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CS/CS/HB 4103

2026 Legislature

1  
 2 An act relating to the 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; prohibiting  
 8 the City of Apalachicola from incurring certain  
 9 additional obligations or indebtedness; requiring the  
 10 city and district to enter into an interlocal  
 11 agreement to effectuate the transfer of water and  
 12 sewer service to the district; providing for the  
 13 district to take certain actions if the city and the  
 14 district do not enter an interlocal agreement;  
 15 providing for the transfer of assets, assumption of  
 16 all lawful debts and other obligations, and  
 17 continuation of contracts by the district; providing  
 18 for the status of certain employees; providing  
 19 effective dates.

20  
 21 Be It Enacted by the Legislature of the State of Florida:

22  
 23 Section 1. The Apalachicola Water and Sewer District is  
 24 created as an independent special district in Franklin County.  
 25 The district is organized and exists for all purposes and shall

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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

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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.

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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

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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

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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,

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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.

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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,

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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

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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

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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

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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.