

CHAPTER 99-454

House Bill No. 1423

An act relating to the Lake Apopka Natural Gas District as created in portions of Orange and Lake Counties; codifying the district's charter, chapter 59-556, Laws of Florida, 1959, as amended; providing that chapter 59-556, Laws of Florida, 1959, and chapter 74-553, Laws of Florida, 1974, be codified, reenacted, amended, and repealed by this act; providing for a codified charter consolidating all special acts pertaining to Lake Apopka Natural Gas District into a single act and the re-creation of Lake Apopka Natural Gas District, an independent special district, for the purposes of acquiring, constructing, owning, operating, managing, maintaining, extending, improving, and financing one or more gas distribution systems, or one or more gas transmission systems, or gas transmission and distribution systems, for the use and benefit of its member municipalities of Apopka, Winter Garden, and Clermont, and for the benefit of the public and other users of gas in the district including such other municipalities to which the district may sell gas; authorizing counties, municipalities, and districts to enter into franchise agreements with the district; providing for a board of commissioners, and the governing body of the district to exercise the powers of the district and direct its affairs; providing officers for the district, authorizing the district to issue and sell revenue bonds payable solely from the revenues of its gas system or systems; authorizing and providing for the judicial validation of such bonds; providing for the adoption of resolutions or the execution and delivery by the district of other instruments of security for the benefit of the holders of such bonds; providing for the remedies and rights available to the holders of the bonds or certificates; prohibiting the district from any exercise of the power of taxation; providing that the bonds of the district and the interest thereon shall be tax exempt; providing that the resolutions, deeds, trust indentures and other instruments of, by, or to the district shall be tax exempt; providing for the use and utilization and distribution of the revenues of the gas systems of the district, regulating the use of the proceeds from the sale of any such bonds or proceeds from the sale of any such bonds or certificates, making such bonds or certificates legal investments for banks, trust companies, fiduciaries and public agencies and bodies; providing for the use of the public roads by the district; providing a covenant by the State of Florida not to alter the provisions of the act to the detriment of the holders of bonds or certificates of the district and making provisions with respect to the acquisition, construction, maintenance, operation, financing and refinancing of the gas system or systems by the district; authorizing the district to issue and sell refunding bonds, and providing for the collection of the fees, rentals or other charges for the services of the gas system; authorizing the district to require customers, as a condition of receiving goods and services from the district, to make a cash deposit to assure payment for charges made by the district for such goods and services and to accept surety bonds, letters of credit, and other forms of financial

guaranty in lieu of such cash deposits; to provide that the contracts and obligations heretofore entered into or incurred and the actions heretofore taken by Lake Apopka Natural Gas District shall not be impaired or otherwise affected by this re-enactment and codification of its enabling legislation; providing an effective date.

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

Section 1. Chapter 59-556, Laws of Florida, 1959, is codified, reenacted, amended, and repealed as herein provided.

Section 2. The Lake Apopka Natural Gas District is re-created and reenacted to read:

Section 1. The legislative findings contained in section 1 of chapter 59-556, Laws of Florida, 1959, are reaffirmed. It is hereby determined, found, and ascertained that:

(1) The municipalities of Apopka, Winter Garden, and Clermont, Florida, made such application, or applications, as were necessary and proper to obtain an allocation of natural gas for the use of the inhabitants of such cities and surrounding environs.

(2) Other nearby municipalities may likewise seek allotments of natural gas and it is deemed that the most economical method by which such municipalities can avail themselves of such gas, if allotments therefor be granted, is through the construction of a transmission line system designed to serve all of the above named municipalities and such others whose corporate authorities shall elect to participate in the project as hereinafter authorized.

(3) The most advantageous and economical method of affecting the construction of such project and financing the same is through the establishment of a district which shall be empowered to:

(a) Cause the construction of the project;

(b) Finance the same through the issuance of revenue obligations payable from the earnings of such system; and

(c) Operate and maintain the same for the benefit of the municipalities which it serves.

Section 2. Definitions.—Whenever used in this act, unless a different meaning clearly appears from the context:

(1) The term “gas transmission system” shall mean and include a supply of natural gas, whether acquired from wells or deposits or from a pipe line or other source of supply and a pipe line or lines, plant and system for the acquisition and the transportation, transmission, and delivery of natural gas or a plant for the manufacture or storage of gas and the transportation, transmission, and delivery thereof, together with all property and all appurtenances thereto, real, personal, or mixed, used or useful in connection therewith, including franchises, rights-of-way, and easements. A gas trans-

mission system may include facilities for making deliveries of gas to industrial and commercial users as well as to gas distribution systems.

(2) The term "gas distribution system" shall mean and include a plant and system for the distribution and sale of gas and gas services in a municipality and the surrounding territory, including the sale and distribution of gas to residential, commercial, industrial, institutional, and other users, together with all appurtenances thereto and all property, real, personal, or mixed used or useful in connection therewith, including franchises, rights-of-way, and easements.

(3) The term "system" shall mean and include a gas transmission system or systems and a gas distribution system or systems, or any one or more thereof.

(4) The term "district" shall mean the territory, hereinafter particularly described, located in portions of Orange and Lake Counties, as re-created and reestablished by this act.

(5) The terms "board of commissioners" and "board" shall mean the board of commissioners hereinafter provided for and constituting the governing body of the district.

(6) The term "municipality" shall mean and include incorporated cities, towns, and villages and other municipal corporations within the district.

(7) The term "member municipalities" shall mean the municipalities of Apopka, Winter Garden, and Clermont.

(8) The term "bonds" shall mean and include the bonds, notes, certificates, refunding bonds, or other financial obligations in either temporary or definitive form which the district is authorized to issue pursuant to this act.

(9) Words importing singular number shall include the plural number in each case and vice versa, and words importing persons shall include firms and corporations.

Section 3. Creation and establishment.—The creation and establishment of a body corporate and an independent special district, whose existence shall be perpetual, to be known as "The Lake Apopka Natural Gas District," by chapter 59-556, Laws of Florida, 1959, is hereby reaffirmed and reenacted. The objects and purposes of the district shall be:

(1) To acquire by purchase, lease, or construction, and to own, finance, operate, maintain, extend, and improve, one or more gas systems described as follows:

(a) A gas transmission system or systems to serve gas to customers within or without municipalities and/or to such of the member municipalities and such other municipalities in its area of service as the district may determine to serve, with an adequate supply of natural and/or manufactured gas, at such point or points as the district may determine, provided that before the district may serve any municipality within the district but not a member thereof, it shall first be granted a franchise by said municipality.

(b) A gas transmission line or lines for the purpose of supplying gas to customers within the district.

(c) A gas manufacturing plant or plants and system or systems.

(d) Such gas distribution system or systems serving such member municipalities, as well as the surrounding unincorporated area or areas and other such municipalities as the district or its board of commissioners may determine; provided that such service shall be confined to areas or municipalities within the district.

(e) Such other facilities and lines as may be necessary or desirable to serve such other customers along its supply lines as the district may determine to serve or be obligated to furnish service under the laws of Florida or the United States, provided such service is confined to customers located within the district.

(f) The district may itself own and operate gas distribution systems in its area of service, whether in a municipality which is a member of the district or in some other municipality or in unincorporated territory.

(2) To acquire by manufacture, purchase, or otherwise, natural or manufactured gas from any source whatsoever, public or private, now or hereafter available and to transport and transmit such gas so as to make the same available for sale and to sell and deliver gas to or within each of the member municipalities and to industrial and institutional users and to line tap commercial and residential users and to gas distribution systems within the area of service of the district, whether such gas distribution system is publicly or privately owned.

Section 4. Area of service.—The territorial limits and area of service of the district shall embrace and include the following described property lying and being in portions of Orange and Lake Counties, Florida:

Beginning at the Southwest corner of Section 31, Township 23 South, Range 24 East, in Lake County; thence east along the south boundary of Township 23 south to the southeast corner of Section 35, Township 23 South, Range 28 east; thence north along said Section line to the northwest corner of Section 1, Township 22 south, Range 28 east; thence east along the Township line between Townships 21 and 22 south to the southeast corner of Section 33, Township 21 south, Range 29 east; thence north along said Section line to the northeast corner of Section 28, Township 21 south, Range 29 east; thence west to the northwest corner of Section 30, Township 21 south, Range 29 east; thence north to the northeast corner of Section 36; Township 20 south, Range 28 east; thence northeasterly along the meandering of the Wekiva River to its intersection with the Township line between Townships 19 and 20 south; thence west along said Township line to the northwest corner of Section 6, Township 20 south, Range 27 east, thence south along said Range 27 east; thence south along said Range line to the northeast corner of Section 1, Township 21 south, Range 26 east; thence west along said Township line to the northwest corner of Section 6, Township 21 south, Range 24 east; thence south along said Range line to the point of beginning.

The district, however, may acquire a supply of gas either within or without its territorial boundaries and either within or without the state and may transport and transmit from the point of such acquisition to the system or systems of the district.

Section 5. Declaration of policy.—It is hereby found and declared that in the construction, acquisition, improvements, maintenance, operation, and extension in any or all of said gas system the district will be exercising a proper governmental function.

Section 6. Members of the district.—Members of the district shall be the municipalities of Apopka, Winter Garden, and Clermont.

Section 7. Powers of the district.—The district shall have each and all of the following powers, together with all power incidental thereto or necessary to the discharge thereof:

(1) To sue and be sued and to defend suits against it;

(2) To have and use an official seal for attesting bonds and other official acts and deeds and to alter same at pleasure;

(3) To receive, acquire, take, and hold, whether by purchase, gift, or lease, devise or otherwise, real, personal, or mixed property of any nature whatsoever that the board of commissioners may deem a necessary or convenient part of, or useful in connection with, any system or systems herein authorized;

(4) To make contracts extending over a period not exceeding 40 years for a supply or supplies of natural gas and for the sale and delivery of natural or manufactured gas;

(5) To contract for the design, construction, extension, and repairs of any natural gas transmission and/or distribution system or for facilities and services connected therewith which the board shall in its discretion determine are necessary or desirable for the district;

(6) To contract with any person, firm, or corporation for the entire supervision, operation, and management of any one or more of the systems of the district, including the collection and distribution of the revenue therefrom for such period of time as the board may deem advisable not exceeding 10 years and at such compensation and upon such terms as may be agreed upon and approved by the board of commissioners;

(7) To borrow money for any authorized purpose and to issue in evidence of the borrowing interest bearing bonds payable solely from the revenues derived from the revenues derived from the operation of any one or more of its systems;

(8) To pledge to the payment of its bonds any revenues from which said bonds are made payable;

(9) To make such covenants in connection with the issuance of bonds or in order to secure the payment of bonds, as are needful to secure and protect

the rights of the holders of such bonds, notwithstanding that such covenants may operate as limitations on the exercise of other powers granted by this act;

(10) To establish, by resolution, rates and charges which shall be uniform throughout the district as to each class of consumer;

(11) To collect and enforce collection of such charges, by all legal means including, but not limited to, requiring customers, as a condition of receiving goods and services from the district, to make a cash deposit to assure payment of the charges made by the district for such goods and services and to accept surety bonds, letters of credit, and other forms of financial guaranty in lieu of cash deposits;

(12) To lease, exchange, sell, convey, and otherwise dispose of its real, personal, or mixed property by any form of conveyance or transfer;

(13) To appoint and employ officers, agents, and employees, including attorneys, as its business may require, to prescribe their duties, to fix their compensation, and to determine to what extent they shall be bonded for the faithful performance of their duties;

(14) To provide for such insurance as its board of commissioners may deem advisable;

(15) To retain and confer upon a corporate trustee the power to make disposition of the proceeds from all borrowing and all revenues derived from the operation of the system, in accordance with the resolution adopted by the board as an incident to the issuance of any notes, bonds, or other types of securities; and

(16) To exercise all powers of eminent domain now or hereafter conferred on counties in this state provided, however, that such power of eminent domain may not be exercised outside the territorial limits of the district. The powers hereinabove granted to the district shall be so construed to enable the district to fulfill the objects and purposes of the district as set forth in section 3 of this act.

Section 8. Franchises.—Any municipality, county, gas district, or agency of such municipality, county, or gas district, which is located wholly within the territorial limits of the district, or any agency of the state, is hereby empowered and authorized to enter into agreements, contracts, and franchises with said district upon such terms and conditions and for such periods of time as may be agreed upon, provided no agreement, contract, or franchise shall extend over a period exceeding 40 years.

Section 9. Eminent domain.—The powers of eminent domain herein granted and conferred upon the district incorporated under this act shall be exercised in the same manner and subject to the same limitations as in the case of counties in this state; provided the district shall have no powers of eminent domain beyond its territorial boundaries.

Section 10. Board of commissioners.—The district shall have a board of commissioners, consisting of five members. There shall be two members who

shall live in the corporate limits of the City of Apopka; there shall be two members who shall live in the corporate limits of the City of Winter Garden; and there shall be one member who shall live in the corporate limits of the City of Clermont. Each commissioner shall be appointed by the governing body of the municipality in which he or she resides and shall serve for a term of 2 years or until his or her successor is appointed in like manner and qualified. The commissioners shall serve without compensation; except that they shall be reimbursed for actual expenses incurred in and about the performance of their duties thereunder and at the direction of the board they may be paid a fee of not exceeding \$100 for each board meeting attended by them. Appointment to fill a vacancy shall be for the unexpired term. The appointing authority may remove any member of the board within the term within which he or she shall have been appointed, after giving to such member a copy of the charges against him or her and an opportunity to be heard in his or her defense and the action of the appointing authority shall be final and nonreviewable.

Section 11. Organization of the board; officers.—After their appointment, the members of the board of commissioners shall meet and organize. At such meeting, the members of the board shall elect from their number a chair. They shall also choose a secretary, who may, but need not be, a member of the board, and such other officers, agents, and employees as may appear to be desirable. One person may serve both as secretary and treasurer.

Section 12. Authority of the board.—The board shall constitute the governing body of the district. The board shall exercise all the powers of the district and shall do all things necessary or convenient in acquiring, owning, operating, developing, extending, improving, financing, and refinancing the gas system or systems owned or to be owned by the district, including, but not limited to, the adoption and amendment of rules and regulations for the management and conduct of its affairs and the enterprises in which it is engaged; to use with the consent of any of its member municipalities the agent, employees, or facilities or property of such municipalities and to provide for the payment of the agreed proportion of the costs therefor; to appoint officers, agents, and employees, including attorneys, and to fix their compensation, to provide for the execution of deeds, indentures of trust, bonds, gas supply contracts, gas service contracts, supervision contracts, and other instruments and contracts of the district. Action of the board shall be taken by resolution. Such resolution shall be effective immediately upon adoption without posting or publication.

Section 13. Bonds of the district.—

(1) The bonds of the district shall be authorized by resolution of the board and may be either term or serial bonds, shall bear such date or dates, mature at such time or times, not exceeding 40 years from their respective dates, bear interest at such rate or rates not exceeding 6 percent per annum, payable semiannually, be in such denomination, be in such form, either coupon or fully registered, shall carry such registration, exchangeability and interchangeability privileges, be paid in such medium of payment and at such place or places, be subject to such terms of redemption and be entitled

to such priority on the revenues, rates, fees, rentals, or other charges or receipts of the district as such resolution or any resolution subsequent thereto may provide. The bonds shall be executed either by manual or facsimile signature, by such officer as the board may determine, provided that such bonds shall bear at least one signature which is manually executed thereon and the coupons attached to such bonds shall bear the facsimile signature or signatures of such officer or officers as shall be designated by the board and shall have the seal of the board affixed, imprinted, reproduced, or lithographed thereon, all as may be prescribed in such resolution or resolutions.

(2) Such bonds may be sold either at public or private sale at such price or prices as the board shall determine to be in the best interest of the district, provided that the interest cost to the district on such bonds shall not exceed 6 percent per annum. Pending the preparation of definitive bonds, interim certificates may be issued to the purchaser or purchasers of such bonds and may contain such terms and conditions as the board may determine.

(3) Any such resolution or resolutions authorizing any bonds hereunder may contain provisions which shall be part of the contract with the holders of such bonds, as to:

(a) The pledging of all or any part of the revenues, rates, fees, rentals, or other charges or receipts of the district, derived by the district from the operation of its gas system or systems;

(b) The completion, improvement, operation, extension, maintenance, and repair of its system, and the duties of the board, the district, and others with reference thereto;

(c) Limitations on the purposes to which the proceeds of bonds then or thereafter to be issued, or of any loan or grant by the United States or the state may be applied,

(d) The fixing, charging, establishing, collecting of rates, fees, rentals, or other charges for the use of the services and facilities of the gas system of the district or any part thereof;

(e) The setting aside of reserves, sinking funds, or repair and replacement funds and the reservation and disposition thereof;

(f) Limitations on the issuances of additional bonds, the terms and provisions of any deed of trust or indenture securing the bonds under which the same may be issued; and

(g) Any other or additional agreements with the holders of the bonds which the board may deem desirable and proper.

(4) The board may enter into any deeds or trusts, indentures, or other agreements with any bank or trust company within or without the state, as security for such bonds and may, under such agreements, assign and pledge all or any of the revenues, rates, rentals, fees, or other charges or receipts of the district. Such deeds of trust, indentures, or other agreements, may

contain such provisions as is customary in such instruments as the board may authorize, including, but without limitation, provisions as to:

(a) The acquisition, construction, completion, improvements, operation, extension, maintenance, repair, and lease of the gas system or systems and the duties of the board and others with reference thereto;

(b) The application of funds and the safeguarding of funds on hand or on deposit;

(c) The rights and remedies of the trustees and the holders of bonds; and

(d) The terms and provisions of the bonds or resolutions authorizing the issuance of the same.

(5) Any of the bonds issued pursuant to this act are hereby declared to be negotiable instruments and shall have all the qualities and incidents of laws of the state relating to negotiable instruments.

(6) The bonds of the district and all matters connected therewith may be validated pursuant to the provisions of chapter 75, Florida Statutes, 1957, as in the case of a district located in more than one county.

(7) The bonds or any other obligations of the district shall not be a debt or obligation of the State of Florida, or a debt or obligation of any county, or a debt or obligation of any municipality which is a member of the district. The State of Florida, any county, or any such municipality shall not be liable in any way whatsoever thereon, and the holder of any such bonds or obligations may not compel the levy of any taxes for the payment thereof. The board shall have no power or authority to levy or collect any ad valorem tax on any property within the district and any such tax or assessment levy is hereby specifically prohibited.

(8) No referendum or election shall be required for the issuance of bonds of the district, except in such cases as such referendum or election may be required by the Constitution of the State of Florida.

Section 14. Remedies of the bondholders.—

(1) The rights and the remedies herein conferred upon or granted to the bondholders shall be in addition to and not in limitation of any rights and remedies lawfully granted to such bondholders by the resolution or resolutions providing for the issuance of bonds or by any deed or trust, indenture, or other agreement under which the bonds may be issued or secured. In the event that the district defaults in the payment of the principal of or interest on any of the bonds issued pursuant to the provisions of this act after such principal of or interest on said bonds shall have become due whether at maturity or upon call for redemption, and such default continues for a period of 30 days, or in the event that the district shall fail or refuse to comply with the provisions of this act or any agreement made with or for the benefit of, the holders of the bonds, the holders of 25 percent in the aggregate principal amount of the bonds then outstanding shall be entitled as of right, to the appointment of the trustee to represent such bondholders for the purposes

hereof; however, such holders of 25 percent in the aggregate principal amount of the bonds then outstanding shall have first given notice of their intention to appoint a trustee to the district. Such notice shall be deemed to have been given if given in writing, and deposited in a securely sealed postpaid envelope, mailed at a regularly maintained United States Post Office box or station and addressed respectively to the chair of the district at the principal office of the district.

(2) Such trustee, and any trustee under any deed of trust, indenture, or other agreement may, and upon written request of the holders of 25 percent (or such other percentages as may be specified in any deed of trust, indenture, or other agreement aforesaid) in the principal amount of the bonds then outstanding, shall, in any court of competent jurisdiction, in his or her or its own name:

(a) By mandamus or other suit, action, or proceeding at law or in equity, enforce all rights of the bondholders, including the right to require the district to fix, establish, maintain, collect, and charge rates, fees, rentals, and other charges, adequate to carry out any agreement as to, or pledge of, the revenues or receipts of the district and to require the district to carry out any other covenants and agreements with or for the benefit of the bondholders, and to perform its and their duties under this chapter.

(b) Bring suit upon the bonds.

(c) By action or suit in equity require the district to account as if it were the trustee of any express trust for the bondholders.

(d) By action or suit in equity enjoin any acts or things which may be unlawful or in violation of the rights of the bondholders.

(3) Any trustee when appointed as aforesaid, or acting under a deed of trust, indenture, or other agreement, and whether or not all bonds have been declared due and payable, shall be entitled as of right to the appointment of a receiver, who may enter upon and take possession of the system or the facilities or any part or parts thereof, the rates, fees, rentals, or other revenues, charges, or receipts from which are, or may be applicable to the payment of the bonds so in default, and operate and maintain the same, for and on behalf of and in the name of, the district, and the bondholders, and collect and receive all rates, fees, rentals, and other charges or receipts or revenues arising therefrom in the same manner as the district might do, and shall deposit all such moneys in a separate account and apply the same in such manner as the court shall direct. In any suit, action, or proceeding by the trustee, the fees, counsel fees, and expenses of the trustee, and said receiver, if any, and all costs and disbursements allowed by the court shall be a first charge on any rates, fees, rentals, or other charges, revenues, or receipts, derived from the system, or the facilities or services or any part or parts thereof, which said rates, fees, rentals, or other charges, revenues, or receipts shall or may be applicable to the payment of the bonds so in default. Such trustee shall, in addition to the foregoing, have and possess all of the powers necessary or appropriate for the exercise of any functions specifically set forth herein or incident to the representation of the bondholders in the enforcement and protection of their rights.

(4) Nothing in this section or any other section of this chapter shall authorize any receiver appointed pursuant hereto to sell, assign, mortgage, or otherwise dispose of any of the assets of whatever kind and character belonging to the district. It is the intention of this chapter to limit the powers of such receiver to the operation and maintenance of the system, or any facility, or part or parts thereof, as the court may direct, in the name and for and on behalf of the district, and the bondholders, and no holder of bonds of the district nor any trustee, shall ever have the right in any suit, action, or proceeding at law, or in equity, to compel a receiver, nor shall any receiver be authorized or any court be empowered to direct the receiver to sell, assign, mortgage, or otherwise dispose of any assets of whatever kind or character belonging to the district.

Section 15. Proceeds from the sale of bonds.—All moneys derived from the sale of any bonds issued by the district shall be used solely for the purpose or purposes for which the same are authorized including any engineering, legal, or other expenses incident thereto, and in the case of bonds issued in whole or in part for the construction of a gas system or systems or any part thereof, interest on such bonds (or, if a part only of the bonds are issued for the purpose of such construction, on the part of such bonds issued for that purpose) prior to and during such construction and for not exceeding 3 years after completion of such construction and in the case of bonds issued by the district for the purpose of refunding outstanding bonds of such district, any premium which it may deem necessary to pay in order to redeem or retire the bonds to be refunded. The treasurer or other officer designated by the board shall give a receipt for the purchase price to the purchaser of any such bonds, which receipt shall be full acquittal to such purchaser and he or she shall not be under any duty to inquire as to the application of the proceeds of such bonds.

Section 16. Disposition of net revenues.—All net revenues derived from the system, the disposition of which the district shall not have covenanted or contracted to otherwise dispose of, shall be paid over to the municipalities which shall be members of the district in such proportions as the board from time to time shall fix and determine.

Section 17. Refunding bonds.—The board is hereby authorized to provide by resolution for the issuance of refunding bonds of the district for the purpose of refunding any bonds then outstanding and issued under the provisions of this chapter or any other law for the purpose of applying all or a part of the cost of the system or extensions and additions thereto. The board is further authorized to provide by resolution for the issuance of a single issue of bonds of the district for the combined purposes of:

(1) Paying the cost of any improvements, extensions, and additions to the existing system or of acquiring by purchase or of constructing an additional system or systems; and

(2) Refunding bonds of the district which shall theretofore have been issued for such system and shall then be outstanding and which shall then have matured or be subject to redemption or can be acquired for retirement. The issuance of such refunding bonds, the maturities and other details

thereof, the rights of the holders, and the duties of the board and of the district in respect to the same, shall be governed by the foregoing provisions of this chapter insofar as the same may be applicable.

Section 18. Cooperation with other political subdivisions, agencies, and individuals.—Express authority and powers are hereby given and granted any county, municipality, drainage district, road and bridge district, school district, or any other political subdivision, board, commission, or individual in, or of the state to make and enter into with the district, contracts, leases, conveyances, or other agreements within the provisions and purposes of this chapter. The district is hereby expressly authorized to make and enter into contracts, leases, conveyances, and other agreements with any political subdivision, agency, or instrumentality of the state, any and all federal agencies, corporations, and individuals for the purpose of carrying out the provisions of this chapter.

Section 19. Eligibility for investments and security.—Any bonds or other obligations issued pursuant to this chapter shall be and constitute legal investments for banks, savings banks, trustees, executors, administrators, and all other fiduciaries, and for all state, municipal, and other public funds.

Section 20. Consent of state agencies.—It shall not be necessary for the district, in proceeding under this act, to obtain any certificates of convenience or necessity, franchise, license, permit, or other authorization from any bureau, board, commission, or other like instrumentality of the state or of Lake and Orange Counties, in order to construct, acquire, or improve such system or systems, or to exercise any of the powers granted in this act.

Section 21. The body corporate hereby created shall be deemed to be owned and operated by the member municipalities.

Section 22. Covenants of the state.—The state hereby covenants with the holders of any bonds or other obligations issued pursuant to this act, and the coupons appertaining thereto, that it will not in any manner limit or alter the power and obligation vested by this act in the district to fix, establish, and collect, in the manner provided in this act, such fees, rentals, or other charges for the facilities and services of such system or systems, and to revise the same from time to time whenever necessary, as will always be sufficient, together with any other pledged funds, to pay the expenses of operation, maintenance, and repair of such system or systems, and to comply fully with and fulfill the terms of all agreements and covenants made by the district with holders of such bonds or other obligations, until all such bonds or other obligations, together with all interest accrued or to accrue thereon, and all costs or expenses in connection with any action or proceedings by or on behalf of the holders of such bonds or other obligations are fully paid and discharged, or adequate provisions made for the payment or discharge thereof.

Section 23. Use of public roads.—The district shall not be authorized to use the right-of-way of any public roads, whether state, county, or municipal, without first securing the prior approval of the governmental agency having jurisdiction thereof.

Section 24. If any rates, fees, or charges for the services and facilities furnished by any gas system or systems constructed or reconstructed by the district under the provisions of this act shall not be paid when due, the district may discontinue and shut off the supply of the services and facilities of the system to the customer so supplied with such services or facilities until such fees, rentals, or other charges, including the interest, penalties, and charges for the shutting off and discontinuance or the restoration of such services or facilities are fully paid, and for such purposes may enter on any lands, waters, and premises of such delinquent customers, within or without the boundaries of the district. Such delinquent fees, rentals, or other charges, together with interest, penalties, and charges for the shutting off and discontinuance or the restoration of such services or facilities, and reasonable attorney's fees and other expense may be recovered by the district by suit in a court of competent jurisdiction. The district may also enforce payment of such delinquent fees, rentals, or other charges by any other lawful means of enforcement.

Section 3. Except as specifically reenacted herein, chapter 59-556, Laws of Florida, 1959, and chapter 74-553, Laws of Florida, 1974, are repealed.

Section 4. The contracts and obligations heretofore made and incurred and other actions heretofore taken by the Lake Apopka Natural Gas District shall not be impaired or otherwise affected by enactment of this codification of the special acts referred to in Section 2, hereof, or by the repeal of those special acts provided for therein.

Section 5. In the event any section or provision of this act is determined to be invalid or unenforceable, such determination shall not affect the validity of or enforceability of each other section and provision of this act.

Section 6. In the event of a conflict of the provisions of this act with the provisions of any other act the provisions of this act shall control to the extent of such conflict.

Section 7. This act shall take effect immediately upon becoming a law.

Approved by the Governor May 26, 1999.

Filed in Office Secretary of State May 26, 1999.