

## CHAPTER 2023-7

### House Bill No. 13-B

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

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

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Laws of Florida, relating to the Eastpoint Water and Sewer District, Franklin County, is reenacted, amended, and repealed as provided in this act.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

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

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

Section 2. Boundaries.—The Eastpoint Water and Sewer District shall include all that portion of Eastpoint in said county described as follows:

All of Section 30 and all of Fractional Sections 29, 31, and 32 in Township 8 South, Range 6 West; All of Fractional Sections 25 and 36 in Township 8 South, Range 7 West; All of Fractional Section 1 in Township 9 South, Range 7 West and all of Fractional Section 6 in Township 9 South, Range 6 West.

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

(1) “Board” means the Board of Commissioners of the Eastpoint Water and Sewer District.

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

(3) “County” means Franklin County.

(4) “District” means the Eastpoint Water and Sewer District created and established by this act.

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

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

(7) “Sewer” includes sewerage.

(8) “Sewer system” includes both sewers and sewage disposal systems and all property, rights, easements, and franchises relating thereto.

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

(10) “System” means a water system or sewer system or any one or more thereof.

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

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

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

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

Section 7. Funds.—Funds of the district may be used only for the administration of the affairs and business of the district and for the construction, care, maintenance, upkeep, operation, and repair of sewers and sewer and water systems in the district, as the board may determine to be for the best interest of the district and the inhabitants thereof. All disbursements of the funds of the district shall be made pursuant to warrants or checks signed by two board members.

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

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

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

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

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

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

(6) Make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this act, including trust agreements securing any bonds issued hereunder; and employ such consulting and other engineers, superintendents, managers, construction and accounting experts and attorneys, and such employees and agents as may be deemed necessary, in the judgment of the board, and fix their compensation; provided, however, that all such expenses are payable solely from funds made available under this act.

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

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

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

(10) Subject to such provisions and restrictions as may be set forth in any resolution or trust agreement authorizing or securing any bonds issued under this act, enter into contracts with the state or Federal Government or any agency or instrumentality of either, or with any municipality, district, private corporation, partnership, association, or individual providing for or relating to water systems or the purchase or sale of water or providing for or relating to sewer systems or the collection or disposal of sewerage.

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

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

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

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

(15) Keep appropriate records and accounts.

(16) Advertise for bids for all purchases of goods, materials, and supplies or contracts for capital improvements where the price to be paid therefor is in excess of the threshold amount provided for CATEGORY TWO in s. 287.017, Florida Statutes, as may be amended from time to time.

(17) Have a seal.

(18) Prepare and adopt a budget for anticipated revenues and expenditures each fiscal year after due notice and public hearing.

Section 9. Assessment and collection of taxes.—For each fiscal year, all taxable property within the district is subject to an ad valorem tax not to exceed 5 mills of the assessed valuation of such property to be used to carry out the purposes of this act. Each fiscal year, the board shall meet and determine the millage necessary to provide funds to be levied and assessed on such property to carry out the purposes of this act, provided, however, that the millage determined by the board does not exceed the limitations of this act. The ad valorem tax authorized by this act shall be levied and collected in the same manner as taxes for county purposes are assessed and collected in Franklin County. Taxes of the district must be of equal dignity with taxes for county purposes and must become liens and be enforced in the same manner as taxes for county purposes.

Section 10. Water rates and sewer service charges.—The board may fix and revise from time to time rates and charges for water furnished by any water system and sewer service charges for the services furnished by any sewer system, and charge and collect the same.

(1) 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 to:

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

(b) 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 become due and provide reserves therefor.

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

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

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

(a) The quantity of water used;

(b) The number and size of sewer connections;

(c) The number and kind of plumbing fixtures in use in the premises connected with the sewer system;

(d) The number of persons residing or working in or otherwise connected with the premises connected with the sewer system;

(e) The type or character of the premises connected with the sewer system;

(f) Any other factor affecting the use of the facilities furnished; or

(g) Any combination of the foregoing factors.

(4) In cases where the character of sewage from any manufacturing or industrial plant, building, or premises is such that it imposes an unreasonable burden upon any sewer system, an additional charge may be made therefor, or the board may, if it deems advisable, compel such manufacturing or industrial plant, building, or premises to treat such sewage in a manner as shall be specified by the board before discharging the sewage into any sewer lines owned or maintained by the district.

Section 11. Collection of rates and charges.—The board may provide in a resolution authorizing the issuance of bonds under this act or in any trust agreement securing such bonds that any sewer service charges shall be included in bills rendered for water used on the premises and that if any water rates or sewer service charges are not paid within 30 days after the rendition of any such bills, the district shall discontinue furnishing water to such premises and may disconnect the same from the water system. Any such resolution or trust agreement may include any or all of the following provisions, and may require the board to adopt such resolution or to take such other lawful action as shall be necessary to effectuate such provisions, and the board is hereby authorized to adopt such resolution and to take such other action:

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

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

(3) That if any sewer service charges for the use of any sewer system by or in connection with any premises not served by any water system of the district are not paid within 30 days after the charges become due and payable, the owner, tenant, or occupant of the premises shall cease to dispose of sewage or industrial wastes originating from or on such premises by discharge thereof directly or indirectly into the sewer system of the district until the sewer service charges, with interest, are paid; that if the owner, tenant, or occupant does not cease such disposal at the expiration of the 30-day period, the public or private corporation, board, body, or person supplying water to or selling water for use on such premises shall cease supplying water to or selling water for use on such premises within 5 days after the receipt of notice of such delinquency from the district; and that if such corporation, board, body, or person does not, at the expiration of the 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 a sewer system under 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 sewer system or a sanitary sewer served or which may be served by such sewer system and upon which lot or parcel a building has been constructed for residential, commercial, or industrial use, shall, if so required by the regulations and rules of the district

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 be made in accordance with rules and regulations of the district and may provide for a charge for making any such connection in such reasonable amount as the board may fix and establish.

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

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

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

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

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

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

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

Approved by the Governor March 15, 2023.

Filed in Office Secretary of State March 15, 2023.