

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

11
12 Be It Enacted by the Legislature of the State of Florida:

13
14 **Section 1.** The Apalachicola Water and Sewer District is
15 created as an independent special district in Franklin County.
16 The district is organized and exists for all purposes and shall
17 hold all powers set forth in this act and chapters 189 and 197,
18 Florida Statutes, except as otherwise provided in this act. The
19 district charter may be amended only by special act of the
20 Legislature.

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

23 Section 1. Name and corporate status.-

24 (1) The name of the district is the "Apalachicola Water
25 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 affected 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

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

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

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

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

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

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

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

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

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