

State of Florida

Department of State



I, Bruce A. Smathers, Secretary of State of the State of Florida,
Do Hereby Certify That the above and foregoing is a true and correct copy of
Chapter 67-1399, Laws of Florida, Acts of 1967, as shown by the records
of this office.



Given under my hand and the Great Seal of the
State of Florida at Tallahassee, the Capital,
this the 17th day of November
A.D. 1975.

Bruce A. Smathers

Secretary of State

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CHAPT 67-1399

1332

A bill to be entitled

An act relating to Franklin county;
creating a special water and sewer
district in the area of the unincor-
porated community of Eastpoint which
will be a special taxing district; de-
fining its boundaries; providing for a
water or sewer system or both; provid-
ing for issuance of revenue bonds or
certificates to be repaid from the rev-
enues of said systems; prescribing the
powers of the district including the
power to contract with any municipal-
ity or governmental agency for water
distribution and sewage collection; de-
fining powers, franchises and privileges;
providing for governing body of said dis-
trict; authorizing the district for pur-
pose of carrying on its operations to
acquire by gift, purchase or by eminent
domain lands and title to rights of way
over lands and under navigable waters
within and without said district neces-
sary in operation of system; providing
for a fire department; providing for
garbage and trash collection and dis-
posal; providing an effective date.

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

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1 Section 1. Short title.--This act may be
2 known as the Eastpoint water and sewer district act.

3 Section 2. Boundaries.--There is hereby
4 created in Franklin county a special taxing district
5 to be known as Eastpoint water and sewer district.
6 The district will include all that portion of East-
7 point in said county described as follows:

8 All of Section 30 and all of Fraction-
9 al Sections 29, 31, and 32 in Township
10 8 South, Range 6 West; All of Fraction-
11 al Sections 25 and 36 in Township 8
12 South, Range 7 West; All of Fraction-
13 al Section 1 in Township 9 South, Range
14 7 West and all of Fractional Section 6
15 in Township 9 South, Range 6 West.

16 Section 3. Definitions.--Whenever used in this
17 act, unless a different meaning clearly appears from
18 the context:

- 19 (1) "County" means Franklin county.
20 (2) "County commissioners" mean the board of
21 county commissioners of Franklin county.
22 (3) "Board" means the board of commissioners
23 of the Eastpoint water and sewer district.
24 (4) "Water system" means and includes all
25 plants, systems, facilities or properties used or use-
26 ful or having the present capacity for future use in
27 connection with the supply, transportation or distri-
28 bution of water, and any integral part thereof, in-
29 cluding but not limited to water supply systems,
30 water distribution systems, reservoirs, wells,
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1 intakes, mains, laterals, aqueducts, pumping sta-
2 tions, standpipes, filtration plants, purification
3 plants, hydrants, meters, valves and all necessary
4 appurtenances and equipment, and all properties,
5 rights, easements and franchises relating thereto
6 and deemed necessary or convenient by the district
7 for the operation thereof.

8 (5) "Sewage" means the water-carried wastes
9 created in and carried or to be carried away from
10 residences, hotels, schools, hospitals, industrial
11 establishments, commercial establishments or any
12 other private or public building, together with such
13 surface or ground water or household and industrial
14 wastes as may be present.

15 (6) "Sewage disposal system" means and in-
16 cludes any plant, system, facility or property used
17 or useful or having the present capacity for future
18 use in connection with the collection, treatment,
19 purification or disposal of sewage (including indus-
20 trial wastes resulting from any processes of indus-
21 try, manufacture, trade or business or from the de-
22 velopment of any natural resources), or any integral
23 part thereof, including but not limited to treatment,
24 plants, pumping stations, intercepting sewers, trunk
25 sewers, pressure lines, mains and all necessary
26 appurtenances and equipment, and all property,
27 rights, easements and franchises relating thereto
28 and deemed necessary or convenient by the district
29 for the operation thereof.

1 (7) "Sewers" include mains, pipes and
2 laterals for the reception of sewage and carrying
3 such sewage to an outfall or some part of a sewage
4 disposal system including pumping stations where
5 deemed necessary by the district.

6 (8) "Sewer system" embraces both sewers and
7 sewage disposal systems and all property, rights,
8 easements and franchises relating thereto.

9 (9) "System" means and includes a water
10 system or sewer system or any one (1) or more thereof.

11 (10) "District" means the Eastpoint water and
12 sewer district created and established by this act in
13 Franklin county.

14 (11) "Bonds" mean bonds or revenue certifi-
15 cates or other financial obligations of the district
16 which are part or all of an issue of such obligations,
17 any one (1) or more of which mature over three (3)
18 years from date of issue, issued pursuant to this
19 act.

20 (12) "Sewer" includes in its meaning the
21 word sewerage.

22 Section 4. Objects and purposes of the dis-
23 trict.--The objects and purposes of the district are
24 to acquire, purchase, lease, construct, improve, ex-
25 tend, operate, maintain and finance any water system
26 or systems or parts thereof, or any sewer system or
27 systems or parts thereof serving such unincorporated
28 areas and other customers and users as the district
29 may determine. The district may acquire a supply of
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1 water either within or without the county and either
 2 within or without the state. The district may itself
 3 own and operate water and sewer systems in unincor-
 4 porated territory and may also sell and transport
 5 water to other systems, whether publicly or private-
 6 ly owned, and other users and consumers, provided the
 7 district shall not acquire, construct or own any
 8 water distribution system in any other area except as
 9 stated herein.

10 Section 5. Governing body.--The governing
 11 body of the district shall be the Eastpoint board
 12 of commissioners consisting of five (5) members, each
 13 of whom shall be a freeholder and a qualified elector
 14 of the district and citizen of the United States.

15 Members of the board of commissioners shall be ap-
 16 pointed by the governor for terms of four (4) years.
 17 Appointments to fill vacancies on the board of com-
 18 missioners shall be for the unexpired term only. Each
 19 commissioner shall, before he enters upon his duties
 20 as commissioner, execute to the governor of the state
 21 a good and sufficient bond in the sum of one thousand
 22 dollars (\$1,000.00) with a qualified corporate surety
 23 conditioned to faithfully perform the duties of such
 24 commissioner and to account for all funds to come
 25 into his hands as such commissioner. All premiums
 26 payable for such bonds shall be paid from the funds
 27 of the district.

28 Section 6. Organization.--The board shall
 29 organize by electing from its number a chairman,

30 12. To issue revenue bonds of the district 1332

31 To issue bonds for water and sewer systems, and
 32 other purposes of the district.

1 vice-chairman, a secretary and a treasurer. The
2 members of the board shall service four (4) year
3 terms and shall not receive compensation for their
4 service. However, board members may be reimbursed
5 for expenses incurred incident to the legitimate
6 transaction of business of the district and only when
7 such expenses are approved by a majority of the board
8 members at a regular or special meeting.

9 Section 7. Funds.--No funds of the district
10 shall be used for any purpose other than the adminis-
11 tration of the affairs and business of the district,
12 the construction, care, maintenance, upkeep, operation
13 and repair of sewers and sewer and water systems in
14 the district, as the board may determine to be for
15 the best interest of the district and the inhabitants
16 thereof. All disbursements of the funds of the dis-
17 trict shall be made pursuant to warrants or checks
18 signed by the chairman and countersigned by the
19 Treasurer of the Board.

20 Section 8. Powers of board.--The board of
21 commissioners of the Eastpoint water and sewer dis-
22 trict is authorized and empowered:

23 (1) To acquire in the name of the district,
24 either by purchase or the exercise of the right of
25 eminent domain, or to construct and to reconstruct,
26 improve, extend, enlarge, equip, repair, maintain and
27 operate waterworks or sewerage facilities, either
28 within or without the territorial limits of the dis-
29 trict.

30 (2) To issue revenue bonds of the district
31 payable from the water rates or sewer service charges
or other revenues of the district.

1 (3) To fix and collect rates and charges for
2 water furnished by any waterworks facilities and to
3 fix and collect charges for making connections with
4 any waterworks facilities.

5 (4) To fix and collect sewer service charges
6 for the services furnished by any sewerage facilities
7 and to fix and collect charges for making connections
8 with any sewerage facilities.

9 (5) To acquire in the name of the district,
10 either by purchase or the exercise of the right of
11 eminent domain, such lands and rights of way and
12 rights and interests therein, including lands under
13 water and riparian rights, and to acquire such person-
14 al property as it may deem necessary in connection
15 with the construction or operation of waterworks or
16 sewerage facilities, and to hold and dispose of all
17 real and personal property under its control.

18 (6) To make and enter into all contracts and
19 agreements necessary or incidental to the performance
20 of its duties and the execution of its powers under
21 this act, including a trust agreement or trust agree-
22 ments securing any bonds issued hereunder, and to
23 employ such consulting and other engineers, superin-
24 tendents, managers, construction and accounting
25 experts and attorneys, and such employees and agents
26 as may, in the judgment of the board, be deemed
27 necessary and to fix their compensation; provided,
28 however, that all such expenses shall be payable
29 solely from funds made available under the provisions
30 of this act.

1 (7) To exercise jurisdiction, control and
2 supervision over any waterworks facilities and any
3 sewerage facilities owned, operated or maintained by
4 it and to make and enforce such rules and regulations
5 for the maintenance and operation of any such facil-
6 ities as may in its judgment be necessary or desir-
7 able for the efficient operation thereof and for
8 accomplishing the purposes of this act.

9 (8) To enter on any lands, water or premises
10 located within or without the district to make sur-
11 veys, borings, soundings or examinations for the pur-
12 poses of this act.

13 (9) To construct and operate sewer and water
14 mains, laterals, conduits, pipelines and all neces-
15 sary appurtenances thereto in, along or under any
16 streets, alleys, highways or other public places with-
17 in or without the district.

18 (10) To secure, purchase, equip, construct,
19 operate and maintain fire fighting facilities includ-
20 ing, but not limited to trucks, pumps and extin-
21 guishers as are necessary.

22 (11) To provide garbage and trash collections
23 and disposal and to secure trucks and other equipment
24 and facilities as are necessary and to make such
25 charges and collections as are reasonable.

26 (12) To restrain, enjoin or otherwise prevent
27 any political subdivision or agency and any person or
28 corporation, public or private from discharging into
29 any navigable waters within the limits of the dis-
30 trict, or within five (5) miles of the district,
31

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1 including such area in Apalachicola bay and St.
2 George sound, any sewerage, industrial waters or other
3 refuse which would contribute to the pollution of such
4 and to restrain, enjoin or otherwise prevent the vio-
5 lation of any provision of this act or any resolution,
6 regulation or rule adopted pursuant to the powers
7 granted by this act.

8 (13) Subject to such provisions and restric-
9 tions as may be set forth in any resolution or trust
10 agreement authorizing or securing any bonds issued
11 under the provisions of this act, to enter into
12 contracts with the government of the United States or
13 the state of Florida or any agency or instrumentality
14 of either, or with any municipality, district, private
15 corporation, copartnership, association or individual
16 providing for or relating to waterworks facilities or
17 the purchase or sale of water or providing for or
18 relating to sewerage facilities or the collection or
19 disposal of sewerage.

20 (14) To receive and accept from any authorized
21 agency of the federal government loans or grants for
22 the planning, construction, improvement, extension,
23 enlargement, reconstruction or equipment of any water-
24 works or sewerage facilities and to enter into agree-
25 ments with such agency respecting any such loans or
26 grants and receive and accept aid or contributions
27 from any source of either money, property, labor or
28 other things of value to be held, used and applied
29 only for the purpose for which such loans, grants or
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1 contributions may be made.

2 (15) To levy a tax not to exceed five (5)
3 mills on all taxable property within the district.

4 (16) To approve all accounts or claims
5 against the Board.

6 (17) To keep appropriate records and accounts.

7 (18) To advertise for bids for all purchases
8 of goods, materials, and supplies or contracts for
9 capital improvements where the price to be paid there-
10 for is in excess of \$1,000.00.

11 (19) To have a seal.

12 (20) To prepare a budget for anticipated
13 revenues and expenditures each fiscal year and adopt
14 it pursuant advertising and public hearing.

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1 Section 9. Assessment and collection of
2 taxes.--Beginning January 1, 1968, and annually there-
3 after unless otherwise provided by law, all taxable
4 property within the district shall be subject to an
5 ad valorem tax not to exceed five (5) mills of the
6 assessed valuation of such property to be used to
7 carry out the purposes of this act. In January,
8 1968, and in each January thereafter the district
9 board shall meet and determine the millage necessary
10 to provide funds to be levied and assessed on such
11 property to carry out the purposes of this act; pro-
12 vided, however, that the millage determined by the
13 board shall not exceed the limitations of this sec-
14 tion. The ad valorem tax authorized by this section
15 shall be levied and collected in the same manner as
16 taxes for county purposes are assessed and collected
17 in Franklin County. Taxes of the district shall be
18 of equal dignity with taxes for county purposes and
19 shall become liens and be enforced in the same manner
20 as taxes for county purposes.

21 Section 10. Water rates and service charges.--
22 The board of commissioners may fix and revise from
23 time to time rates and charges for water furnished
24 by (any waterworks) facilities and sewer service
25 charges for the services furnished by any sewerage
26 facilities and (garbage and trash collections and

charge and collect the same. Any such rates and charges shall be so fixed and revised as to provide funds, with other funds available for such purpose, sufficient at all times:

(1) To pay the cost of maintaining, repairing and operating the waterworks, sewerage and garbage and trash facilities of the district and to provide reserves therefor and for replacements and depreciation and necessary extensions and enlargements.

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

(3) To provide a margin of safety for making such payments and providing such reserves.

Such rates and charges shall not be subject to supervision or regulation by any commission, board, bureau or agency of the state or any political subdivision of the state. Such rates and charges shall be just and equitable and the sewer service charges may be based or computed either upon the quantity of water used or upon the number and size of sewer connections or upon the number and kind of plumbing fixtures in use in the premises connected with the sewerage facilities or upon the number of persons residing or working in or otherwise connected with such premises or upon the type or character of such premises or upon any other factor affecting the use of the facilities furnished or upon any combination of the foregoing

1 factors. In cases where the character of the sewage
2 from any manufacturing or industrial plant, building
3 or premises, is such that it imposes an unreasonable
4 burden upon any sewerage facilities, an additional
5 charge may be made therefor, or the board may, if it
6 deems advisable, compel such manufacturing or indus-
7 trial plant, building or premises to treat such
8 sewage in a manner as shall be specified by the board
9 before discharging the sewage into any sewer lines
10 owned or maintained by the district.

11 Section 11. Collection of rates and charges.--

12 The board of commissioners may provide in the resolu-
13 tion authorizing the issuance of bonds under this
14 act or in any trust agreement securing such bonds
15 that any sewer service, or garbage collection charges
16 shall be included in bills rendered for water used on
17 the premises and that if any water rates or sewer
18 service charges shall not be paid within thirty (30)
19 days from the rendition of any such bills, the dis-
20 trict shall discontinue furnishing water to such
21 premises and may disconnect the same from the water-
22 works facilities. Any such resolution or trust agree-
23 ment may include any or all of the following provi-
24 sions, and may require the board to adopt such resolu-
25 tions or to take such other lawful action as shall be
26 necessary to effectuate such provisions, and the board
27 is hereby authorized to adopt such resolutions and
28 to take such other action:

- 29 (1) That the district may require the owner,
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1 tenant or occupant of each lot or parcel of land
2 within the district who is obligated to pay water
3 rates, sewer or garbage collection service charges to
4 the district to make a reasonable deposit with the
5 district in advance to insure the payment of such
6 rates or charges and to be subject to application to
7 the payment thereof, if and when delinquent.

8 (2) That if any water rates, sewer or garbage
9 collection service charges payable to the district
10 shall not be paid within thirty (30) days after the
11 same shall become due and payable, the district may
12 at the expiration of such thirty (30) day period
13 disconnect the premises from the waterworks or sewer-
14 age facilities or discontinue garbage collection; and
15 the district may proceed to recover the amount of any
16 such delinquent rates or charges, with interest, in
17 an action of assumpsit in the small claims court or
18 otherwise as provided by laws of land within the

19 (3) That if any sewer service charges for the
20 use of any sewerage facilities by or in connection
21 with any premises not served by any waterworks facil-
22 ities of the district shall not be paid within thirty
23 (30) days after the same shall become due and payable,
24 the owner, tenant or occupant of such premises shall
25 cease to dispose of sewage or industrial wastes
26 originating from or on such premises by discharge
27 thereof directly or indirectly into the sewerage fa-
28 cilities of the district until such sewer service
29 charges, with interest, shall be paid; that if such
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owner, tenant or occupant shall not cease such disposal at the expiration of such thirty (30) day period it shall be the duty of any public or private corporation, board, body or person supplying water to or selling water for use on such premises to cease supplying water to or selling water for use on such premises within five (5) days after the receipt of notice of such delinquency from the district; and that if such corporation, board, body or person shall not, at the expiration of such five (5) day period cease supplying water to or selling water for use on such premises, then the district may, unless it has theretofore contracted to the contrary, shut off the supply of water to such premises.

Section 12. Connection with sewer system.--

Upon the construction of sewerage facilities under the provisions of this act, the owner, tenant or occupant of each lot or parcel of land within the district which abuts upon a street or other public way containing a sanitary sewer as a part of such sewerage facility or a sanitary sewer served or which may be served by such sewerage facilities and upon which lot or parcel a building shall have been constructed for residential, commercial or industrial use, shall, if so required by the regulations and rules or a resolution of the board, connect with such building such sanitary sewer, and shall cease to use any other method for the disposal of sewage wastes or other polluting matter. All such connections shall

1 be made in accordance with rules and regulations and
2 may provide for a charge for making any such connec-
3 tion in such reasonable amount as the board may fix
4 and establish. This act being necessary for the wel-
5 fare of the inhabitants of the county shall be
6 liberally construed to effect the purpose thereof.

7 Section 13. Declaration of policy.--The under-
8 takings enumerated in this act constitute a proper
9 public purpose for the benefit and welfare of the in-
10 habitants of the district and it is hereby found and
11 declared that in the construction, acquisition, im-
12 provement, maintenance, operation, extension and im-
13 provement of any or all of its systems, the district
14 will be exercising a proper governmental function.

15 Section 14. The accounts and records of the
16 Board shall be postaudited annually, at the expense
17 of the board, by the state auditor.

18 Section 15. This act shall take effect
19 immediately upon becoming a law.

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22 Became a law without the Governor's approval.

23 Filed in Office Secretary of State JUN 19 1967