

26 | hold all powers set forth in this act and chapters 189 and 197,
 27 | Florida Statutes, except as otherwise provided in this act. The
 28 | district charter may be amended only by special act of the
 29 | Legislature.

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

32 | Section 1. Name and corporate status.-

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

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

37 | Section 2. Definitions.-

38 | (1) "Board" means the Apalachicola Water and Sewer
 39 | District Board.

40 | (2) "District" means the Apalachicola Water and Sewer
 41 | District.

42 | (3) "Sewer system" means plant, system, facility, or other
 43 | operation concerning collection, treatment, purification, or
 44 | disposal of sewage.

45 | (4) "Water system" means waterworks or a water treatment
 46 | plant, or other operation concerning fresh water production,
 47 | distribution, or sale.

48 | Section 3. District boundaries.-The area within the
 49 | boundaries of the City of Apalachicola and the existing
 50 | customers presently served by the water and sewer service of the

51 city.

52 Section 4. Board of the district.-

53 (1) The governing body of the district shall be the
54 Apalachicola Water and Sewer District Board, consisting of five
55 members, with three members appointed by the Governor, one
56 member appointed by the Board of County Commissioners of
57 Franklin County, and one member appointed by the City Commission
58 of the City of Apalachicola. All members of the board must be
59 legal residents and water and sewer customers of the district.

60 (2) Members shall serve 4-year terms, however, the members
61 appointed by the Board of County Commissioners of Franklin
62 County and the City Commission of the City of Apalachicola shall
63 be subject to removal by those governing bodies during their
64 unexpired terms.

65 (3) Each year, the board shall hold an annual
66 organizational meeting and elect a chair, vice chair, secretary,
67 and treasurer, whose duties shall be established by resolution
68 of the board.

69 (4) The board shall meet monthly at such date, time, and
70 place as the board may from time to time designate.

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

73 (6) A quorum of the board shall be a majority of its
74 members. Official action will require a majority of those voting
75 members present.

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

79 (8) Members of the board shall serve without compensation,
 80 but may be reimbursed for their expenses pursuant to s. 112.061,
 81 Florida Statutes.

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

83 (1) The district, by and through the board, is authorized
 84 and empowered:

85 (a) To purchase, construct, reconstruct, buy, improve,
 86 extend, enlarge, equip, repair, maintain, and operate a water
 87 and sewer system; to provide fresh water either within the area
 88 described in section 3 or to property located outside the
 89 district's boundaries if the district enters into an agreement
 90 with affected property owners, or both; to operate, manage, and
 91 control all such systems so purchased or constructed and all
 92 properties pertaining thereto; and to furnish and supply water,
 93 sewage, and disposal services to such district or adjoining area
 94 and any persons, firms, or corporations, public or private, in
 95 any such area.

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

99 (c) To fix and collect rates and charges for water or
 100 sewer furnished by said water and sewer systems and to fix and

101 collect charges for making connections with any water or sewer
102 system.

103 (d) To acquire in the name of the district, by purchase or
104 gift, within and without such lands and rights and interests
105 therein, including lands over and under water and riparian
106 rights; to acquire such personal property as it may deem
107 necessary in connection with the construction or operation of
108 water and sewer systems; and to hold and dispose of all real and
109 personal property under its control.

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

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

119 (g) To make and enter into all contracts and agreements
120 necessary or incidental to the performance of its duties and the
121 execution of its powers under this act, including a trust
122 agreement or trust agreements securing any bonds issued
123 hereunder; to employ such expert and clerical personnel as may,
124 in the judgment of the board, be deemed necessary; and to fix
125 their compensation, provided, however, that all such expenses

126 shall be payable solely from funds made available under the
127 provisions of this act.

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

134 (i) To enter on any lands, water, or premises located
135 within the area described in section 3 or, pursuant to an
136 agreement with the property owner or interlocal agreement, land
137 located outside the district's boundaries to make surveys,
138 borings, soundings, or examinations to effectuate the purposes
139 of this act.

140 (j) To construct and operate water mains, laterals,
141 conduits, pipelines, pumping stations, lift stations, valves,
142 force mains, laterals, pressure lines, mains, and all necessary
143 appurtenances thereto, in, along, or under any street, alley,
144 highway, or other public place in the area described in section
145 3 or any other area that is subject to an agreement between the
146 district and the entity controlling the public property.

147 (k) To restrain, enjoin, or otherwise prevent any
148 political subdivision or agency and any person or corporation,
149 public or private, from discharging into any navigable or non-
150 navigable waters within the limits of the district any sewage,

151 industrial waters, or other refuse which would contribute to the
152 pollution of such and to restrain, enjoin, or otherwise prevent
153 the violation of any provision of this act or any resolution,
154 regulation, or rule adopted pursuant to the powers granted by
155 this act.

156 (l) Subject to such provisions and restrictions as may be
157 set forth in any resolution or trust agreement authorizing or
158 securing any bonds issued under the provisions of this act, to
159 enter into contracts with the government of the United States or
160 the state or any agency or instrumentality of either thereof, or
161 with any municipality, district, private corporation, co-
162 partnership, association, or individual providing for or
163 relating to such water system or the purchase and sale of water
164 or sewer system and the disposal of sewage.

165 (m) To receive and accept from any authorized agency of
166 the Federal Government loans or grants for the planning,
167 construction, improvement, extension, enlargement,
168 reconstruction, or equipment of any water and sewer systems; to
169 enter into agreements with such agency respecting any such loans
170 or grants; and to receive and accept aid or contributions from
171 any source of either money, property, labor, or other things of
172 value, to be held, used, and applied only for the purposes for
173 which such loans, grants, or contributions be made.

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

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

182 (a) To pay the cost of maintaining, repairing, and
183 operating the water and sewer systems of the district, and to
184 provide reserves therefor and for replacements, depreciation,
185 and necessary extensions and enlargements.

186 (b) To pay the principal of and the interest on all
187 outstanding bonds for the payment of which such rates and
188 charges are pledged as the same shall become due and provide
189 reserves therefor.

190 (c) To provide a margin of safety for making such payments
191 and providing such reserves. Such rates and charges shall not be
192 subject to supervision or regulation by any commission, board,
193 bureau, or agency of the state or of any political subdivision
194 of the state. Such rates and charges shall be just and
195 equitable.

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

198 (4) No funds of the district shall be used for any purpose
199 other than those defined in this section and the administration
200 of the affairs and business of the district, or the purpose,

201 acquisition, construction, expansion, care, maintenance, upkeep,
202 and operation of a fresh water system and sewer system in the
203 district as the board may determine to be for the best interest
204 of the district and inhabitants thereof.

205 (5) The board may provide in the resolution authorizing
206 the issuance of bonds under this act or in any trust agreement
207 securing such bonds that if any water or sewer rates shall not
208 be paid within 30 days from the rendition of any such bills, the
209 district shall discontinue furnishing water to such premises and
210 may disconnect the same from the water system. Any such
211 resolution or trust agreement may include any or all of the
212 following provisions, and may require the board to adopt such
213 resolutions or to take such other lawful action as shall be
214 necessary to effectuate such provisions, and the board is hereby
215 authorized to adopt such resolutions and to take such other
216 action.

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

223 (b) If any water or sewer rates charges payable to the
224 district shall not be paid within 30 days after the same shall
225 become due and payable, the district may at the expiration of

226 such 30 days period disconnect the premises from the water
 227 system and the district may proceed to recover the amount of any
 228 such delinquent rates or charges, with interest at the highest
 229 legal rate, in any court having jurisdiction over claims for
 230 money damages.

231 (6) The powers, functions, and duties of the district
 232 relating to bond issuance, other revenue-raising capabilities,
 233 budget preparation and approval, liens and foreclosure of liens,
 234 use of tax deeds and tax certificates as appropriate for non-ad
 235 valorem assessments, and contractual agreements, and the methods
 236 for financing the district and for collecting non-ad valorem
 237 assessments, fees, or service charges, to the extent authorized
 238 by this act, shall be as forth in this charter, in chapters 170,
 239 189, and 197, Florida Statutes, and in any applicable general or
 240 special law.

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

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

247 **Section 3.** Effective upon this act becoming a law, the
 248 City of Apalachicola may not incur any additional obligations or
 249 indebtedness related to the operation of its water and sewer
 250 utility other than expenses incurred in the ordinary course of

251 business and shall avoid wasting its assets. The City of
252 Apalachicola and the Apalachicola Water and Sewer District must
253 enter into an interlocal agreement by the latter of July 1,
254 2026, or 30 days after the Governor makes initial appointments
255 to the board to effectuate the transfer of water and sewer
256 service from the city to the district. Such agreement shall
257 include provisions concerning an assessment of all assets
258 currently held by the city for providing water and sewer
259 service, cooperation in meeting regulatory and permitting
260 requirements for the transfer of the water and sewer utility,
261 the transition of assets and liabilities from the city to the
262 district, and membership of district employees in the Florida
263 Retirement System, as well as any other terms and conditions
264 mutually agreed to by the parties. Notwithstanding any other
265 provision of law, if the city and the district do not enter into
266 an interlocal agreement by the deadline established by this
267 section, the district shall have the sole authority to make all
268 determinations necessary to effectuate the transfer of water and
269 sewer service, which are binding on both the city and the
270 district.

271 **Section 4.** On December 1, 2026, all property, whether
272 real, personal, or mixed, that is owned, possessed, or
273 controlled by the City of Apalachicola for the purposes of
274 providing water and sewer systems, as well as all other assets,
275 contracts, obligations, and liabilities of the City of

276 Apalachicola for such purposes, are hereby transferred and
277 vested in the Apalachicola Water and Sewer District. All
278 contracts and obligations of the City of Apalachicola for water
279 and sewer systems existing on the effective date of this act
280 shall remain in full force and effect, and this act shall in no
281 way affect the validity of such contracts or obligations.
282 Current employees of the city employed for the purpose of
283 providing water and sewer service shall become employees of the
284 district pursuant to the interlocal agreement or other
285 determinations made pursuant to section 3 of this act, provided
286 that the district shall ensure that employees continue
287 membership in the Florida Retirement System.

288 **Section 5.** Except as otherwise expressly provided in this
289 act, this act shall take effect upon becoming a law.