boundaries of the City hereby created shall be as follows:

board of commissioners, providing for removal of commissioners by the Governor; providing an effective date.

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

Section 1. Section 2 of chapter 67-1724, Laws of Florida, as amended, is amended to read:

Section 2. The governing body of The Lower Florida Keys Hospital District, hereinafter referred to as the board, shall consist of nine commissioners, of whom no more than one commissioner may be a member of the medical profession. On or before September 12, 1977, the Governor shall appoint all nine commissioners as follows: two for a term of 4 years each, two for a term of 3 years each, two for a term of 2 years each, and three for a term of 1 year each. Thereafter all commissioners shall be appointed by the Governor for terms of 4 years each and vacancies shall be filled by appointment by the Governor for the unexpired term. All commissioners shall serve without compensation, and shall be qualified electors residing in The Lower Florida Keys Hospital District for more than 1 year prior to the appointment; at least three commissioners shall reside in said hospital district other than at Key West, at least three commissioners shall reside in Key West, and the remaining commissioners shall reside in any area of the district. The commissioners shall be reimbursed for per diem and traveling expenses in accordance with the provisions of s. 112.061, Florida Statutes. Each commissioner shall give bond to the Governor for the faithful performance of his duties in the sum of \$5,000 with a security company qualified to do business in this state as surety, which bond shall be approved and kept by the Clerk of the Circuit Court of Monroe County. The board shall elect annually one of its members chairman, and shall elect or appoint a vice-chairman, a secretary, a treasurer, and such other officers and assistants as the board may determine, who need not be members of the board. The office of secretary and treasurer may be held by one person. Should the treasurer be other than a member of the board, he shall give a like bond of \$5,000 for the faithful performance of his duties. Premiums on all bonds required by this section shall be paid as part of the expenses of the district. The Governor of the State of Florida shall have the power to remove any member of said board for cause.

Section 3. This act shall take effect upon becoming a law.

Approved by the Governor June 9, 1977.

Filed in Office Secretary of State June 10, 1977.

CHAPTER 77-604

House Bill No. 2112

AN ACT relating to Monroe County; amending s. 9(3) of chapter 76-441, Laws of Florida, to authorize the Florida Keys Aqueduct Authority to make purchases without competitive bid under certain conditions; providing an effective date.

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

Section 1. Subsection (3) of section 9 of chapter 76-441, Laws of Florida, is amended to read:

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

(3) OWNERSHIP AND DISPOSITION OF PROPERTY.--To acquire property, real, personal, or mixed within or without its territorial limits in fee simple or any lesser interest or estate by purchase, gift, devise, or lease on such terms and conditions as the board of directors may deem necessary or desirable and by condemnation (subject to limitations hereinbelow). Except in cases of emergency when the board determines that delay would be detrimental to the interests of the Authority, no equipment whose purchase price exceeds \$2,000 shall be purchased unless purchased upon competitive bids received. In addition, and subject to such exception, no equipment whose purchase price is more than \$1,000 but less than \$2,000 shall be purchased unless purchased upon receipt of sealed solicited proposals. All provided that the board of directors determines that the use or ownership of such property be necessary in the furtherance of a designated lawful purpose authorized under the provisions of this act. However, the authority may purchase equipment or material ~~without competitive bid, regardless of price, when the manufacturer~~ of such equipment or material refuses to bid on the equipment or material and the board determines that the public interest would be served, and substantial savings would result, if the equipment or material were purchased directly from the manufacturer. In all such cases the board shall enter a record of such purchase in the "Record of Governing Board of Florida Keys Aqueduct Authority." The Authority is specifically excluded from the provisions of s. 253.03(6), Florida Statutes, and has the authority to hold title to property in its own name; to acquire easements or rights-of-way, with or without restrictions, within or without the limits of the Authority. The State of Florida may convey to the Authority rights-of-way over any of the lands and structures belonging to the State of Florida or any of its agencies for the purpose of constructing, maintaining, supplying, establishing, and regulating the works and projects involved in the water supply and distribution systems authorized by this act. To mortgage, hold, manage, control, convey, lease, sell, grant, or otherwise dispose of the same and any of the assets and properties of the Authority without regard to chapter 273, Florida Statutes; provided, however, such sales and grants of land, buildings, or materials with a value in excess of \$2,000 are determined to be in the public interest after a public hearing.

Section 2. This act shall take effect upon becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State July 5, 1977.

CHAPTER 77-605

House Bill No. 2113

AN ACT relating to Monroe County; amending section 1 of chapter 76-441, Laws of Florida, to authorize the Florida Keys Aqueduct Authority to serve customers

along its pipeline in Dade County; providing an effective date.

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

Section 1. Section 1 of chapter 76-441, Laws of Florida, is amended to read:

Section 1. Creation of Authority; boundaries defined.--The Florida Keys Aqueduct Authority is recreated and shall be the successor agency to the Florida Keys Aqueduct Authority which is abolished by this act. The primary purpose and function of this Authority shall be to obtain, supply, and distribute an adequate water supply for the Florida Keys. The geographic jurisdiction of the Authority shall be as provided in this act. The Florida Keys Aqueduct Authority shall be an autonomous public body corporate and politic and have perpetual existence. All lawful debts, bonds, obligations, contracts, franchises, promissory notes, audits, minutes, resolutions, and other undertakings of the Florida Keys Aqueduct Authority are hereby validated and shall continue to be valid and binding on the Florida Keys Aqueduct Authority in accordance with their respective terms, conditions, covenants, and tenor. Any proceedings heretofore begun by the Florida Keys Aqueduct Authority for the construction of any improvements, works, or facilities; for the assessment of benefits and damages or for the borrowing of money shall not be impaired or voided by this act but may be continued and completed in the name of the Florida Keys Aqueduct Authority. The Authority shall include within its territorial boundaries all of the lands within Monroe County, but may procure water outside its boundaries for sale within said boundaries, and may serve customers residing within 1 mile of its pipeline, from its well field at Florida City in Dade County to the territorial boundary of the Authority.

Section 2. This act shall take effect upon becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State July 5, 1977.

CHAPTER 77-606

House Bill No. 2299

AN ACT relating to Monroe County; authorizing the district school board to provide group insurance plans for its employees and officers and their dependents; providing for payment of premiums therefor; providing an effective date.

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

Section 1. The district school board of Monroe County is hereby authorized, empowered, and permitted to provide for life or annuity insurance for the employees and officers of the board, and health, accident, or hospitalization insurance for the employees and officers of the board and their dependents.

CHAPTER 80-544

Senate Bill No. 596

An act relating to Monroe County; repealing chapter 61-2504, Laws of Florida, relating to qualifications and standards for the employment of deputy sheriffs and employees of the sheriff of Monroe County; providing an effective date.

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

Section 1. Chapter 61-2504, Laws of Florida, is hereby repealed.

Section 2. This act shall take effect upon becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State May 23, 1980.

CHAPTER 80-545

Senate Bill No. 597

An act relating to Monroe County; repealing chapter 61-2497, Laws of Florida, relating to contract law enforcement by the sheriff of Monroe County within municipal limits; providing an effective date.

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

Section 1. Chapter 61-2497, Laws of Florida, is hereby repealed.

Section 2. This act shall take effect upon becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State May 23, 1980.

CHAPTER 80-546

Senate Bill No. 1382

An act relating to Monroe County; amending ss. 3(7), 4(1), 6, 8(4), 9(3), (10), 14(3)(a), 25, 28, and 40 of chapter 76-441, Laws of Florida, as amended, relating to the Florida Keys Aqueduct Authority; changing the definition of "water system"; providing for the selection, operating procedures, and composition of the board of directors; providing for control of the local distribution of water and of the production and supply of water to the Florida Keys; deleting compensation for service on the board; changing the power to execute contracts; deleting the requirement of competitive bidding on sole source and other items; deleting the requirement of a hearing before selling certain assets; granting the Authority certain powers; providing for

the payment of costs from revenue collected; increasing the maximum permissible term for certain loans; removing the 9 percent interest cap on short term loans on money borrowed by the Authority and allowing the prevailing rate; deleting the existing interest rate limit on bonds issued by the Authority; creating s. 47 of chapter 76-441, Laws of Florida; providing for deferral of payments; repealing s. 5, chapter 76-441, Laws of Florida, relating to recall of members of the board; providing an effective date.

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

Section 1. Subsection (7) of section 3 of chapter 76-441, Laws of Florida, is amended to read:

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

(7) "Water system" means any existing or proposed plant, system, facility, or property and additions, extensions, and improvements thereto at any future time constructed or acquired or part thereof, useful or necessary or having the present capacity for future use in connection with the development of or sources, treatment, desalination or purification and distribution of water for public or private domestic--or--industrial use and, without limiting the generality of the foregoing, includes dams, reservoirs, storage tanks, mains, lines, valves, pumping stations, laterals, and pipes for the purpose of carrying water to the premises connected with such system, and all real and personal property and any interests therein, rights, easements, and franchises of any nature whatsoever relating to any such system and necessary or convenient for the operation thereof. It shall embrace wells for supplying water located or to be located on the Florida mainland, including a pipeline or aqueduct from such wells to a point at or near the City of Key West, and shall include the water distribution system acquired by the Authority from the City of Key West, and any interest the Authority may have in and to the water supply system or any part thereof by contract with the Department of the Navy of the United States.

Section 2. Subsection (1) of section 4 of chapter 76-441, Laws of Florida, is amended to read:

Section 4. Board of directors; organization; qualifications; term of office; quorum; annual meeting, report, and minutes.--

(1)(a) Until June 30, 1983, the board of directors of the Florida Keys Aqueduct Authority shall consist of the members of the governing board of the South Florida Water Management District which is authorized and empowered to exercise those powers granted to the Florida Keys Aqueduct Authority. The provisions of ss. 373.196-373.1962, Florida Statutes, shall not limit the exercise of the powers granted hereunder. Within 30 days after the act becomes a law, the Governor shall appoint a resident of Monroe County to serve as a voting member of the Florida Keys Aqueduct Authority board of directors, subject to all rights, privileges, duties and responsibilities of other board members. Such member shall be in addition to the nine regular members of the board of directors. The board shall elect one of its members as chairman and shall choose some suitable person as secretary-treasurer, who may or may not be a

member of the board, and who may be required to execute a bond for the faithful performance of his duties as the board may determine. A majority of the members of the board shall constitute a quorum. No vacancy in the board shall impair the right of a quorum to exercise all the rights and perform all of the duties of the board. All members of the board shall be required to be bonded. Beginning July 1, 1983, the board of directors of the Florida Keys Aqueduct Authority shall be as prescribed in paragraph (b), except that until July 1, 1985, the board established by this paragraph shall have the power and authority to control the production and supply of water to the Florida Keys.

(b) The board of directors of the Florida Keys Aqueduct Authority shall be the governing body of the Authority and shall, subject to the provisions of this act, exercise the powers granted to the Authority under this act. After June 30, 1983, the board of directors shall consist of five members who shall each represent one of five districts which shall be conterminous with the districts of the Board of County Commissioners of Monroe County. Each member of the board of directors shall be a registered elector within Monroe County and shall have been a resident of the district for 6 months prior to the date of his appointment election. The directors shall be appointed by the Governor for terms of four years each, except that any appointment to fill a vacancy shall be for the unexpired portion of the term. Of the members of the board of directors who assume office on July 1, 1983, two shall be appointed for a term of two years each and three shall be appointed for a term of four years each. ~~The members of the board shall be elected by the electors of the county at large as follows: two members, representing districts two and four, shall be elected at the general election to be held in November 1976 and thereafter for terms of 4 years each and three members, representing districts one, three, and five, shall be elected at the general election to be held in November 1978 and thereafter for terms of 4 years each. The terms of members elected as provided in this section shall begin on the Tuesday 2 weeks following the general election.~~ The board shall elect one of its members as chairman and shall also elect one of its members as secretary-treasurer. A majority of the members of the board shall constitute a quorum. No vacancy in the board shall impair the right of a quorum to exercise all the rights and perform all of the duties of the board. All members of the board shall be required to be bonded. ~~The members of the board representing districts two and four on the effective date of this act shall continue in office until succeeded by the members elected in November 1976. The members of the board representing districts one, three, and five on the effective date of this act shall continue in office until succeeded by the members elected in November 1978.~~ Any vacancy occurring on the board shall be filled by appointment by the Governor for the duration of the unexpired term ~~or until the next succeeding general election occurring more than 4 months after the vacancy occurs whichever is the earliest. Any such election shall be to fill the unexpired term.~~

Section 3. Section 5 of chapter 76-441, Laws of Florida, is hereby repealed.

Section 4. Section 6 of chapter 76-441, Laws of Florida, is amended to read:

Section 6. Compensation of the board. ~~Each member shall be entitled to receive for his services a fee of \$250 per month except~~

~~that the chairman shall be entitled to \$300 per month. The secretary treasurer shall also be entitled to \$300 per month. In addition,~~ Each board member shall receive reasonable expenses which shall not be in excess of the amounts provided by law for state and county officials in chapter 112, Florida Statutes.

Section 5. Subsection (4) of section 8 of chapter 76-441, Laws of Florida, is amended to read:

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

(4) Execute all contracts and other documents, adopt all proceedings and perform all acts determined by the board of directors as necessary or advisable to carry out the purposes of this act. The board may authorize the chairman or vice-chairman ~~two or more members of the board~~ to execute contracts and other documents on behalf of the board or the Authority. The board may appoint a person to act as general manager of the Authority having such official title, functions, duties, and powers as the board may prescribe. The general manager shall not be a member of the board.

Section 6. Subsection (10) of section 9 of chapter 76-441, Laws of Florida, and subsection (3) of said section, as amended by chapter 77-604, Laws of Florida, are amended to read:

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

(3) OWNERSHIP AND DISPOSITION OF PROPERTY.--To acquire property, real, personal, or mixed within or without its territorial limits in fee simple or any lesser interest or estate by purchase, gift, devise, or lease on such terms and conditions as the board of directors may deem necessary or desirable and by condemnation (subject to limitations herein below). Except in cases of emergency, or the purchase of sole source items, or when the board determines that delay would be detrimental to the interests of the Authority, no equipment whose purchase price exceeds \$2,000 shall be purchased unless purchased upon competitive bids received. ~~in addition, and subject to such exception, no equipment whose purchase price is more than \$1,000 but less than \$2,000 shall be purchased unless purchased upon receipt of sealed solicited proposals.~~ All provided that the board of directors determines that the use or ownership of such property be necessary in the furtherance of a designated lawful purpose authorized under the provisions of this act. However, the authority may purchase equipment or material without competitive bid, regardless of price, when the manufacturers of such equipment or material refuses to bid on the equipment or material and the board determines that the public interest would be served, and substantial savings would result, if the equipment or material were purchased directly from the manufacturer. In all such cases the board shall enter a record of such purchase in the "Record of Governing Board of Florida Keys Aqueduct Authority." The Authority is specifically excluded from the provisions of s. 253.03(6), Florida Statutes, and has the authority to hold title to property in its own name; to acquire easements or rights-of-way, with or without restrictions, within or without the limits of the Authority. The State of Florida

may convey to the Authority rights-of-way over any of the lands and structures belonging to the State of Florida or any of its agencies for the purpose of constructing, maintaining, supplying, establishing, and regulating the works and projects involved in the water supply and distribution systems authorized by this act. To mortgage, hold, manage, control, convey, lease, sell, grant, or otherwise dispose of the same and any of the assets and properties of the Authority without regard to chapter 273, Florida Statutes, ~~provided,--however,--such--sales--and--grants--of--land--buildings--or--materials--with--a--value--in--excess--of--\$27,000--are--determined--to--be--in--the--public--interest--after--a--public--hearing.~~

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

Section 7. Paragraph (a) of subsection (3) of section 14 of chapter 76-441, Laws of Florida, is amended to read:

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

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

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

Section 8. Section 25 of chapter 76-441, Laws of Florida, is amended to read:

~~Section 25. Short term borrowing.--The Authority at any time may obtain loans in such amount and on such terms and conditions as the board of directors may approve for the purpose of paying any of the expenses of the Authority or any costs incurred or that may be incurred in connection with any of the projects of the Authority, which loan shall have a term not exceeding 3 2 years from the date of issuance thereof and may be renewable for a like term or terms, shall bear interest not in excess of the prevailing rate available for loans of similar terms and amounts at commercial lending institutions licensed by the Federal Government or the State, 9--percent, may be payable from and secured by a pledge of such funds, revenues, and assessments as the board of directors may determine. For the purpose of defraying such costs and expenses the Authority may issue negotiable notes, warrants, and other evidences of debts signed on behalf of the Authority by any one of the board of directors to be authorized by the board.~~

Section 9. Section 28 of chapter 76-441, Laws of Florida, is amended to read:

Section 28. Authorization and form of bonds.--Bonds may be authorized by resolution of the board of directors which shall be

adopted by a majority of all members thereof then in office, subject to approval of a majority of the electors of Monroe County voting in a referendum election called by the board of directors. However, no such election shall be required for the approval of the issuance of any revenue bond to finance any emergency repair of any equipment or machinery owned or operated by the Authority if such issuance is approved by a majority of the bond trustees. If the board holds a special election for approval of a bond resolution instead of placing the issue before the electors at a regularly scheduled primary or general election, the board of directors shall pay the cost of the election out of the funds of the Authority. Such resolutions may be adopted at the meeting subsequent to and not at the same meeting at which they are introduced and need not be published or posted. The board may by resolution authorize the issuance of bonds, fix the aggregate amount of bonds to be issued, the purpose or purposes for which the moneys derived therefrom shall be expended, the rate or rates of interest, ~~which rate shall not exceed 1 percent above the rate authorized by chapter 69-1739, Laws of Florida, for similar bonds,~~ the denomination of bonds, whether or not the bonds are to be issued in one or more series, the date or dates thereof, the date or dates of maturity, which shall not exceed 40 years from their respective dates of issuance, the medium of payment, place or places within or without the state where payment shall be made, registration privileges, redemption terms and privileges (whether within or without premium), the manner of execution, the form of the bonds, including any interest coupons to be attached thereto, the manner of execution of bonds and coupons, and any and all other terms, covenants and conditions thereof, and the establishment of reserve or other funds.

Section 10. Section 40 of chapter 76-441, Laws of Florida, is amended to read:

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

Section 11. Section 47 of chapter 76-441, Laws of Florida, is created to read:

Section 47. Deferral of pipeline payments.--The provisions of that certain contract between the Authority and the Department of Transportation, originally dated March 19, 1979 and as modified on August 15, 1979, which calls for payments to be made by the Authority to the Department of Transportation for increasing the size of the water transport pipeline, is hereby modified to allow for the deferral of all payments currently due and owing or which will become due and owing until a certification is issued that the water pipeline is complete and functional. At the time the pipeline is validly certified and operational, all sums that are due under the aforesaid

contract will be immediately due and payable to the Department of Transportation.

Section 12. This act shall take effect upon becoming a law.

Approved by the Governor June 11, 1980.

Filed in Office Secretary of State June 12, 1980.

CHAPTER 80-547

House Bill No. 452

An act relating to Monroe County; approving certain special restaurant beverage licenses issued in the county and exempting them from suspension, revocation, or denial of renewal or transfer for failure to comply with certain space requirements provided by general law; entitling persons holding such licenses to change location without payment of any fee; providing an effective date.

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

Section 1. Any special restaurant license, including any renewal or transfer thereof, for the sale of intoxicating beverage in Monroe County, at a location within 25 feet of the right-of-way of U.S. Highway 1, which was issued pursuant to s. 561.20(2), Florida Statutes, prior to January 1, 1950, and which has been renewed yearly is hereby validated, approved, and confirmed. On or after the effective date of this act, the failure of any place of business licensed under any such special restaurant license to conform to the provisions of s. 561.20(2), Florida Statutes, with respect to accommodations at tables and floor space occupied, shall not constitute grounds for the revocation or suspension or the denial of renewal or transfer of the license.

Section 2. The holder of any special restaurant license specified in section 1 shall be permitted to move to a new location pursuant to the provisions of s. 561.33, Florida Statutes.

Section 3. This act shall take effect upon becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State June 19, 1980.

CHAPTER 80-548

House Bill No. 758

An act relating to Monroe County; declaring legislative intent to remedy existing inequity in s. 112.061, Florida Statutes; providing for reimbursement of travel expenses of school board members for travel out of the member's residence area incurred for a public purpose; providing that mileage allowance, when authorized,

CHAPTER 83-468

Senate Bill No. 612

An act relating to Monroe County; amending subsection (1) of section 4 of chapter 76-441, Laws of Florida, as amended, to provide for continuance of the governing board of the South Florida Water Management District as the board of directors of the Florida Keys Aqueduct Authority until December 31, 1984 (rather than until June 30, 1983), at which time the operation shall be transferred to a local board in Monroe County appointed by the Governor; providing an effective date.

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

Section 1. Subsection (1) of section 4 of chapter 76-441, Laws of Florida, as amended by chapter 80-546, Laws of Florida, is amended to read:

Section 4. Board of directors; organization; qualifications; term of office; quorum; annual meeting, report, and minutes.--

(1)(a) Until December 31, 1984, the board of directors of the Florida Keys Aqueduct Authority shall consist of the members of the governing board of the South Florida Water Management District which is authorized and empowered to exercise those powers granted to the Florida Keys Aqueduct Authority. The provisions of ss. 373.196-373.1962, Florida Statutes, shall not limit the exercise of the powers granted hereunder. Within 30 days after the act becomes a law, the Governor shall appoint a resident of Monroe County to serve as a voting member of the Florida Keys Aqueduct Authority board of directors, subject to all rights, privileges, duties and responsibilities of other board members. Such member shall be in addition to the nine regular members of the board of directors. The board shall elect one of its members as chairman and shall choose some suitable person as secretary-treasurer, who may or may not be a member of the board, and who may be required to execute a bond for the faithful performance of his duties as the board may determine. A majority of the members of the board shall constitute a quorum. No vacancy in the board shall impair the right of a quorum to exercise all the rights and perform all of the duties of the board. All members of the board shall be required to be bonded. Beginning December 31, 1984, the board of directors of the Florida Keys Aqueduct Authority shall be as prescribed in paragraph (b).

(b) The board of directors of the Florida Keys Aqueduct Authority shall be the governing body of the authority and shall, subject to the provisions of this act, exercise the powers granted to the authority under this act. After December 31, 1984, the board of directors shall consist of five members who shall each represent one of five districts which shall be coterminous with the districts of the Board of County Commissioners of Monroe County. Each member of the board of directors shall be a registered elector within Monroe County and shall have been a resident of the district for 6 months prior to the date of his appointment. The directors shall be appointed by the Governor for terms of 4 years each, except that any appointment to fill a vacancy shall be for the unexpired portion of the term. Of the members of the board of directors who assume office on December 31, 1984, two shall be appointed for a term of 2 years each and three shall be appointed for a term of 4 years each. The

board shall elect one of its members as chairman and shall also elect one of its members as secretary-treasurer. A majority of the members of the board shall constitute a quorum. No vacancy in the board shall impair the right of a quorum to exercise all the rights and perform all of the duties of the board. All members of the board shall be required to be bonded. Any vacancy occurring on the board shall be filled by appointment by the Governor for the duration of the unexpired term.

Section 2. The Aqueduct Authority Board, as constituted herein, and any successor agency or board may adopt rules necessary to meet environmental requirements imposed by federal agencies as a condition of funding. Rules adopted by the Aqueduct Authority prior to effective date of this act, contained in Part 7 of the Rules of the Florida Keys Aqueduct Authority are hereby affirmed as a valid exercise of delegated legislative authority.

Section 3. This act shall take effect upon becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State May 18, 1983.

CHAPTER 83-469

House Bill No. 702

An act relating to Monroe County; amending section 14 of chapter 67-1726, Laws of Florida, as amended, authorizing the board of commissioners of the Mosquito Control District to purchase property or equipment without formal bids in an amount not exceeding \$4,000; providing an effective date.

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

Section 1. Section 14 of chapter 67-1726, Laws of Florida, as amended by chapter 76-440, Laws of Florida, is amended to read:

Section 14. Director; advertisement of contracts.--All work done under the provisions of this act, both in construction and maintenance, shall be carried on under the supervision of a competent entomologist, or person qualified under the provisions of chapter 388, Florida Statutes, to be employed by the board. The board may contract, purchase property or equipment without formal bids in any amount not to exceed \$4,000. All contracts or purchases in excess of \$4,000 shall be by competitive, sealed bids, after advertisement, pursuant to rules and regulations established by the board.

Section 2. This act shall take effect upon becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State May 13, 1983.

within the district, or issue or obtain construction plan approval for new mobile home developments located within the district, until the developer thereof shall have paid the applicable impact fee to the district as follows: Each new residential dwelling unit, \$100; new commercial or industrial structures, \$200 up to 5,000 square feet and \$.05 per square foot for structures over 5,000 square feet; new mobile home developments, \$25 per lot or permitted space.

(3) The impact fees collected by the district pursuant to this section shall be kept as a separate fund from other revenues of the district and shall be used exclusively for the acquisition, purchase, or construction of new facilities or portions thereof required to provide fire protection and emergency service to new construction. "New facilities" shall mean buildings and capital equipment, including, but not limited to, fire and emergency vehicles and radio-telemetry equipment. Said fees shall not be used for the acquisition, purchase, or construction of facilities which must be obtained in any event, regardless of growth within the district. The board of commissioners shall maintain adequate records to insure that impact fees are expended only for permissible new facilities.

(4) The board of commissioners is authorized to pay a reasonable fee to any outside agency for the collection of the impact fees. This collection fee will be deducted from the amount of the impact fees collected.

Section 3. This act shall take effect upon becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State June 14, 1984.

CHAPTER 84-483

Senate Bill No. 512

An act relating to Monroe County; amending section 9(3) of chapter 76-441, Laws of Florida, as amended, relating to the Florida Keys Aqueduct Authority; increasing the ceiling above which contracts for the purchase of equipment by the authority must be competitively bid; providing an effective date.

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

Section 1. Subsection (3) of section 9 of chapter 76-441, Laws of Florida, as amended by chapters 77-604 and 80-546, Laws of Florida, is amended to read:

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

(3) OWNERSHIP AND DISPOSITION OF PROPERTY.--To acquire property, real, personal, or mixed within or without its territorial limits in fee simple or any lesser interest or estate by purchase, gift, devise, or lease on such terms and conditions as the board of directors may deem necessary or desirable and by condemnation (subject to limitations herein below). Except in cases of emergency,

or the purchase of sole source items, or when the board determines that delay would be detrimental to the interests of the Authority, no equipment whose purchase price exceeds \$5,000 ~~\$2,000~~ shall be purchased unless purchased upon competitive bids received. All provided that the board of directors determines that the use or ownership of such property be necessary in the furtherance of a designated lawful purpose authorized under the provisions of this act. However, the authority may purchase equipment or material without competitive bid, regardless of price, when the manufacturers of such equipment or material refuses to bid on the equipment or material and the board determines that the public interest would be served, and substantial savings would result, if the equipment or material were purchased directly from the manufacturer. In all such cases the board shall enter a record of such purchase in the "Record of Governing Board of Florida Keys Aqueduct Authority." The Authority is specifically excluded from the provisions of s. 253.03(6), Florida Statutes, and has the authority to hold title to property in its own name; to acquire easements or rights-of-way, with or without restrictions, within or without the limits of the Authority. The State of Florida may convey to the Authority rights-of-way over any of the lands and structures belonging to the State of Florida or any of its agencies for the purpose of constructing, maintaining, supplying, establishing, and regulating the works and projects involved in the water supply and distribution systems authorized by this act. To mortgage, hold, manage, control, convey, lease, sell, grant, or otherwise dispose of the same and any of the assets and properties of the Authority without regard to chapter 273, Florida Statutes.

Section 2. This act shall take effect upon becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State May 30, 1984.

CHAPTER 84-484

Senate Bill No. 513

An act relating to Monroe County; amending s. 47 of chapter 76-441, Laws of Florida; providing that certain sums due from the Florida Keys Aqueduct Authority to the Department of Transportation for increasing the size of the water transport pipeline shall be paid in 10 equal annual installments; amending subsection (1) of section 4 of chapter 76-441, Laws of Florida, as amended, to provide for a one and one-half year transition of the governance of the Florida Keys Aqueduct Authority from governance by the governing board of the South Florida Water Management District and one Monroe County resident, to a local board consisting of five members; providing for a transition board consisting of nine members: five regular members, all residents of Monroe County appointed by the Governor, and four transition members appointed by the Governor from the governing board of the South Florida Water Management District; providing for the transfer of operation to a local board after June 30, 1986, (rather than after December 31, 1984, without a

transition period); providing for a referendum; providing an effective date.

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

Section 1. Section 47 of chapter 76-441, Laws of Florida, as created by chapter 80-546, Laws of Florida, is amended to read:

Section 47. Deferral of pipeline payments.--The provisions of that certain contract between the Authority and the Department of Transportation, originally dated March 19, 1979 and as modified on August 15, 1979, which calls for payments to be made by the Authority to the Department of Transportation for increasing the size of the water transport pipeline, is hereby modified to allow for the deferral of all payments currently due and owing or which will become due and owing until a certification is issued that the water pipeline is complete and functional. At the time the pipeline is validly certified and operational, one-tenth of the sum due under the aforesaid contract will be immediately due and payable to the Department of Transportation, and the remainder shall be paid in equal annual installments during the following 9 years.

Section 2. Subsection (1) of Section 4 of Chapter 76-441, Laws of Florida, as amended by Chapters 80-546, and 83-468, Laws of Florida, is amended to read:

Section 4. Board of directors; organization; qualifications; term of office; quorum; annual meeting, report, and minutes.--

(1)(a) Until December 31, 1984, the board of directors of the Florida Keys Aqueduct Authority shall consist of the members of the governing board of the South Florida Water Management District which is authorized and empowered to exercise those powers granted to the Florida Keys Aqueduct Authority. The provisions of ss. 373.196-373.1962, Florida Statutes shall not limit the exercise of the powers granted hereunder. Within 30 days after the act becomes a law, the Governor shall appoint a resident of Monroe County to serve as a voting member of the Florida Keys Aqueduct Authority board of directors, subject to all rights, privileges, duties and responsibilities of other board members. Such member shall be in addition to the nine regular members of the board of directors. The board shall elect one of its members as chairman and shall choose some suitable person as secretary-treasurer, who may or may not be a member of the board, and who may be required to execute a bond for the faithful performance of his duties as the board may determine. A majority of the members of the board shall constitute a quorum. No vacancy in the board shall impair the right of a quorum to exercise all the rights and perform all of the duties of the board. All members of the board shall be required to be bonded. Beginning December 31, 1984, the board of directors of the Florida Keys Aqueduct Authority shall be as prescribed in paragraphs (b) and (c).

(b) The board of directors of the Florida Keys Aqueduct Authority shall be the governing body of the authority and shall, subject to the provisions of this act, exercise the powers granted to the authority under this act. Beginning After December 31, 1984, the board of directors shall consist of nine members: four members of the South Florida Water Management District, appointed by the Governor as transition members of the governing body of the authority, and five regular members who shall each represent one of five districts which shall be coterminous with the districts of the

Board of County Commissioners of Monroe County. Each regular member of the board of directors shall be a registered elector within Monroe County and shall have been a resident of the district for 6 months prior to the date of his appointment. The regular members directors shall be appointed by the Governor for terms of 4 years each and the transition members shall be appointed by the Governor for terms of one and one-half years each, except that any appointment to fill a vacancy shall be for the unexpired portion of the term. Of the regular members of the board of directors who assume office on December 31, 1984, two shall be appointed for a term of 2 years each and three shall be appointed for a term of 4 years each. The board shall elect any one of its members as chairman and shall also elect any one of its members as secretary-treasurer. A majority of the members of the board shall constitute a quorum. No vacancy in the board shall impair the right of a quorum to exercise all the rights and perform all of the duties of the board. All members of the board shall be required to be bonded. Any vacancy occurring on the board shall be filled by appointment by the Governor for the duration of the unexpired term. The four transition members shall be voting members of the board, subject to all rights, privileges, duties and responsibilities of board membership.

(c) Beginning July 1, 1986, the board of directors shall consist solely of the five regular members appointed by the Governor as provided in paragraph (b) of this subsection.

Section 3. This act shall take effect upon becoming a law, except that section 2 of this act shall take effect only upon its approval by a majority vote of those qualified electors of Monroe County voting in a referendum to be held by the Board of County Commissioners of Monroe County in conjunction with the first primary election on September 4, 1984, in accordance with the provisions of law relating to elections currently in force in Monroe County.

Became a law without the Governor's approval.

Filed in Office Secretary of State June 29, 1984.

CHAPTER 84-485

Senate Bill No. 1098

An act relating to Nassau County; relating to net fishing in said county; amending section 9 of chapter 83-472, Laws of Florida, providing an exemption for the catching of shad; providing an effective date.

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

Section 1. Section 9 of chapter 83-472, Laws of Florida, is amended to read:

Section 9. The provisions of this act shall not apply to the use of cast nets in the inland waters of Nassau County nor to the catching of minnows for bait, ~~er-to~~ the catching of shrimp or prawn or to the catching of shad.

Section 2. This act shall take effect upon becoming a law.

Chapter 80-456, Laws of Florida: Providing a \$5 per acre limitation tax levy cap.

Chapter 81-344, Laws of Florida: Deleting the expiration date of Chapter 80-456, Laws of Florida.

Section 32. When any reference herein is made to any gender, such reference shall be deemed to include either masculine, feminine, or neuter, as appropriate, and any reference herein to any number shall be deemed to include both singular and plural where the context of this act shall permit or require.

Section 33. The present Board of Supervisors of the Melbourne-Tillman Water Control District shall establish a proposed budget to be submitted, within 30 days after the effective date of this section, to the Brevard County Commission to provide the initial operating expenses until such time as the District receives revenue from user fees, taxes, or special assessments as provided in this act. The initial proposed budget shall be modified or approved by the Brevard County Commission in the manner in which the annual County budget is approved by the Board of County Commissioners of Brevard County.

Section 34. This act shall take effect October 1, 1986, except that this section and section 33 shall take effect upon becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State July 14, 1986.

CHAPTER 86-419

House Bill No. 1020

An act relating to Monroe County; amending section 10 of chapter 76-441, Laws of Florida; providing that the Florida Keys Aqueduct Authority shall be considered a unit of government with jurisdiction in only one county for the purposes of compliance with ch. 120, F.S., the Administrative Procedure Act; providing an effective date.

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

Section 1. Section 10 of chapter 76-441, Laws of Florida, is amended to read:

Section 10. Rules.--The board shall adopt bylaws, rules, resolutions, regulations, and orders prescribing the powers, duties, and functions of the members of the board and employees of the Authority; the conduct of the business of the Authority; the maintenance of records of the Authority, and shall adopt administrative rules and regulations with respect to any of the projects of the Authority. All such bylaws, rules, resolutions, regulations, orders and administrative rules shall be adopted pursuant to the provisions of chapter 120, Florida Statutes. For purposes of compliance with chapter 120, Florida Statutes, the

Authority shall be considered a unit of government with jurisdiction in only one county.

Section 2. This act shall take effect upon becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State July 14, 1986.

CHAPTER 86-420

House Bill No. 1028

An act relating to the Englewood Water District in Charlotte and Sarasota Counties; amending section 1 of chapter 59-931, Laws of Florida, as amended, enlarging the area of the Englewood Water District; providing for a referendum; amending section 3 of chapter 59-931, Laws of Florida, as amended; providing that all terms of office for supervisors shall commence on the 1st day of January following the annual election; deleting holdover provisions for members' terms; providing for the appointment of a supervisor by a majority vote of the supervisors to fill terms of office not otherwise filled at the annual election; providing for local qualification of candidates; providing that terms commencing prior to the effective date of this act shall be continued until January 1st following the original term; providing compensation to board members in an annual amount of \$1,000 each; deleting provisions requiring the treasurer to be a non-board member; adding section 35 to chapter 59-931, Laws of Florida, as amended; providing for a recall petition for the removal of any member of the board of supervisors by the electors of the district; providing grounds for the removal of elected district supervisors; providing for a recall election; providing for the filling of vacancies by special elections; providing for the filling of vacancies caused by resignation from office prior to the recall election; determining when a recall petition may be filed; providing a penalty for offenses relating to recall petitions; adding section 36 to chapter 59-931, as amended; providing a penalty for violation of any lawful rule, regulation, resolution or order of the Englewood Water District; providing that each violation thereof shall be a separate offense; providing an effective date.

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

Section 1. Section 1-B is added to chapter 59-931, Laws of Florida, as amended by chapter 69-710, Laws of Florida, to read:

Section 1-B. There is hereby added to the area of the Englewood Water District heretofore created, the following described areas of Sarasota County, said areas being more particularly described as follows:

Section 8, Township 40 South, Range 19 East, and that part of Sections 4 and 5, Township 40 South, Range 19

~~in both Precincts 25 and 26, this act shall not take effect. If approved by the electorate, including that in Precincts 25 and 26, section 3, section 9(2), and section 9(3) shall take effect upon certification of the election results by the Monroe County Supervisor of Elections.~~

~~(2) The remainder of this act shall take effect upon becoming a law.~~

Section 3. This act shall take effect upon becoming a law.

Became a law without the Governor's approval May 23, 1998.

Filed in Office Secretary of State May 22, 1998.

CHAPTER 98-519

House Bill No. 4349

An act relating to Monroe County; amending chapter 76-441, Laws of Florida, as amended, relating to the Florida Keys Aqueduct Authority; providing for certain matters regarding the construction, acquisition, and maintaining of a wastewater system for the collection, treatment, and disposal of wastewater in Monroe County; providing for certain matters with respect to the purchase of property by the Florida Keys Aqueduct Authority; providing for notification to the public of the availability of the Florida Keys Aqueduct Authority's annual audit; amending certain provisions relating to the issuance of bonds; providing an effective date.

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

Section 1. Section 1 of chapter 76-441, Laws of Florida, as amended by chapter 77-605, Laws of Florida, is amended to read:

Section 1. Creation of Authority; boundaries defined.—As of September 15, 1976, the Florida Keys Aqueduct Authority, an independent special district, was is recreated and thereafter was shall be the successor agency to the Florida Keys Aqueduct Authority which was is abolished by chapter 76-441, Laws of Florida this act. The Florida Keys Aqueduct Authority is not being recreated by this act or for purposes of s. 189.404, Florida Statutes. The primary purpose and function of this Authority shall be to obtain, supply, and distribute an adequate water supply for the Florida Keys and to collect, treat, and dispose of wastewater in the Florida Keys. The geographic jurisdiction of the Authority shall be as provided in this act. The Florida Keys Aqueduct Authority shall be an autonomous public body corporate and politic and have perpetual existence. All lawful debts, bonds, obligations, contracts, franchises, promissory notes, audits, minutes, resolutions, and other undertakings of the Florida Keys Aqueduct Authority are hereby validated and shall continue to be valid and binding on the Florida Keys Aqueduct Authority in accordance with their respective terms, condi-

tions, covenants, and tenor. Any proceedings heretofore begun by the Florida Keys Aqueduct Authority for the construction of any improvements, works, or facilities; for the assessment of benefits and damages or for the borrowing of money shall not be impaired or voided by this act but may be continued and completed in the name of the Florida Keys Aqueduct Authority. The Authority shall include within its territorial boundaries all of the lands within Monroe County, but may procure water outside its boundaries for sale within said boundaries, and may serve customers residing within 1 mile of its pipeline, from its well field at Florida City in Dade County to the territorial boundary of the Authority.

Section 2. Subsection (8) of section 3 of chapter 76-441, Laws of Florida, is amended to read:

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

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

Section 3. Section 6 of chapter 76-441, Laws of Florida, as amended by chapter 80-546, Laws of Florida, is amended to read:

Section 6. Compensation of the board.—Each member shall be entitled to receive for such services a fee of \$300 per meeting, not to exceed 3 meetings per month. In addition, each board member shall receive reasonable expenses which shall not be in excess of the amounts provided by law for state and county officials in chapter 112, Florida Statutes. The compensation amount for the members of the board provided for in this section shall be adjusted annually based upon the index provided for pursuant to s. 287.017(2), Florida Statutes.

Section 4. Subsection (1) of section 7 of chapter 76-441, Laws of Florida, is amended to read:

Section 7. Bonds; depositories; fiscal agent; budget.—

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

Section 5. Subsection (3) of section 9 of chapter 76-441, Laws of Florida, as amended by chapters 77-604, 80-546, and 84-483, Laws of Florida, is amended to read:

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

(3) OWNERSHIP AND DISTRIBUTION OF PROPERTY.—To acquire property, real, personal, or mixed within or without its territorial limits in fee simple or any lesser interest or estate by purchase, gift, devise, or lease on such terms and conditions as the board of directors may deem necessary or desirable and by condemnation (subject to limitations herein below). The Authority shall provide information and assistance to Monroe County for use in preparing its comprehensive plan with respect to the availability of water and wastewater facilities. Except in cases of emergency, or the purchase of sole source items, or when the board determines that delay would be detrimental to the interests of the Authority, no equipment shall be purchased in accordance with part I of chapter 287, Florida Statutes whose purchase price exceeds \$5,000 shall be purchased unless purchased upon competitive bids received. All provided that the board of directors determines that the use or ownership of such property be necessary in the furtherance of a designated lawful purpose authorized under the provisions of this act. However, the authority may purchase equipment or material without competitive bid, regardless of price, when the manufacturer ~~manufacturers~~ of such equipment or material refuses to bid on the equipment or material and the board determines that the public interest would be served, and substantial savings would result, if the equipment or material were purchased directly from the manufacturer. In all such cases the board shall enter a record of such purchase in the "Record of Governing Board of Florida Keys Aqueduct Authority." The Authority is specifically excluded from the provisions of s. 253.03(6), Florida Statutes, and has the authority to hold title to property in its own name; to acquire easements or rights-of-way, with or without restrictions, within or without the limits of the Authority. The State of Florida may convey to the Authority rights-of-way over any of the lands and structures belonging to the State of Florida or any of its agencies for the purpose of constructing, maintaining, supplying, establishing, and regulating the works and projects involved in the wastewater system or the water supply and distribution systems authorized by this act. To mortgage, hold, manage, control, convey, lease, sell, grant, or otherwise dispose of the same and any of the assets and properties of the Authority without regard to chapter 273, Florida Statutes.

Section 6. Paragraphs (k), (l), (m), (n), (o), and (p) are added to subsection (9) of section 9 of chapter 76-441, Laws of Florida, to read:

Section 9. Powers of the Authority.—In addition and not in limitation of the powers of the Authority, it shall have the following powers:

(9)

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

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

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

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

(o) Neither Monroe County, nor any municipality or special district therein, shall exercise any present or future power, pursuant to law, to interfere with the Authority's jurisdiction and operation of the wastewater system in such a manner as to impair or adversely affect the covenants and

obligations of the Authority under agreement relating to its bonds or other debts.

(p) The Authority shall have exclusive jurisdiction over the administration, maintenance, development, and provision of wastewater system services in Monroe County, with the exception of the City of Key West, the City of Key Colony Beach, the City of Layton, and Islamorada, Village of Islands, unless such incorporated areas shall choose to grant the Authority such jurisdiction, and the Authority's wastewater system authorized hereunder shall be the exclusive provider of wastewater system services and no franchise or grant of power to any other entity or provider shall be lawful unless preapproved by the Authority. The Authority shall have the power to regulate the use of, including prohibiting the use of or mandating the use of, specific types of wastewater facilities and, notwithstanding any other provisions hereof, shall be authorized to prescribe the specific type of wastewater treatment facility or measures required to be utilized within the boundaries of the Authority, including, but not limited to, the mandatory hookup to specific wastewater treatment plants, in order to manage effluent disposal and wastewater matters.

Section 7. Section 17 of chapter 76-441, Laws of Florida, is amended to read:

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

Section 8. Section 28 of chapter 76-441, Laws of Florida, as amended by chapter 80-546, Laws of Florida, is amended to read:

Section 28. Authorization and form of bonds.—~~Bonds may be authorized by resolution of the board of directors which shall be adopted by a majority of all members thereof then in office, subject to approval of a majority of the electors of Monroe County voting in a referendum election called by the board of directors. However, no such election shall be required for the approval of the issuance of any revenue bond to finance any emergency repair of any equipment or machinery owned or operated by the Authority if such issuance is approved by a majority of the bond trustees. If the board holds a special election for approval of a bond resolution instead of placing the issue before the electors at a regularly scheduled primary or general election, the board of directors shall pay the cost of the election out of funds of the Authority. Such resolutions may be adopted at the meeting subsequent~~

~~to and not at the same meeting at which they are introduced and need not be published or posted.~~ The board may by resolution authorize the issuance of bonds on either a negotiated or competitive bid basis, fix the aggregate amount of bonds to be issued, the purpose or purposes for which the moneys derived therefrom shall be expended, the rate or rates of interest. The denomination of bonds, whether or not the bonds are to be issued in one or more series, the date or dates thereof, the date or dates of maturity, which shall not exceed 40 years from their respective dates of issuance, the medium of payment, place or places within or without the state where payment shall be made, registration, privileges, ~~redemption terms and privileges~~ (whether with or without premium), the manner of execution, the form of the bonds, including any interest coupons to be attached thereto, the manner of execution of bonds and coupons, and any and all other terms, covenants and conditions thereof, and the establishment of reserve or other funds. Prior to the issuance of bonds by the Authority to finance wastewater projects, approval by majority vote of the Board of County Commissioners of Monroe County of the Authority's ongoing right and power to issue bonds shall be received (the "County Approval"). Once the County Approval of the Authority's ongoing right and power to issue bonds has been received, the Authority shall thereafter have such right to issue bonds for its projects and to make any and all determinations relating to such bond issues.

Section 9. This act shall take effect upon becoming a law.

Became a law without the Governor's approval May 23, 1998.

Filed in Office Secretary of State May 22, 1998.

CHAPTER 98-520

House Bill No. 4391

An act relating to the City of Punta Gorda, Charlotte County; prohibiting the taking of saltwater fish, except by hook and line, from within any manmade saltwater canal in the City of Punta Gorda; providing a penalty; providing an effective date

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

Section 1. It is unlawful for any person to take or attempt to take any saltwater fish, except by hook and line, from within any manmade saltwater canal located in the City of Punta Gorda.

Section 2. The violation of the provisions of section 1. is declared to be a criminal offense and misdemeanor of the second degree within the meaning of sections 775.08 and 775.081, Florida Statutes, and shall be punishable as provided by general law.

Section 3. This act shall take effect upon becoming a law.

CHAPTER 2003-327

House Bill No. 431

An act relating to Monroe County; amending chapter 76-441, Laws of Florida, as amended by chapter 87-454, Laws of Florida; extending the period within which any person who is 60 years of age or older or a totally and permanently disabled American veteran meeting low income standards may apply for a special lower rate, fee, rental, or other charge; providing an effective date.

WHEREAS, the Florida Keys Aqueduct Authority is authorized to provide a "senior citizens' discount program" pursuant to section 14 of chapter 76-441, Laws of Florida, as amended, and currently takes applications therefor between January and March and the FCAA desires to extend the application period for such program throughout the entire year, NOW, THEREFORE,

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

Section 1. Subsection (2) of section 14 of chapter 76-441, Laws of Florida, as amended by chapter 87-454, Laws of Florida, is amended to read:

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

(2) Such rates, fees, rentals, and charges shall be just and equitable and, except as provided herein, uniform for users of the same class and, where appropriate, may be based or computed either upon the amount of service furnished or upon the number or average number of persons working or residing or working or otherwise occupying the premises served or upon any other factor affecting the use of the facilities furnished, or upon any combination of the foregoing factors as may be determined by the board of directors on an equitable basis. The Authority may prescribe, fix, and establish a special lower rate, fee, rental, or other charge on the residential account of any person who is 60 years of age or older or a totally and permanently disabled American veteran on the date of application, who meets the low income standards adopted by the board and who applies for such special lower rate, fee, rental, or other charge between the months of January and ~~December~~ March, inclusive, of each year. As used in this section "residential account" means an account for a person residing in a house, mobile home, condominium, apartment, or other housing unit. The application shall include the submission of an affidavit stating that the applicant is 60 years of age or older or a totally and permanently disabled American veteran. The submission of the affidavit shall be prima facie evidence of the applicant's age or disability. The application shall also include the annual income of the applicant. The Authority may waive, in whole or in part, any impact fees or charges for any governmental entity; any charitable, educational, religious, or similar organization exempt from taxation under the provisions of the U.S. Internal Revenue Code; any person or entity exempt from ad valorem property taxes under the laws of this state; or housing defined as affordable by chapter 86-192, Laws of Florida, or the rules adopted thereunder, the cost

parameters of which may be adjusted by the ratio of the Monroe County cost of living index to the Florida average cost of living index.

Section 2. This act shall take effect upon becoming a law.

Approved by the Governor June 10, 2003.

Filed in Office Secretary of State June 10, 2003.

CHAPTER 2003-304

Senate Bill No. 2890

An act relating to Monroe County; amending chapter 76-441, Laws of Florida, as amended; providing for the exemption of the Florida Keys Aqueduct Authority from the provisions of chapter 120, Florida Statutes, the Administrative Procedure Act; deleting reference to chapter 120, Florida Statutes, from the law relating to the Authority; providing for public hearings under certain circumstances; providing an effective date.

WHEREAS, the Florida Keys Aqueduct Authority was created in chapter 76-441, Laws of Florida, as amended, and

WHEREAS, the Florida Keys Aqueduct Authority's stated primary purpose and function is to obtain, supply, and distribute an adequate water supply for the Florida Keys and to collect, treat, and dispose of wastewater in the Florida Keys in accordance with the Department of Health and the Department of Environmental Protection, and

WHEREAS, the authority has exclusive jurisdiction over the administration, maintenance, development, and provision of wastewater system services in Monroe County with the exception of the City of Key West, the City of Key Colony Beach, the City of Layton, Islamorada, Village of Islands, and Key Largo Wastewater Treatment District, and

WHEREAS, for the benefit of the inhabitants of Monroe County and as a result of substantial encouragement from state and county governmental authorities, the Authority is developing and plans to own, operate, and maintain a wastewater system for the collection, transmission, treatment, storage, and disposal of wastewater as provided in chapter 76-441, Laws of Florida, as amended, in order to ensure compliance with state wastewater effluent standards for water quality issues in the Florida Keys, high quality of life for its citizens, and the continued viability of the area for tourism, and

WHEREAS, the provisions of the Administrative Procedure Act, as applicable to the Florida Keys Aqueduct Authority, are financially burdensome to water and wastewater rate payers, unnecessarily time consuming, and significantly prohibitive to the Authority in meeting the state mandates in a timely fashion, and

WHEREAS, the Administrative Procedure Act is normally not applicable to single county special districts, NOW, THEREFORE,

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

Section 1. Section 2, paragraph (a) of subsection 9 of section 9, section 10, and subsection (4) of section 14 of chapter 76-441, Laws of Florida, as amended, are amended to read:

Section 2. Applicability of certain provisions of Florida law to the Florida Keys Aqueduct Authority.—Except as specifically provided herein, the provisions of this act shall control over the provisions of any other special or

general law. Decisions made by the Florida Keys Aqueduct Authority shall not be subject to the Administrative Procedure Act, chapter 120, Florida Statutes.

Section 9. Powers of the Authority.—In addition and not in limitation of the powers of the Authority, it shall have the following powers:

(9)(a) SEWER SYSTEM.—To purchase, construct, and otherwise acquire and to improve, extend, enlarge, and reconstruct a sewage disposal system or systems and to purchase and/or construct or reconstruct sewer improvements and to operate, manage, and control all such systems so purchased and/or constructed and all properties pertaining thereto and to furnish and supply sewage collection and disposal services to any municipalities and any persons, firms, or corporations, public or private; to prohibit or regulate the use and maintenance of outhouses, privies, septic tanks, or other sanitary structures or appliances within the Authority boundaries, provided that prior to prohibiting the use of any such facilities adequate new facilities must be available; to prescribe methods of pretreatment of waste not amenable to treatment, to refuse to accept such waste when not sufficiently pretreated as may be prescribed and to prescribe penalties for the refusal of any person or corporation to so pretreat such waste; to sell or otherwise dispose of the effluent, sludge, or other by-products as a result of sewage treatment and to construct and operate connecting or intercepting outlets, sewers and sewer mains and pipes and water mains, conduits, or pipelines in, along, or under any street, alley, highways, within or without the Authority boundaries when deemed necessary or desirable by the board of directors in accomplishing the purposes of this act, with the consent of the agency owning or controlling same. All such regulation herein authorized shall comply with the standards and regulations pertaining to same as promulgated by the Department of Health and Rehabilitative Services and by the Department of Environmental Protection Regulation and be adopted pursuant to chapter 120, Florida Statutes.

Section 10. Rules.—Upon reasonable advance notice to the public and an opportunity for all persons to be heard on the matter, the board shall adopt bylaws, rules, resolutions, regulations, and orders prescribing the powers, duties, and functions of the members of the board and employees of the Authority; the conduct of the business of the Authority; the maintenance of records of the Authority, and shall adopt administrative rules and regulations with respect to any of the projects of the Authority. ~~All such bylaws, rules, resolutions, regulations, orders and administrative rules shall be adopted pursuant to the provisions of chapter 120, Florida Statutes.~~

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

(4) No rate, fee, rental, or other charge may be established resulting in increased costs for service to the customer nor may any rate, fee, rental, or other charge be increased by the Authority until a public hearing has been held relating to the proposed increase in the City of Key West, and in the Marathon and the upper Keys areas. However, if the proposed rule affects wastewater only in a single wastewater district and affects rates, fees, or

charges that could result in increased costs of service to the customer, no rate, fee, rental, or other charge may be increased by the Authority until two advertised public hearings have been held relating to the proposed increase at a site convenient to the public located in the district area. Such public hearings shall not occur within 15 days of each other.

Section 2. This act shall take effect upon becoming a law.

Approved by the Governor June 4, 2003.

Filed in Office Secretary of State June 4, 2003.