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1
 2 An act relating to the Eastpoint Water and Sewer
 3 District, Franklin County; reenacting, amending, and
 4 repealing the special act relating to the district;
 5 providing legislative intent; providing for
 6 continuation of authority for revenue collection and
 7 powers to meet outstanding obligations; revising
 8 definitions; removing the separate positions of board
 9 secretary and board treasurer; creating the position
 10 of board secretary-treasurer; providing purpose and
 11 construction; repealing chapter 67-1399, Laws of
 12 Florida, relating to the district; providing an
 13 exception to general law; providing an effective date.

14
 15 Be It Enacted by the Legislature of the State of Florida:

16
 17 Section 1. Chapter 67-1399, Laws of Florida, relating to
 18 the Eastpoint Water and Sewer District, Franklin County, is
 19 reenacted, amended, and repealed as provided in this act.
 20 Furthermore, it is the intent of the Legislature to preserve all
 21 authority to generate revenue and pay outstanding indebtedness
 22 as continued in force by the operation of ss. 2 and 15, Art. XII
 23 of the State Constitution.

24 Section 2. The charter for the Eastpoint Water and Sewer
 25 District is reenacted to read:

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26 Section 1. District ratified, restated, and approved.—The
 27 Eastpoint Water and Sewer District, an independent special
 28 taxing district created by chapter 67-1399, Laws of Florida, in
 29 Franklin County, is hereby ratified, confirmed, and approved.
 30 The Eastpoint Water and Sewer District shall continue to be a
 31 public corporation of this state and have perpetual existence.
 32 All lawful debts, bonds, obligations, contracts, franchises,
 33 promissory notes, audits, minutes, resolutions, and other
 34 undertakings of the Eastpoint Water and Sewer District are
 35 hereby validated and shall continue to be valid and binding on
 36 the district in accordance with their respective terms,
 37 conditions, and covenants. All taxes levied by the Board of
 38 Commissioners of the Eastpoint Water and Sewer District are
 39 hereby validated and shall continue to be valid and binding on
 40 the district in accordance with their respective terms,
 41 conditions, and covenants. All taxes levied by the Board of
 42 Commissioners of the Eastpoint Water and Sewer District on lands
 43 within the boundaries of the district shall continue to be
 44 effective, binding, and collectible and a lien on such lands in
 45 accordance with this act. Any proceeding commenced by the
 46 Eastpoint Water and Sewer District for the construction of any
 47 improvements, works, or facilities; for the assessment of
 48 benefits and damages; or for the borrowing of money shall not be
 49 impaired or avoided by this act.

50 Section 2. Boundaries.—The Eastpoint Water and Sewer

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51 District shall include all that portion of Eastpoint in said
 52 county described as follows:

53
 54 All of Section 30 and all of Fractional Sections 29, 31,
 55 and 32 in Township 8 South, Range 6 West; All of Fractional
 56 Sections 25 and 36 in Township 8 South, Range 7 West; All
 57 of Fractional Section 1 in Township 9 South, Range 7 West
 58 and all of Fractional Section 6 in Township 9 South, Range
 59 6 West.

60
 61 Section 3. Definitions.—Whenever used in this act, unless
 62 a different meaning clearly appears from the context, the term:

63 (1) "Board" means the Board of Commissioners of the
 64 Eastpoint Water and Sewer District.

65 (2) "Bond" means a bond or revenue certificate or other
 66 financial obligation of the district which is part or all of an
 67 issue of such obligation, any one or more of which mature over 3
 68 years from the date of issue, issued pursuant to this act.

69 (3) "County" means Franklin County.

70 (4) "District" means the Eastpoint Water and Sewer
 71 District created and established by this act.

72 (5) "Sewage" means the water-carried wastes created in and
 73 carried or to be carried away from residences, hotels, schools,
 74 hospitals, industrial establishments, commercial establishments,
 75 or any other private or public building, together with such

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76 surface or ground water or household and industrial wastes as
 77 may be present.

78 (6) "Sewage disposal system" means any plant, system,
 79 facility, or property used or useful or having the present
 80 capacity for future use in connection with the collection,
 81 treatment, purification, or disposal of sewage, including
 82 industrial wastes resulting from any processes of industry,
 83 manufacture, trade, or business or from the development of any
 84 natural resources, or any integral part thereof, including, but
 85 not limited to, treatment, plants, pumping stations,
 86 intercepting sewers, trunk sewers, pressure lines, mains, and
 87 all necessary appurtenances and equipment, and all property,
 88 rights, easements, and franchises relating thereto and deemed
 89 necessary or convenient by the district for the operation
 90 thereof.

91 (7) "Sewer" includes sewerage.

92 (8) "Sewer system" includes both sewers and sewage
 93 disposal systems and all property, rights, easements, and
 94 franchises relating thereto.

95 (9) "Sewers" includes mains, pipes, and laterals for
 96 receiving sewage and carrying such sewage to an outfall or some
 97 part of a sewage disposal system, including, but not limited to,
 98 pumping stations, where deemed necessary by the district.

99 (10) "System" means a water system or sewer system or any
 100 one or more thereof.

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101 (11) "Water system" means all plants, systems, facilities,
 102 or properties used or useful or having the present capacity for
 103 future use in connection with the supply, transportation, or
 104 distribution of water, and any integral part thereof, including,
 105 but not limited to, water supply systems, water distribution
 106 systems, reservoirs, wells, intakes, mains, laterals, aqueducts,
 107 pumping stations, standpipes, filtration plants, purification
 108 plants, hydrants, meters, valves, and all necessary
 109 appurtenances and equipment, and all properties, rights,
 110 easements, and franchises relating thereto and deemed necessary
 111 or convenient by the district for the operation thereof.

112 Section 4. Objects and purposes of the district.—The
 113 objects and purposes of the district are to acquire, purchase,
 114 lease, construct, improve, extend, operate, maintain, and
 115 finance any water system or parts thereof, or any sewer system
 116 or parts thereof, serving such unincorporated areas and other
 117 customers and users as the district may determine. The district
 118 may acquire a supply of water within or without the county and
 119 within or without the state. The district may itself own and
 120 operate water systems and sewer systems in unincorporated
 121 territory and may also sell and transport water to other
 122 systems, whether publicly or privately owned, and other users
 123 and consumers, provided the district does not acquire,
 124 construct, or own any water distribution system in any other
 125 area except as stated in this act.

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126 Section 5. Governing body.—The board is the governing body
127 of the district and consists of five members, each of whom must
128 be a qualified elector of the district. Board members are
129 appointed by the Governor for terms of 4 years. Appointments to
130 fill vacancies on the board are for the unexpired term only.
131 Before entering upon duties as a board member, each member must
132 execute to the Governor a good and sufficient bond in the sum of
133 \$1,000 with a qualified corporate surety conditioned to
134 faithfully perform the duties of commissioner and to account for
135 all funds to come into the possession of such commissioner. All
136 premiums payable for such bonds shall be paid from the funds of
137 the district.

138 Section 6. Organization.—The board shall organize by
139 electing from its members a chair, a vice chair, and a
140 secretary-treasurer. Board members shall not receive
141 compensation for their service but may be reimbursed for per
142 diem and travel expenses as provided in s. 112.061, Florida
143 Statutes, for attending meetings of the board or performing
144 official duties pertaining to the district.

145 Section 7. Funds.—Funds of the district may be used only
146 for the administration of the affairs and business of the
147 district and for the construction, care, maintenance, upkeep,
148 operation, and repair of sewers and sewer and water systems in
149 the district, as the board may determine to be for the best
150 interest of the district and the inhabitants thereof. All

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151 disbursements of the funds of the district shall be made
 152 pursuant to warrants or checks signed by two board members.

153 Section 8. Powers of board.—The board may:

154 (1) Acquire, in the name of the district, by purchase or
 155 the exercise of the right of eminent domain, or construct and
 156 reconstruct, improve, extend, enlarge, equip, repair, maintain,
 157 and operate water systems or sewer systems within the
 158 territorial limits of the district.

159 (2) Issue revenue bonds of the district payable from the
 160 water rates or sewer service charges or other revenues of the
 161 district.

162 (3) Fix and collect rates and charges for water furnished
 163 by any water systems and fix and collect charges for connections
 164 made with any water systems.

165 (4) Fix and collect sewer service charges for the services
 166 furnished by any sewer systems and fix and collect charges for
 167 connections made with any sewer systems.

168 (5) Acquire, in the name of the district, by purchase or
 169 the exercise of the right of eminent domain, lands and rights-
 170 of-way and rights and interests therein, including lands under
 171 water and riparian rights, and personal property, as it may deem
 172 necessary in connection with the construction or operation of
 173 water systems or sewer systems; and hold and dispose of all real
 174 and personal property under its control.

175 (6) Make and enter into all contracts and agreements

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176 necessary or incidental to the performance of its duties and the
 177 execution of its powers under this act, including trust
 178 agreements securing any bonds issued hereunder; and employ such
 179 consulting and other engineers, superintendents, managers,
 180 construction and accounting experts and attorneys, and such
 181 employees and agents as may be deemed necessary, in the judgment
 182 of the board, and fix their compensation; provided, however,
 183 that all such expenses are payable solely from funds made
 184 available under this act.

185 (7) Exercise jurisdiction, control, and supervision over
 186 any water systems and any sewer systems that the district owns,
 187 operates, or maintains and make and enforce such rules and
 188 regulations for the maintenance and operation of any such
 189 systems as may be necessary or desirable, in the judgment of the
 190 board, for the efficient operation thereof and for accomplishing
 191 the purposes of this act.

192 (8) Enter on any lands, water, or premises located within
 193 the district to make surveys, borings, soundings, or
 194 examinations for the purposes of this act.

195 (9) Construct and operate sewer and water mains, laterals,
 196 conduits, pipelines, fire hydrants, and all necessary
 197 appurtenances thereto in, along, or under any streets, alleys,
 198 highways, or other public places within the district.

199 (10) Subject to such provisions and restrictions as may be
 200 set forth in any resolution or trust agreement authorizing or

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201 securing any bonds issued under this act, enter into contracts
 202 with the state or Federal Government or any agency or
 203 instrumentality of either, or with any municipality, district,
 204 private corporation, partnership, association, or individual
 205 providing for or relating to water systems or the purchase or
 206 sale of water or providing for or relating to sewer systems or
 207 the collection or disposal of sewerage.

208 (11) Exercise the powers granted by subsections (1)-(10)
 209 outside the boundaries of the district to the extent necessary
 210 to continue services to those properties within the
 211 unincorporated area of Franklin County that have district-owned
 212 infrastructure as of the effective date of this act.

213 (12) Receive and accept from any authorized agency of the
 214 Federal Government loans or grants for the planning,
 215 construction, improvement, extension, enlargement,
 216 reconstruction, or equipment of any water system or sewer system
 217 and enter into agreements with such agency respecting any such
 218 loans or grants; and receive and accept aid or contributions
 219 from any source of either money, property, labor, or other
 220 things of value to be held, used, and applied only for the
 221 purpose for which such loans, grants, or contributions may be
 222 made.

223 (13) Levy a tax not to exceed 5 mills on all taxable
 224 property within the district.

225 (14) Approve all accounts or claims against the board.

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226 (15) Keep appropriate records and accounts.
 227 (16) Advertise for bids for all purchases of goods,
 228 materials, and supplies or contracts for capital improvements
 229 where the price to be paid therefor is in excess of the
 230 threshold amount provided for CATEGORY TWO in s. 287.017,
 231 Florida Statutes, as may be amended from time to time.
 232 (17) Have a seal.
 233 (18) Prepare and adopt a budget for anticipated revenues
 234 and expenditures each fiscal year after due notice and public
 235 hearing.
 236 Section 9. Assessment and collection of taxes.—For each
 237 fiscal year, all taxable property within the district is subject
 238 to an ad valorem tax not to exceed 5 mills of the assessed
 239 valuation of such property to be used to carry out the purposes
 240 of this act. Each fiscal year, the board shall meet and
 241 determine the millage necessary to provide funds to be levied
 242 and assessed on such property to carry out the purposes of this
 243 act, provided, however, that the millage determined by the board
 244 does not exceed the limitations of this act. The ad valorem tax
 245 authorized by this act shall be levied and collected in the same
 246 manner as taxes for county purposes are assessed and collected
 247 in Franklin County. Taxes of the district must be of equal
 248 dignity with taxes for county purposes and must become liens and
 249 be enforced in the same manner as taxes for county purposes.
 250 Section 10. Water rates and sewer service charges.—The

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251 board may fix and revise from time to time rates and charges for
252 water furnished by any water system and sewer service charges
253 for the services furnished by any sewer system, and charge and
254 collect the same.

255 (1) Any such rates and charges shall be so fixed and
256 revised as to provide funds, with other funds available for such
257 purpose, sufficient at all times to:

258 (a) Pay the cost of maintaining, repairing, and operating
259 the water systems and sewer systems of the district and provide
260 reserves therefor and for replacements, depreciation, and
261 necessary extensions and enlargements.

262 (b) Pay the principal of and the interest on all
263 outstanding bonds for the payment of which such rates and
264 charges are pledged as the same become due and provide reserves
265 therefor.

266 (c) Provide a margin of safety for making such payments
267 and providing such reserves.

268 (2) Such rates and charges are not subject to supervision
269 or regulation by any commission, board, bureau, or agency of the
270 state or any political subdivision of the state.

271 (3) Such rates and charges must be just and equitable, and
272 the sewer service charges may be based or computed upon:

273 (a) The quantity of water used;

274 (b) The number and size of sewer connections;

275 (c) The number and kind of plumbing fixtures in use in the

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276 premises connected with the sewer system;
 277 (d) The number of persons residing or working in or
 278 otherwise connected with the premises connected with the sewer
 279 system;
 280 (e) The type or character of the premises connected with
 281 the sewer system;
 282 (f) Any other factor affecting the use of the facilities
 283 furnished; or
 284 (g) Any combination of the foregoing factors.
 285 (4) In cases where the character of sewage from any
 286 manufacturing or industrial plant, building, or premises is such
 287 that it imposes an unreasonable burden upon any sewer system, an
 288 additional charge may be made therefor, or the board may, if it
 289 deems advisable, compel such manufacturing or industrial plant,
 290 building, or premises to treat such sewage in a manner as shall
 291 be specified by the board before discharging the sewage into any
 292 sewer lines owned or maintained by the district.
 293 Section 11. Collection of rates and charges.—The board may
 294 provide in a resolution authorizing the issuance of bonds under
 295 this act or in any trust agreement securing such bonds that any
 296 sewer service charges shall be included in bills rendered for
 297 water used on the premises and that if any water rates or sewer
 298 service charges are not paid within 30 days after the rendition
 299 of any such bills, the district shall discontinue furnishing
 300 water to such premises and may disconnect the same from the

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301 water system. Any such resolution or trust agreement may include
 302 any or all of the following provisions, and may require the
 303 board to adopt such resolution or to take such other lawful
 304 action as shall be necessary to effectuate such provisions, and
 305 the board is hereby authorized to adopt such resolution and to
 306 take such other action:

307 (1) That the district may require the owner, tenant, or
 308 occupant of each lot or parcel of land within the district who
 309 is obligated to pay water rates or sewer service charges to the
 310 district to make a reasonable deposit with the district in
 311 advance to ensure the payment of such rates or charges and to be
 312 subject to application to the payment thereof, if and when
 313 delinquent.

314 (2) That if any water rates or sewer service charges
 315 payable to the district are not paid within 30 days after the
 316 rates or charges, as applicable, become due and payable, the
 317 district may at the expiration of the 30-day period disconnect
 318 the premises from the water system or sewer system and may
 319 proceed to recover the amount of any such delinquent rates or
 320 charges, with interest, in an action as provided by law.

321 (3) That if any sewer service charges for the use of any
 322 sewer system by or in connection with any premises not served by
 323 any water system of the district are not paid within 30 days
 324 after the charges become due and payable, the owner, tenant, or
 325 occupant of the premises shall cease to dispose of sewage or

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326 industrial wastes originating from or on such premises by
 327 discharge thereof directly or indirectly into the sewer system
 328 of the district until the sewer service charges, with interest,
 329 are paid; that if the owner, tenant, or occupant does not cease
 330 such disposal at the expiration of the 30-day period, the public
 331 or private corporation, board, body, or person supplying water
 332 to or selling water for use on such premises shall cease
 333 supplying water to or selling water for use on such premises
 334 within 5 days after the receipt of notice of such delinquency
 335 from the district; and that if such corporation, board, body, or
 336 person does not, at the expiration of the 5-day period, cease
 337 supplying water to or selling water for use on such premises,
 338 then the district may, unless it has theretofore contracted to
 339 the contrary, shut off the supply of water to such premises.

340 Section 12. Connection with sewer system.—Upon the
 341 construction of a sewer system under this act, the owner,
 342 tenant, or occupant of each lot or parcel of land within the
 343 district which abuts upon a street or other public way
 344 containing a sanitary sewer as a part of such sewer system or a
 345 sanitary sewer served or which may be served by such sewer
 346 system and upon which lot or parcel a building has been
 347 constructed for residential, commercial, or industrial use,
 348 shall, if so required by the regulations and rules of the
 349 district or a resolution of the board, connect with such
 350 building such sanitary sewer and shall cease to use any other

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351 method for the disposal of sewage wastes or other polluting
352 matter. All such connections shall be made in accordance with
353 rules and regulations of the district and may provide for a
354 charge for making any such connection in such reasonable amount
355 as the board may fix and establish.

356 Section 13. Declaration of policy.—The undertakings
357 enumerated in this act constitute a proper public purpose for
358 the benefit and welfare of the inhabitants of the district, and
359 it is hereby found and declared that, in the construction,
360 acquisition, improvement, maintenance, operation, and extension
361 of any or all of its systems, the district exercises a proper
362 governmental function.

363 Section 14. The accounts and records of the board shall be
364 audited in accordance with s. 218.39, Florida Statutes.

365 Section 3. As of the effective date of this act, the term
366 of each member currently serving on the Board of Commissioners
367 of the Eastpoint Water and Sewer District, or a commissioner
368 subsequently appointed to serve the remainder of a current term,
369 shall continue without interruption or alteration until the end
370 of such term and the appointment of a commissioner for the
371 subsequent term.

372 Section 4. Liberal construction.—This act shall be
373 liberally construed to effect its purposes and shall be deemed
374 cumulative, supplemental, and alternative authority for the
375 exercise of the powers provided herein.

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376 Section 5. Chapter 67-1399, Laws of Florida, is repealed.

377 Section 6. Notwithstanding s. 189.0311(2), Florida
378 Statutes, the Eastpoint Water and Sewer District is not
379 dissolved as of June 1, 2023, but continues in full force and
380 effect.

381 Section 7. This act shall take effect upon becoming a law.