

HB 4103

2026

A bill to be entitled  
An act relating to Apalachicola Water and Sewer District, Franklin County; creating and establishing the Apalachicola Water and Sewer District; providing a district charter; providing definitions; describing boundaries; providing for a district board; providing powers of the district and district board; providing for the transfer of assets, assumption of all lawful debts and other obligations, and continuation of contracts by district; providing an effective date.

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

**Section 1.** The Apalachicola Water and Sewer District is created as an independent special district in Franklin County. The district is organized and exists for all purposes and shall hold all powers set forth in this act and chapters 189 and 197, Florida Statutes, except as otherwise provided in this act. The district charter may be amended only by special act of the Legislature.

Section 2. The charter for the Apalachicola Water and Sewer District is created to read:

Section 1. Name and corporate status.—

(1) The name of the district is the "Apalachicola Water and Sewer District."

26        (2) The district shall be an independent special district  
27        of the State of Florida and a body corporate and politic.

28        Section 2. Definitions.-

29        (1) "Board" means the Apalachicola Water and Sewer  
30        District Board.

31        (2) "District" means the Apalachicola Water and Sewer  
32        District.

33        (3) "Sewer system" means plant, system, facility, or other  
34        operation concerning collection, treatment, purification, or  
35        disposal of sewage.

36        (4) "Water system" means waterworks or a water treatment  
37        plant, or other operation concerning fresh water production,  
38        distribution, or sale.

39        Section 3. District boundaries.-The area within the  
40        boundaries of the City of Apalachicola and the existing  
41        customers presently served by the water and sewer service of the  
42        city.

43        Section 4. Board of the district.-

44        (1) The governing body of the district shall be the  
45        Apalachicola Water and Sewer District Board, consisting of five  
46        members, with three members appointed by the Governor, one  
47        member appointed by the Board of County Commissioners of  
48        Franklin County, and one member appointed by the City Commission  
49        of the City of Apalachicola. All members of the board must be  
50        water and sewer customers of the district.

51       (2) Members shall serve 4-year terms, however, the members  
52 appointed by the Board of County Commissioners of Franklin  
53 County and the City Commission of the City of Apalachicola shall  
54 be subject to removal by those governing bodies during their  
55 unexpired terms.

56       (3) Each year, the board shall hold an annual  
57 organizational meeting and elect a chair, vice chair, secretary,  
58 and treasurer, whose duties shall be established by resolution  
59 of the board.

60       (4) The board shall have those administrative duties set  
61 forth in this charter and chapter 189, Florida Statutes.

62       (5) A quorum of the board shall be a majority of its  
63 members. Official action will require a majority of those voting  
64 members present.

65       (6) Requirements for financial disclosure, meeting  
66 notices, reporting, and public records maintenance and shall be  
67 as set forth in chapters 112, 119, 189, and 286, Florida  
68 Statutes.

69       (7) Members of the boards shall serve without  
70 compensation, but may be reimbursed for their expenses pursuant  
71 to s. 112.061, Florida Statutes.

72       Section 5. Powers of the district and board.-

73       (1) The district, by and through the board, is authorized  
74 and empowered:

75       (a) To purchase, construct, reconstruct, buy, improve,

76 extend, enlarge, equip, repair, maintain, and operate a water  
77 system; to provide fresh water either within the area described  
78 in section 3 or to property located outside the district's  
79 boundaries if the district enters into an agreement with  
80 effected property owners, or both; to operate, manage, and  
81 control all such systems so purchased or constructed and all  
82 properties pertaining thereto; and to furnish and supply water,  
83 sewage, and disposal services to such district or adjoining area  
84 and any persons, firms, or corporation, public or private, in  
85 any such area.

86 (b) To issue negotiable water revenue certificates of the  
87 district, payable from revenues to be derived from the operation  
88 of said water or sewer system.

89 (c) To fix and collect rates and charges for water or  
90 sewer furnished by said water and sewer systems and to fix and  
91 collect charges for making connections with any water or sewer  
92 system.

93 (d) To acquire in the name of the district, by purchase or  
94 gift, within and without such lands and rights and interests  
95 therein, including lands over and under water and riparian  
96 rights; to acquire such personal property as it may deem  
97 necessary in connection with the construction or operation of  
98 water and sewer systems; and to hold and dispose of all real and  
99 personal property under its control.

100 (e) To enter into contracts with private parties or

101 interlocal agreements with governmental entities for the purpose  
102 of purchasing, constructing, operating, or maintaining a water  
103 system or providing water services in the area described in  
104 section 3 or to areas outside the district's boundaries.

105 (f) To exercise the right and power of eminent domain,  
106 pursuant to general law, over property described in section 3,  
107 except municipal, county, state, special district, or federal  
108 property used for a public purpose.

109 (g) To make and enter into all contracts and agreements  
110 necessary or incidental to the performance of its duties and the  
111 execution of its powers under this act, including a trust  
112 agreement or trust agreements securing any bonds issued  
113 hereunder; to employ such expert and clerical personnel as may,  
114 in the judgment of the board, be deemed necessary; and to fix  
115 their compensation, provided, however, that all such expenses  
116 shall be payable solely from funds made available under the  
117 provisions of this act.

118 (h) To exercise jurisdiction, control, and supervision  
119 over any water and sewer systems owned, operated, or maintained  
120 by it; to make and enforce such rules and regulations for the  
121 maintenance and operation of any such system as may in its  
122 judgment be necessary or desirable for the efficient operation  
123 thereof; and to accomplish the purposes of this act.

124 (i) To enter on any lands, water, or premises located  
125 within the area described in section 3 or, pursuant to an

126 agreement with the property owner or interlocal agreement, land  
127 located outside the district's boundaries to make surveys,  
128 borings, soundings, or examinations to effectuate the purposes  
129 of this act.

130 (j) To construct and operate water mains, laterals,  
131 conduits, pipelines, pumping stations, lift stations, valves,  
132 force mains, laterals, pressure lines, mains, and all necessary  
133 appurtenances thereto, in, along, or under any street, alley,  
134 highway, or other public place in the area described in section  
135 3 or any other area that is subject to an agreement between the  
136 district and the entity controlling the public property.

137 (k) To restrain, enjoin, or otherwise prevent any  
138 political subdivision or agency and any person or corporation,  
139 public or private, from discharging into any navigable or non-  
140 navigable waters within the limits of the district any sewage,  
141 industrial waters, or other refuse which would contribute to the  
142 pollution of such and to restrain, enjoin, or otherwise prevent  
143 the violation of any provision of this act or any resolution,  
144 regulation, or rule adopted pursuant to the powers granted by  
145 this act.

146 (l) Subject to such provisions and restrictions as may be  
147 set forth in any resolution or trust agreement authorizing or  
148 securing any bonds issued under the provisions of this act, to  
149 enter into contracts with the government of the United States or  
150 the state or any agency or instrumentality of either thereof, or

151 with any municipality, district, private corporation, co-  
152 partnership, association, or individual providing for or  
153 relating to such water system or the purchase and sale of water  
154 or sewer system and the disposal of sewage.

155 (m) To receive and accept from any authorized agency of  
156 the Federal Government loans or grants for the planning,  
157 construction, improvement, extension, enlargement,  
158 reconstruction, or equipment of any water and sewer systems; to  
159 enter into agreements with such agency respecting any such loans  
160 or grants; and to receive and accept aid or contributions from  
161 any source of either money, property, labor, or other things of  
162 value, to be held, used, and applied only for the purposes for  
163 which such loans, grants, or contributions be made.

164 (n) To do all acts and things necessary or convenient to  
165 carry out the powers expressly granted in this act.

166 (2) The board may fix and revise from time to time rates  
167 and charges for water furnished by any water system and for  
168 sewage disposal by any sewer system and charge and collect the  
169 same. Any such rates and charges shall be so fixed and revised  
170 as to provide funds, with other funds available for such  
171 purpose, sufficient at all times:

172 (a) To pay the cost of maintaining, repairing, and  
173 operating the water and sewer systems of the district, and to  
174 provide reserves therefor and for replacements, depreciation,  
175 and necessary extensions and enlargements.

176        (b) To pay the principal of and the interest on all  
177        outstanding bonds for the payment of which such rates and  
178        charges are pledged as the same shall become due and provide  
179        reserves therefor.

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

186        (3) The district shall have no power or authority to impose  
187        or collect ad valorem taxes.

188        (4) No funds of the district shall be used for any purpose  
189        other than those defined in this section and the administration  
190        of the affairs and business of the district, or the purpose,  
191        acquisition, construction, expansion, care, maintenance, upkeep,  
192        and operation of a fresh water system and sewer system in the  
193        district as the board may determine to be for the best interest  
194        of the district and inhabitants thereof.

195        (5) The board may provide in the resolution authorizing  
196        the issuance of bonds under this act or in any trust agreement  
197        securing such bonds that if any water or sewer rates shall not  
198        be paid within 30 days from the rendition of any such bills, the  
199        district shall discontinue furnishing water to such premises and  
200        may disconnect the same from the water system. Any such

201 resolution or trust agreement may include any or all of the  
202 following provisions, and may require the board to adopt such  
203 resolutions or to take such other lawful action as shall be  
204 necessary to effectuate such provisions, and the board is hereby  
205 authorized to adopt such resolutions and to take such other  
206 action.

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

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

221 (6) The powers, functions, and duties of the district  
222 relating to bond issuance, other revenue-raising capabilities,  
223 budget preparation and approval, liens and foreclosure of liens,  
224 use of tax deeds and tax certificates as appropriate for non-ad  
225 valorem assessments, and contractual agreements, and the methods

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226 for financing the district and for collecting non-ad valorem  
227 assessments, fees, or service charges, to the extent authorized  
228 by this act, shall be as forth in this charter, in chapters 170,  
229 189, and 197, Florida Statutes, and in any applicable general or  
230 special law.

231 (7) The district's planning requirements shall be as set  
232 forth in this act and chapter 189, Florida Statutes.

233 (8) The procedures for conducting any district elections  
234 or referenda authorized by general law, as well the  
235 qualification for electors for any district elections or  
236 referenda, shall be pursuant to chapter 189, Florida Statutes.

237 **Section 3.** As of the effective date of this act, all  
238 property, whether real, personal, or mixed, that is owned,  
239 possessed, or controlled by the City of Apalachicola for the  
240 purposes of providing water and sewer systems, as well as all  
241 other assets, contracts, obligations, and liabilities of the  
242 City of Apalachicola for such purposes, are hereby transferred  
243 and vested in the Apalachicola Water and Sewer District. All  
244 contracts and obligations of the City of Apalachicola for water  
245 and sewer systems existing on the effective date of this act  
246 shall remain in full force and effect, and this act shall in no  
247 way affect the validity of such contracts or obligations.

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