

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representative(s) Kendrick offered the following:

2

3 **Amendment (with title amendment)**

4 Remove everything after the enacting clause and insert:

5

6

7 Section 1. Pursuant to section 189.429, Florida Statutes,
8 this act constitutes the codification of all special acts
9 relating to Alligator Point Water Resources District. It is the
10 intent of the Legislature in enacting this law to provide a
11 single, comprehensive special act charter for the district
12 including all current legislative authority granted to the
13 district by its several legislative enactments and any
14 additional authority granted by this act.

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15 Section 2. Chapters 63-1350 and 85-414, Laws of Florida,
16 are amended, codified, reenacted, and repealed as herein
17 provided.

18 Section 3. The Alligator Point Water Resources District is
19 re-created and the charter for such district is re-created and
20 reenacted to read:

21 Section 1. This act shall be known as the "Alligator Point
22 Water Resources District Act."

23 Section 2. As used in this act:

24 (1) "Water system" means waterworks or water treatment
25 plant, or other operation concerning fresh water production,
26 distribution, or sale.

27 (2) "District" means the Alligator Point Water Resources
28 District of Franklin County.

29 (3) "Board" means the Alligator Point Water Resources
30 Board.

31 (4) "Sewer system" means plant, system, facility, or other
32 operation concerning collection, treatment, purification, or
33 disposal of sewage.

34 Section 3. There is created in Franklin County an
35 independent special district to be known as Alligator Point
36 Water Resources District. The district shall include all that
37 portion of Alligator Point in said county described as follows:

38 Fractional sections 4, 5, 6 and 7 in Township 7,
39 South, Range 1 West and fractional section 1, 2, 3 and
40 12 in Township 7 South, Range 2 West.

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41 Section 4. (1) The governing body of the district shall
42 be the Alligator Point Water Resources Board consisting of three
43 members, each of whom shall be the owner of the fee simple title
44 to real estate located in the district.

45 (2) Appointments to fill interim vacancies on the board
46 shall be for the unexpired term only. Members shall be appointed
47 by the Governor for terms of 4 years.

48 Section 5. Boards appointed by the Governor shall at their
49 first meeting elect from their membership a chair. No person
50 shall be appointed as a member of the board if such person is
51 not the owner of real property within the district.

52 Section 6. The board of the Alligator Point Water
53 Resources District is authorized and empowered:

54 (1) To purchase and/or construct, reconstruct, buy,
55 improve, extend, enlarge, equip, repair, maintain, and operate a
56 water system; to provide fresh water either within the area
57 described in section 3 of this act or to property located
58 outside the district's boundaries if the district enters into an
59 agreement with effected property owners, or both; to operate,
60 manage, and control all such systems so purchased and/or
61 constructed and all properties pertaining thereto; and to
62 furnish and supply water, sewage, and disposal services to such
63 district or adjoining area and any persons, firms, or
64 corporation, public or private, in any such area.

65 (2) To issue negotiable water revenue certificates of the
66 district, payable from revenues to be derived from the operation
67 of said water and/or sewer system.

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68 (3) To levy a tax not to exceed 5 mills on all taxable
69 property within the district.

70 (4) To fix and collect rates and charges for water or
71 sewer furnished by said water and sewer systems and to fix and
72 collect charges for making connections with any water or sewer
73 system.

74 (5) To acquire in the name of the district, by purchase or
75 gift, within and without such lands and rights and interests
76 therein, including lands over and under water and riparian
77 rights; to acquire such personal property as it may deem
78 necessary in connection with the construction or operation of
79 water and sewer systems; and to hold and dispose of all real and
80 personal property under its control.

81 (6) To enter into contracts with private parties or
82 interlocal agreements with governmental entities for the purpose
83 of purchasing, constructing, operating, or maintaining a water
84 system or providing water services in the area described in
85 section 3 of this act or to areas outside the district's
86 boundaries.

87 (7) To exercise the right and power of eminent domain,
88 pursuant to general law, over property described in section 3,
89 except municipal, county, state, special district, or federal
90 property used for a public purpose.

91 (8) To make and enter into all contracts and agreements
92 necessary or incidental to the performance of its duties and the
93 execution of its powers under this act, including a trust
94 agreement or trust agreements securing any bonds issued

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95 hereunder; to employ such expert and clerical personnel as may,
96 in the judgment of the board, be deemed necessary; and to fix
97 their compensation, provided, however, that all such expenses
98 shall be payable solely from funds made available under the
99 provisions of this act.

100 (9) To exercise jurisdiction, control, and supervision
101 over any water and sewer systems owned, operated, or maintained
102 by it; to make and enforce such rules and regulations for the
103 maintenance and operation of any such system as may in its
104 judgment be necessary or desirable for the efficient operation
105 thereof; and to accomplish the purposes of this act.

106 (10) To enter on any lands, water, or premises located
107 within the area described in section 3 or, pursuant to an
108 agreement with the property owner or interlocal agreement, land
109 located outside the district's boundaries to make surveys,
110 borings, soundings, or examinations to effectuate the purposes
111 of this act.

112 (11) To construct and operate water mains, laterals,
113 conduits, pipelines, pumping stations, lift stations, valves,
114 force mains, laterals, pressure lines, mains, and all necessary
115 appurtenances thereto, in, along, or under any street, alley,
116 highway, or other public place in the area described in section
117 3 or any other area that is subject to an agreement between the
118 district and the entity controlling the public property.

119 (12) To restrain, enjoin, or otherwise prevent any
120 political subdivision or agency and any person or corporation,
121 public or private, from discharging into any navigable or

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122 nonnavigable waters within the limits of the district any
123 sewage, industrial waters, or other refuse which would
124 contribute to the pollution of such and to restrain, enjoin, or
125 otherwise prevent the violation of any provision of this act or
126 any resolution, regulation, or rule adopted pursuant to the
127 powers granted by this act.

128 (13) Subject to such provisions and restrictions as may be
129 set forth in any resolution or trust agreement authorizing or
130 securing any bonds issued under the provisions of this act, to
131 enter into contracts with the government of the United States or
132 the state or any agency or instrumentality of either thereof, or
133 with any municipality, district, private corporation,
134 copartnership, association, or individual providing for or
135 relating to such water system or the purchase and sale of water
136 or sewer system and the disposal of sewage.

137 (14) To receive and accept from any authorized agency of
138 the Federal Government loans or grants for the planning,
139 construction, improvement, extension, enlargement,
140 reconstruction, or equipment of any water and sewer systems; to
141 enter into agreements with such agency respecting any such loans
142 or grants; and to receive and accept aid or contributions from
143 any source of either money, property, labor, or other things of
144 value, to be held, used, and applied only for the purposes for
145 which such loans, grants, or contributions be made.

146 (15) To do all acts and things necessary or convenient to
147 carry out the powers expressly granted in this act.

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148 Section 7. No funds of the district shall be used for any
149 purpose other than those defined in section 6 and the
150 administration of the affairs and business of the district, or
151 the purpose, acquisition, construction, expansion, care,
152 maintenance, upkeep, and operation of a fresh water system and
153 sewer system in the district as the board may determine to be
154 for the best interest of the district and inhabitants thereof.

155 Section 8. All taxable property within the district shall
156 be subject to an ad valorem tax not to exceed 5 mills of the
157 assessed valuation of such property to be used to carry out the
158 purposes of this act. In accordance with timetables set by
159 Florida Statutes, each year the district board shall meet and
160 determine the millage necessary to provide funds to be levied
161 and assessed on such property to carry out the purposes of this
162 act; provided, however, that the millage determined by the board
163 shall not exceed the limitations of this section. The ad valorem
164 tax authorized by this section shall be levied and collected in
165 the same manner as taxes for county purposes are assessed and
166 collected in Franklin County. Taxes of the district shall be of
167 equal dignity with taxes for county purposes and shall become
168 liens and be enforced in the same manner as taxes for county
169 purposes.

170 Section 9. The board may fix and revise from time to time
171 rates and charges for water furnished by any water system and
172 for sewage disposal by any sewer system and charge and collect
173 the same. Any such rates and charges shall be so fixed and

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174 revised as to provide funds, with other funds available for such
175 purpose, sufficient at all times:

176 (1) To pay the cost of maintaining, repairing, and
177 operating the water and sewer systems of the district, and to
178 provide reserves therefor and for replacements, depreciation,
179 and necessary extensions and enlargements.

180 (2) To pay the principal of and the interest on all
181 outstanding bonds for the payment of which such rates and
182 charges are pledged as the same shall become due and provide
183 reserves therefor.

184 (3) To provide a margin of safety for making such payments
185 and providing such reserves. Such rates and charges shall not be
186 subject to supervision or regulation by any commission, board,
187 bureau, or agency of the state or of any political subdivision
188 of the state. Such rates and charges shall be just and
189 equitable.

190 Section 10. The board may provide in the resolution
191 authorizing the issuance of bonds under this act or in any trust
192 agreement securing such bonds that if any water or sewer rates
193 shall not be paid within 30 days from the rendition of any such
194 bills, the district shall discontinue furnishing water to such
195 premises and may disconnect the same from the water system. Any
196 such resolution or trust agreement may include any or all of the
197 following provisions, and may require the board to adopt such
198 resolutions or to take such other lawful action as shall be
199 necessary to effectuate such provisions, and the board is hereby

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200 authorized to adopt such resolutions and to take such other
201 action.

202 (1) The district may require the owner, tenant, or
203 occupant of each lot or parcel of land within the district who
204 is obligated to pay water or sewer rates to the district; to
205 make a reasonable deposit with the district in advance; to
206 ensure the payment of such rates or charges; and to be subject
207 to application to the payment thereof if and when delinquent.

208 (2) If any water or sewer rates charges payable to the
209 district shall not be paid within 30 days after the same shall
210 become due and payable, the district may at the expiration of
211 such 30 days period disconnect the premises from the water
212 system and the district may proceed to recover the amount of any
213 such delinquent rates or charges, with interest at the highest
214 legal rate, in any court having jurisdiction over claims for
215 money damages.

216 Section 11. The provisions of this act are severable, and
217 it is the intention to confer the whole or any part of the
218 powers herein provided for and if any of the provisions of this
219 act shall be held unconstitutional by any court of competent
220 jurisdiction, the decision of such court shall not affect or
221 impair any of the remaining provisions of this act. It is hereby
222 declared to be the legislative intent that this act would have
223 been adopted had such unconstitutional provision not been
224 included therein.

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225 Section 4. This act shall be construed as a remedial act
226 and shall be liberally construed to promote the purpose for
227 which it is intended.

228 Section 5. Chapters 63-1350 and 85-414, Laws of Florida,
229 are repealed.

230 Section 6. In accordance with provisions of law relating
231 to elections currently in force, the Alligator Point Water
232 Resources District shall call and the Franklin County Supervisor
233 of Elections shall conduct a referendum no later than November
234 30, 2006, of the qualified electors residing within the area
235 proposed to be annexed pursuant to section 7. "Qualified
236 elector" means a person who is a registered voter qualified to
237 vote in a general election held in Franklin County. The purpose
238 of said referendum shall be to determine whether the boundaries
239 of the Alligator Point Water Resources District shall be
240 expanded to include land that is not currently within the
241 district's boundaries as described in section 7, and whether
242 property within the annexed area shall be subject to ad valorem
243 taxation at a rate not to exceed 5 mills.

244 Section 7. Effective 15 days after approval by a majority
245 vote of those qualified electors residing within the area
246 proposed to be annexed and voting on the question in the
247 referendum, section 3 of the charter contained in section 3 of
248 this act shall be amended to read:

249 Section 3. There is created in Franklin County a special
250 taxing district to be known as Alligator Point Water Resources

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251 District. The district shall include all that portion of
252 Alligator Point in said county described as follows:

253 Fractional sections 4, 5, 6 and 7 in Township 7,
254 South, Range 1 West and fractional section 1, 2, 3 and
255 12 in Township 7 South, Range 2 West.

256
257 A parcel of land in Township 6 South, Range 1 West,
258 Township 6 South, Range 2 West, Franklin County,
259 Florida, described as follows:

260
261 All of Sections 17, 20, 21, 28, 29, 31, 32 and 33,
262 Township 6 South, Range 1 West;

263
264 AND:

265
266 That part of Sections 18 and 19, Township 6 South,
267 Range 1 West, Franklin County, Florida lying Easterly
268 of the following described line:

269
270 For a POINT OF BEGINNING commence at the Northwest
271 corner of Section 30, Township 6 South, Range 1 West,
272 Franklin County, Florida; thence N 00°13'04" W along
273 the West line of the Southwest 1/4 of said Section 19
274 a distance of 2645.60 feet to the Northwest corner of
275 said Southwest 1/4; thence N 00°13'26" W along the
276 West line of the Northwest 1/4 of said Section 19 a
277 distance of 799.70 feet; thence N 80°03'23" E a

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278 distance of 1556 feet, more or less, to the waters of
279 an unnamed tidal creek; thence Southerly, Easterly and
280 Northerly along the waters of said unnamed tidal creek
281 to the waters of Ochlockonee Bay and the POINT OF
282 TERMINATION;

283
284 AND:

285
286 That part of Section 30, Township 6 South, Range 1
287 West, and Sections 25 and 36, Township 6 South, Range
288 2 West, Franklin County, Florida lying easterly of the
289 following described line:

290
291 For a POINT OF BEGINNING commence at the Northwest
292 corner of said Section 30; thence S 00°16'05" E along
293 the west line of said Section 30 a distance of 278.33
294 feet to a point of intersection with a line that is
295 parallel with and 25 feet westerly of the centerline
296 of an existing unnamed woods road, said point being on
297 a non-tangent curve to the right, concave westerly,
298 having a radius of 973.04 feet; thence southerly along
299 the arc of said curve, through a central angle of
300 03°46'22" for an arc length of 64.07 feet, said curve
301 subtended by a chord bearing S 14°07'41" E for 64.06
302 feet, to an intersection with a non-tangent curve to
303 the left, concave southeasterly, having a radius of
304 85.00 feet; thence southwesterly along the arc of said

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305 curve, through a central angle of 32°48'03" for an arc
306 length of 48.66 feet, said curve subtended by a chord
307 bearing S 26°58'09" W for 48.00 feet, to the PRC with
308 a curve to the right, concave westerly, having a
309 radius of 725.03 feet; thence southerly along the arc
310 of said curve, through a central angle of 09°30'31"
311 for an arc length of 120.33 feet to the PT; thence S
312 20°04'38" W a distance of 23.17 feet to the PC of a
313 curve to the left, concave easterly, having a radius
314 of 221.01 feet; thence southerly along the arc of said
315 curve, through a central angle of 24°30'22" for an arc
316 length of 94.53 feet to the PT; thence S 04°25'44" E a
317 distance of 93.27 feet to the PC of a curve to the
318 right, concave westerly, having a radius of 310.59
319 feet; thence southerly along the arc of said curve,
320 through a central angle of 30°49'17" for an arc length
321 of 167.08 feet to the PT; thence S 26°23'33" W a
322 distance of 116.92 feet to the PC of a curve to the
323 left, concave southeasterly, having a radius of 287.01
324 feet; thence southwesterly along the arc of said
325 curve, through a central angle of 17°25'20" for an arc
326 length of 87.27 feet to the PCC with a curve to the
327 left, concave easterly, having a radius of 225.01
328 feet; thence southerly along the arc of said curve,
329 through a central angle of 19°30'16" for an arc length
330 of 76.60 feet to the PCC with a curve to the left,
331 concave northeasterly, having a radius of 475.02 feet;

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332 thence southeasterly along the arc of said curve,
333 through a central angle of 18°51'32" for an arc length
334 of 156.35 feet to the PT; thence S 29°23'36" E a
335 distance of 108.55 feet to the PC of a curve to the
336 right, concave westerly, having a radius of 254.01
337 feet; thence southerly along the arc of said curve,
338 through a central angle of 35°25'30" for an arc length
339 of 157.05 feet to the PT; thence S 06°01'54" W a
340 distance of 145.63 feet to the PC of a curve to the
341 left, concave easterly, having a radius of 275.01
342 feet; thence southerly along the arc of said curve,
343 through a central angle of 20°25'36" for an arc length
344 of 98.04 feet to the PRC with a curve to the right,
345 concave westerly, having a radius of 188.78 feet;
346 thence southerly along the arc of said curve, through
347 a central angle of 22°37'19" for an arc length of
348 74.54 feet to the PT; thence S 08°13'37" W a distance
349 of 110.11 feet to the PC of a curve to the right,
350 concave northwesterly, having a radius of 55.00 feet;
351 thence southwesterly along the arc of said curve,
352 through a central angle of 57°46'34" for an arc length
353 of 55.46 feet to the PT; thence S 66°00'12" W a
354 distance of 99.90 feet to the PC of a curve to the
355 left, concave southeasterly, having a radius of 125.00
356 feet; thence southwesterly along the arc of said
357 curve, through a central angle of 28°30'00" for an arc
358 length of 62.18 feet to the PCC with a curve to the

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359 left, concave southeasterly, having a radius of 255.01
360 feet; thence southwesterly along the arc of said
361 curve, through a central angle of 13°28'58" for an arc
362 length of 60.01 feet to the PT; thence S 24°01'13" W a
363 distance of 85.10 feet to the PC of a curve to the
364 left, concave easterly, having a radius of 240.01
365 feet; thence southerly along the arc of said curve,
366 through a central angle of 38°23'12" for an arc length
367 of 160.80 feet to the PRC with a curve to the right,
368 concave westerly, having a radius of 5734.76 feet;
369 thence southerly along the arc of said curve, through
370 a central angle of 01°25'26" for an arc length of
371 142.51 feet to the PCC with a curve to the right,
372 concave westerly, having a radius of 1200.05 feet;
373 thence southerly along the arc of said curve, through
374 a central angle of 08°00'00" for an arc length of
375 167.56 feet to the PT; thence S 04°56'33" E for a
376 distance of 97.78 feet to the PC of a curve to the
377 right, concave westerly, having a radius of 159.48
378 feet; thence southerly along the arc of said curve,
379 through a central angle of 24°10'04" for an arc length
380 of 67.27 feet to the PT; thence S 19°13'31" W a
381 distance of 81.51 feet to the PC of a curve to the
382 left, concave easterly, having a radius of 261.29
383 feet; thence southerly along the arc of said curve,
384 through a central angle of 20°52'24" for an arc length
385 of 95.19 feet to the PT; thence S 01°38'53" E a

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386 distance of 161.74 feet to the PC of a curve to the
387 left, concave northeasterly, having a radius of 103.82
388 feet; thence southeasterly along the arc of said
389 curve, through a central angle of 37°13'42" for an arc
390 length of 67.46 feet to the PT; thence S 38°52'35" E a
391 distance of 59.04 feet to the PC of a curve to the
392 left, concave northeasterly, having a radius of 145.01
393 feet; thence southeasterly along the arc of said
394 curve, through a central angle of 17°01'58" for an arc
395 length of 43.11 feet to the PCC with a curve to the
396 left, concave northeasterly, having a radius of
397 1165.05 feet; thence southeasterly along the arc of
398 said curve, through a central angle of 05°24'08" for
399 an arc length of 109.85 feet to the PRC with a curve
400 to the right, concave southwesterly, having a radius
401 of 130.01 feet; thence southeasterly along the arc of
402 said curve, through a central angle of 35°15'03" for
403 an arc length of 79.99 feet to the PT; thence S
404 26°03'37" E a distance of 36.95 feet to the PC of a
405 curve to the right, concave westerly, having a radius
406 of 155.90 feet; thence southerly along the arc of said
407 curve, through a central angle of 19°29'19" for an arc
408 length of 53.03 feet to the PT; thence S 06°34'18" E a
409 distance of 145.31 feet to the PC of a curve to the
410 right, concave westerly, having a radius of 381.72
411 feet; thence southerly along the arc of said curve,
412 through a central angle of 20°52'37" for an arc length

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413 of 139.09 feet to the PRC with a curve to the left,
414 concave easterly, having a radius of 217.01 feet;
415 thence southerly along the arc of said curve, through
416 a central angle of 15°07'08" for an arc length of
417 57.26 feet to the PT; thence S 00°48'49" E a distance
418 of 918.62 feet to the PC of a curve to the left,
419 concave easterly, having a radius of 1100.05 feet;
420 thence southerly along the arc of said curve, through
421 a central angle of 03°32'45" for an arc length of
422 68.08 feet to the PRC with a curve to the right,
423 concave westerly, having a radius of 1081.49 feet;
424 thence southerly along the arc of said curve, through
425 a central angle of 07°46'27" for an arc length of
426 146.74 feet to the PRC of a curve to the left, concave
427 easterly, having a radius of 371.42 feet; thence
428 southerly along the arc of said curve, through a
429 central angle of 09°50'26" for an arc length of 63.79
430 feet to the PRC with a curve to the right, concave
431 westerly, having a radius of 466.22 feet; thence
432 southerly along the arc of said curve, through a
433 central angle of 10°34'22" for an arc length of 86.03
434 feet to the PRC with a curve to the left, concave
435 easterly, having a radius of 1097.87 feet; thence
436 southerly along the arc of said curve, through a
437 central angle of 08°04'58" for an arc length of 154.87
438 feet to the PRC with a curve to the right, concave
439 westerly, having a radius of 157.61 feet; thence

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440 southerly along the arc of said curve, through a
441 central angle of 21°49'49" for an arc length of 60.05
442 feet to the PRC with a curve to the left, concave
443 easterly, having a radius of 525.02 feet; thence
444 southerly along the arc of said curve, through a
445 central angle of 10°11'47" for an arc length of 93.43
446 feet to the PCC with a curve to the left, concave
447 easterly, having a radius of 581.75 feet; thence
448 southerly along the arc of said curve, through a
449 central angle of 11°08'59" for an arc length of 113.21
450 feet to the PRC with a curve to the right, concave
451 westerly, having a radius of 651.66 feet; thence
452 southerly along the arc of said curve, through a
453 central angle of 03°52'58" for an arc length of 44.16
454 feet to the PRC with a curve to the left, concave
455 easterly, having a radius of 5339.97 feet; thence
456 southerly along the arc of said curve, through a
457 central angle of 01°57'39" for an arc length of 182.76
458 feet to the PT; thence S 01°31'47" E a distance of
459 205.41 feet to the PC of a curve to the right, concave
460 westerly, having a radius of 1347.71 feet; thence
461 southerly along the arc of said curve, through a
462 central angle of 03°51'32" for an arc length of 90.77
463 feet to the PRC with a curve to the left, concave
464 easterly, having a radius of 1572.32 feet; thence
465 southerly along the arc of said curve, through a
466 central angle of 04°54'51" for an arc length of 134.85

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467 feet to the PT; thence S 02°35'06" E a distance of
 468 221.17 feet to the PC of a curve to the right, concave
 469 westerly, having a radius of 129.00 feet; thence
 470 southerly along the arc of said curve, through a
 471 central angle of 04°53'08" for an arc length of 11.00
 472 feet to the PRC with a curve to the left, concave
 473 easterly, having a radius of 4508.07 feet; thence
 474 southerly along the arc of said curve, through a
 475 central angle of 02°37'18" for an arc length of 206.27
 476 feet to an intersection with a line that is parallel
 477 with and 1320.00 feet southerly of a westerly
 478 projection of the South line of said Section 30;
 479 thence S 88°48'15" W along said line a distance of
 480 1475.19 feet to an intersection with a line that is
 481 parallel with and 1500.00 feet westerly of a southerly
 482 projection of the West line of said Section 30; thence
 483 S 00°16'05" E a distance of 703 feet, more or less, to
 484 the waters of Alligator Harbor and the POINT OF
 485 TERMINATION.

486 Section 8. This act shall take effect upon becoming a law.

487

488

489 ===== T I T L E A M E N D M E N T =====

490 Remove the entire title and insert:

491 A bill to be entitled

492 An act relating to Alligator Point Water Resources

493 District, Franklin County; codifying, amending,

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HOUSE AMENDMENT

Bill No. HB 1793 CS

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494 | reenacting, and repealing chapters 63-1350 and 85-414,
495 | Laws of Florida; providing legislative intent; providing
496 | definitions; providing that the district may provide sewer
497 | and wastewater collection and disposal services; providing
498 | severability; providing construction; providing for
499 | annexation; requiring a referendum; providing an effective
500 | date.

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