

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.

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

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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 meet monthly at such date, time, and  
61 place as the board may from time to time designate.

62       (5) The board shall have those administrative duties set  
63 forth in this charter and chapter 189, Florida Statutes.

64       (6) A quorum of the board shall be a majority of its  
65 members. Official action will require a majority of those voting  
66 members present.

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

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

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

75       (1) The district, by and through the board, is authorized

76 and empowered:

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

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

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

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

101 personal property under its control.

102 (e) To enter into contracts with private parties or  
103 interlocal agreements with governmental entities for the purpose  
104 of purchasing, constructing, operating, or maintaining a water  
105 system or providing water services in the area described in  
106 section 3 or to areas outside the district's boundaries.

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

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

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

126        (i) To enter on any lands, water, or premises located  
127 within the area described in section 3 or, pursuant to an  
128 agreement with the property owner or interlocal agreement, land  
129 located outside the district's boundaries to make surveys,  
130 borings, soundings, or examinations to effectuate the purposes  
131 of this act.

132        (j) To construct and operate water mains, laterals,  
133 conduits, pipelines, pumping stations, lift stations, valves,  
134 force mains, laterals, pressure lines, mains, and all necessary  
135 appurtenances thereto, in, along, or under any street, alley,  
136 highway, or other public place in the area described in section  
137 3 or any other area that is subject to an agreement between the  
138 district and the entity controlling the public property.

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

148        (l) Subject to such provisions and restrictions as may be  
149 set forth in any resolution or trust agreement authorizing or  
150 securing any bonds issued under the provisions of this act, to

151 enter into contracts with the government of the United States or  
152 the state or any agency or instrumentality of either thereof, or  
153 with any municipality, district, private corporation, co-  
154 partnership, association, or individual providing for or  
155 relating to such water system or the purchase and sale of water  
156 or sewer system and the disposal of sewage.

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

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

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

174 (a) To pay the cost of maintaining, repairing, and  
175 operating the water and sewer systems of the district, and to

176 provide reserves therefor and for replacements, depreciation,  
177 and necessary extensions and enlargements.

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

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

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

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

197 (5) The board may provide in the resolution authorizing  
198 the issuance of bonds under this act or in any trust agreement  
199 securing such bonds that if any water or sewer rates shall not  
200 be paid within 30 days from the rendition of any such bills, the



201 district shall discontinue furnishing water to such premises and  
202 may disconnect the same from the water system. Any such  
203 resolution or trust agreement may include any or all of the  
204 following provisions, and may require the board to adopt such  
205 resolutions or to take such other lawful action as shall be  
206 necessary to effectuate such provisions, and the board is hereby  
207 authorized to adopt such resolutions and to take such other  
208 action.

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

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

223 (6) The powers, functions, and duties of the district  
224 relating to bond issuance, other revenue-raising capabilities,  
225 budget preparation and approval, liens and foreclosure of liens,

226 use of tax deeds and tax certificates as appropriate for non-ad  
227 valorem assessments, and contractual agreements, and the methods  
228 for financing the district and for collecting non-ad valorem  
229 assessments, fees, or service charges, to the extent authorized  
230 by this act, shall be as forth in this charter, in chapters 170,  
231 189, and 197, Florida Statutes, and in any applicable general or  
232 special law.

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

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

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

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