

House Bill No. 1793

An act relating to Alligator Point Water Resources District, Franklin County; codifying, amending, reenacting, and repealing chapters 63-1350 and 85-414, Laws of Florida; providing legislative intent; providing definitions; providing that the district may provide sewer and wastewater collection and disposal services; providing severability; providing construction; providing for annexation; requiring a referendum; providing an effective date.

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

Section 1. Pursuant to section 189.429, Florida Statutes, this act constitutes the codification of all special acts relating to Alligator Point Water Resources District. It is the intent of the Legislature in enacting this law to provide a single, comprehensive special act charter for the district including all current legislative authority granted to the district by its several legislative enactments and any additional authority granted by this act.

Section 2. Chapters 63-1350 and 85-414, Laws of Florida, are amended, codified, reenacted, and repealed as herein provided.

Section 3. The Alligator Point Water Resources District is re-created and the charter for such district is re-created and reenacted to read:

Section 1. This act shall be known as the "Alligator Point Water Resources District Act."

Section 2. As used in this act:

(1) "Water system" means waterworks or water treatment plant, or other operation concerning fresh water production, distribution, or sale.

(2) "District" means the Alligator Point Water Resources District of Franklin County.

(3) "Board" means the Alligator Point Water Resources Board.

(4) "Sewer system" means plant, system, facility, or other operation concerning collection, treatment, purification, or disposal of sewage.

Section 3. There is created in Franklin County an independent special district to be known as Alligator Point Water Resources District. The district shall include all that portion of Alligator Point in said county described as follows:

Fractional sections 4, 5, 6 and 7 in Township 7, South, Range 1 West and fractional section 1, 2, 3 and 12 in Township 7 South, Range 2 West.

Section 4. (1) The governing body of the district shall be the Alligator Point Water Resources Board consisting of three members, each of whom shall be the owner of the fee simple title to real estate located in the district.

(2) Appointments to fill interim vacancies on the board shall be for the unexpired term only. Members shall be appointed by the Governor for terms of 4 years.

Section 5. Boards appointed by the Governor shall at their first meeting elect from their membership a chair. No person shall be appointed as a member of the board if such person is not the owner of real property within the district.

Section 6. The board of the Alligator Point Water Resources District is authorized and empowered:

(1) To purchase and/or construct, reconstruct, buy, improve, extend, enlarge, equip, repair, maintain, and operate a water system; to provide fresh water either within the area described in section 3 of this act or to property located outside the district's boundaries if the district enters into an agreement with effected property owners, or both; to operate, manage, and control all such systems so purchased and/or constructed and all properties pertaining thereto; and to furnish and supply water, sewage, and disposal services to such district or adjoining area and any persons, firms, or corporation, public or private, in any such area.

(2) To issue negotiable water revenue certificates of the district, payable from revenues to be derived from the operation of said water and/or sewer system.

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

(4) To fix and collect rates and charges for water or sewer furnished by said water and sewer systems and to fix and collect charges for making connections with any water or sewer system.

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

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

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

(8) To 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 a trust agreement or trust agreements securing

any bonds issued hereunder; to employ such expert and clerical personnel as may, in the judgment of the board, be deemed necessary; and to fix their compensation, provided, however, that all such expenses shall be payable solely from funds made available under the provisions of this act.

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

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

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

(12) To restrain, enjoin, or otherwise prevent any political subdivision or agency and any person or corporation, public or private, from discharging into any navigable or nonnavigable waters within the limits of the district any sewage, industrial waters, or other refuse which would contribute to the pollution of such and to restrain, enjoin, or otherwise prevent the violation of any provision of this act or any resolution, regulation, or rule adopted pursuant to the powers granted by this act.

(13) Subject to such provisions and restrictions as may be set forth in any resolution or trust agreement authorizing or securing any bonds issued under the provisions of this act, to enter into contracts with the government of the United States or the state or any agency or instrumentality of either thereof, or with any municipality, district, private corporation, copartnership, association, or individual providing for or relating to such water system or the purchase and sale of water or sewer system and the disposal of sewage.

(14) To 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 and sewer systems; to enter into agreements with such agency respecting any such loans or grants; and to 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 purposes for which such loans, grants, or contributions be made.

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

Section 7. No funds of the district shall be used for any purpose other than those defined in section 6 and the administration of the affairs and business of the district, or the purpose, acquisition, construction, expansion, care, maintenance, upkeep, and operation of a fresh water system and sewer system in the district as the board may determine to be for the best interest of the district and inhabitants thereof.

Section 8. All taxable property within the district shall be 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. In accordance with timetables set by Florida Statutes, each year the district 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 shall not exceed the limitations of this section. The ad valorem tax authorized by this section 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 shall be of equal dignity with taxes for county purposes and shall become liens and be enforced in the same manner as taxes for county purposes.

Section 9. The board may fix and revise from time to time rates and charges for water furnished by any water system and for sewage disposal by any sewer system 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 water and sewer systems of the district, and to provide reserves therefor and for replacements, 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 of any political subdivision of the state. Such rates and charges shall be just and equitable.

Section 10. The board may provide in the resolution authorizing the issuance of bonds under this act or in any trust agreement securing such bonds that if any water or sewer rates shall not be paid within 30 days from 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 resolutions or to take such other lawful action as shall be necessary to effectuate such provisions, and the board is hereby authorized to adopt such resolutions and to take such other action.

(1) 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 or sewer rates

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) If any water or sewer rates charges payable to the district shall not be paid within 30 days after the same shall become due and payable, the district may at the expiration of such 30 days period disconnect the premises from the water system and the district may proceed to recover the amount of any such delinquent rates or charges, with interest at the highest legal rate, in any court having jurisdiction over claims for money damages.

Section 11. The provisions of this act are severable, and it is the intention to confer the whole or any part of the powers herein provided for and if any of the provisions of this act shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions of this act. It is hereby declared to be the legislative intent that this act would have been adopted had such unconstitutional provision not been included therein.

Section 4. This act shall be construed as a remedial act and shall be liberally construed to promote the purpose for which it is intended.

Section 5. Chapters 63-1350 and 85-414, Laws of Florida, are repealed.

Section 6. In accordance with provisions of law relating to elections currently in force, the Alligator Point Water Resources District shall call and the Franklin County Supervisor of Elections shall conduct a referendum no later than November 30, 2006, of the qualified electors residing within the area proposed to be annexed pursuant to section 7. "Qualified elector" means a person who is a registered voter qualified to vote in a general election held in Franklin County. The purpose of said referendum shall be to determine whether the boundaries of the Alligator Point Water Resources District shall be expanded to include land that is not currently within the district's boundaries as described in section 7, and whether property within the annexed area shall be subject to ad valorem taxation at a rate not to exceed 5 mills.

Section 7. Effective 15 days after approval by a majority vote of those qualified electors residing within the area proposed to be annexed and voting on the question in the referendum, section 3 of the charter contained in section 3 of this act shall be amended to read:

Section 3. There is created in Franklin County a special taxing district to be known as Alligator Point Water Resources District. The district shall include all that portion of Alligator Point in said county described as follows:

Fractional sections 4, 5, 6 and 7 in Township 7, South, Range 1 West and fractional section 1, 2, 3 and 12 in Township 7 South, Range 2 West.

A parcel of land in Township 6 South, Range 1 West, Township 6 South, Range 2 West, Franklin County, Florida, described as follows:

All of Sections 17, 20, 21, 28, 29, 31, 32 and 33, Township 6 South, Range 1 West;

AND:

That part of Sections 18 and 19, Township 6 South, Range 1 West, Franklin County, Florida lying Easterly of the following described line:

For a POINT OF BEGINNING commence at the Northwest corner of Section 30, Township 6 South, Range 1 West, Franklin County, Florida; thence N 00°13'04" W along the West line of the Southwest ¼ of said Section 19 a distance of 2645.60 feet to the Northwest corner of said Southwest ¼; thence N 00°13'26" W along the West line of the Northwest ¼ of said Section 19 a distance of 799.70 feet; thence N 80°03'23" E a distance of 1556 feet, more or less, to the waters of an unnamed tidal creek; thence Southerly, Easterly and Northerly along the waters of said unnamed tidal creek to the waters of Ochlockonee Bay and the POINT OF TERMINATION;

AND:

That part of Section 30, Township 6 South, Range 1 West, and Sections 25 and 36, Township 6 South, Range 2 West, Franklin County, Florida lying easterly of the following described line:

For a POINT OF BEGINNING commence at the Northwest corner of said Section 30; thence S 00°16'05" E along the west line of said Section 30 a distance of 278.33 feet to a point of intersection with a line that is parallel with and 25 feet westerly of the centerline of an existing unnamed woods road, said point being on a non-tangent curve to the right, concave westerly, having a radius of 973.04 feet; thence southerly along the arc of said curve, through a central angle of 03°46'22" for an arc length of 64.07 feet, said curve subtended by a chord bearing S 14°07'41" E for 64.06 feet, to an intersection with a non-tangent curve to the left, concave southeasterly, having a radius of 85.00 feet; thence southwest-erly along the arc of said curve, through a central angle of 32°48'03" for an arc length of 48.66 feet, said curve subtended by a chord bearing S 26°58'09" W for 48.00 feet, to the PRC with a curve to the right, concave westerly, having a radius of 725.03 feet; thence southerly along the arc of said curve, through a central angle of 09°30'31" for an arc length of 120.33 feet to the PT; thence S 20°04'38" W a distance of 23.17 feet to the PC of a curve to the left, concave easterly, having a radius of 221.01 feet; thence southerly along the arc of said curve, through a central angle of 24°30'22" for an arc length of 94.53 feet to the PT; thence S 04°25'44" E a distance of 93.27 feet to the PC of a curve to the right, concave westerly, having a radius of 310.59 feet; thence southerly along the arc of said curve, through a central angle of 30°49'17" for an arc length of 167.08 feet to the PT; thence S 26°23'33" W a distance of 116.92 feet to the PC of a curve to the left, concave southeasterly, having a radius of 287.01 feet; thence southwest-erly along the arc of said curve, through a central angle of 17°25'20" for an arc length of 87.27 feet to the PCC with a curve to the left, concave easterly, having a radius of 225.01 feet; thence southerly along the arc of said curve, through a central angle of 19°30'16" for an arc length of 76.60 feet to the PCC with a curve to the left, concave northeasterly, having a radius of 475.02 feet; thence south-easterly along the arc of said curve, through a central angle of 18°51'32" for an arc length of 156.35 feet to the PT; thence S 29°23'36" E a distance

of 108.55 feet to the PC of a curve to the right, concave westerly, having a radius of 254.01 feet; thence southerly along the arc of said curve, through a central angle of 35°25'30" for an arc length of 157.05 feet to the PT; thence S 06°01'54" W a distance of 145.63 feet to the PC of a curve to the left, concave easterly, having a radius of 275.01 feet; thence southerly along the arc of said curve, through a central angle of 20°25'36" for an arc length of 98.04 feet to the PRC with a curve to the right, concave westerly, having a radius of 188.78 feet; thence southerly along the arc of said curve, through a central angle of 22°37'19" for an arc length of 74.54 feet to the PT; thence S 08°13'37" W a distance of 110.11 feet to the PC of a curve to the right, concave northwesterly, having a radius of 55.00 feet; thence southwestly along the arc of said curve, through a central angle of 57°46'34" for an arc length of 55.46 feet to the PT; thence S 66°00'12" W a distance of 99.90 feet to the PC of a curve to the left, concave southeasterly, having a radius of 125.00 feet; thence southwestly along the arc of said curve, through a central angle of 28°30'00" for an arc length of 62.18 feet to the PCC with a curve to the left, concave southeasterly, having a radius of 255.01 feet; thence southwestly along the arc of said curve, through a central angle of 13°28'58" for an arc length of 60.01 feet to the PT; thence S 24°01'13" W a distance of 85.10 feet to the PC of a curve to the left, concave easterly, having a radius of 240.01 feet; thence southerly along the arc of said curve, through a central angle of 38°23'12" for an arc length of 160.80 feet to the PRC with a curve to the right, concave westerly, having a radius of 5734.76 feet; thence southerly along the arc of said curve, through a central angle of 01°25'26" for an arc length of 142.51 feet to the PCC with a curve to the right, concave westerly, having a radius of 1200.05 feet; thence southerly along the arc of said curve, through a central angle of 08°00'00" for an arc length of 167.56 feet to the PT; thence S 04°56'33" E for a distance of 97.78 feet to the PC of a curve to the right, concave westerly, having a radius of 159.48 feet; thence southerly along the arc of said curve, through a central angle of 24°10'04" for an arc length of 67.27 feet to the PT; thence S 19°13'31" W a distance of 81.51 feet to the PC of a curve to the left, concave easterly, having a radius of 261.29 feet; thence southerly along the arc of said curve, through a central angle of 20°52'24" for an arc length of 95.19 feet to the PT; thence S 01°38'53" E a distance of 161.74 feet to the PC of a curve to the left, concave northeasterly, having a radius of 103.82 feet; thence southeasterly along the arc of said curve, through a central angle of 37°13'42" for an arc length of 67.46 feet to the PT; thence S 38°52'35" E a distance of 59.04 feet to the PC of a curve to the left, concave northeasterly, having a radius of 145.01 feet; thence southeasterly along the arc of said curve, through a central angle of 17°01'58" for an arc length of 43.11 feet to the PCC with a curve to the left, concave northeasterly, having a radius of 1165.05 feet; thence southeasterly along the arc of said curve, through a central angle of 05°24'08" for an arc length of 109.85 feet to the PRC with a curve to the right, concave southwestly, having a radius of 130.01 feet; thence southeasterly along the arc of said curve, through a central angle of 35°15'03" for an arc length of 79.99 feet to the PT; thence S 26°03'37" E a distance of 36.95 feet to the PC of a curve to the right, concave westerly, having a radius of 155.90 feet; thence southerly along the arc of said

curve, through a central angle of 19°29'19" for an arc length of 53.03 feet to the PT; thence S 06°34'18" E a distance of 145.31 feet to the PC of a curve to the right, concave westerly, having a radius of 381.72 feet; thence southerly along the arc of said curve, through a central angle of 20°52'37" for an arc length of 139.09 feet to the PRC with a curve to the left, concave easterly, having a radius of 217.01 feet; thence southerly along the arc of said curve, through a central angle of 15°07'08" for an arc length of 57.26 feet to the PT; thence S 00°48'49" E a distance of 918.62 feet to the PC of a curve to the left, concave easterly, having a radius of 1100.05 feet; thence southerly along the arc of said curve, through a central angle of 03°32'45" for an arc length of 68.08 feet to the PRC with a curve to the right, concave westerly, having a radius of 1081.49 feet; thence southerly along the arc of said curve, through a central angle of 07°46'27" for an arc length of 146.74 feet to the PRC of a curve to the left, concave easterly, having a radius of 371.42 feet; thence southerly along the arc of said curve, through a central angle of 09°50'26" for an arc length of 63.79 feet to the PRC with a curve to the right, concave westerly, having a radius of 466.22 feet; thence southerly along the arc of said curve, through a central angle of 10°34'22" for an arc length of 86.03 feet to the PRC with a curve to the left, concave easterly, having a radius of 1097.87 feet; thence southerly along the arc of said curve, through a central angle of 08°04'58" for an arc length of 154.87 feet to the PRC with a curve to the right, concave westerly, having a radius of 157.61 feet; thence southerly along the arc of said curve, through a central angle of 21°49'49" for an arc length of 60.05 feet to the PRC with a curve to the left, concave easterly, having a radius of 525.02 feet; thence southerly along the arc of said curve, through a central angle of 10°11'47" for an arc length of 93.43 feet to the PCC with a curve to the left, concave easterly, having a radius of 581.75 feet; thence southerly along the arc of said curve, through a central angle of 11°08'59" for an arc length of 113.21 feet to the PRC with a curve to the right, concave westerly, having a radius of 651.66 feet; thence southerly along the arc of said curve, through a central angle of 03°52'58" for an arc length of 44.16 feet to the PRC with a curve to the left, concave easterly, having a radius of 5339.97 feet; thence southerly along the arc of said curve, through a central angle of 01°57'39" for an arc length of 182.76 feet to the PT; thence S 01°31'47" E a distance of 205.41 feet to the PC of a curve to the right, concave westerly, having a radius of 1347.71 feet; thence southerly along the arc of said curve, through a central angle of 03°51'32" for an arc length of 90.77 feet to the PRC with a curve to the left, concave easterly, having a radius of 1572.32 feet; thence southerly along the arc of said curve, through a central angle of 04°54'51" for an arc length of 134.85 feet to the PT; thence S 02°35'06" E a distance of 221.17 feet to the PC of a curve to the right, concave westerly, having a radius of 129.00 feet; thence southerly along the arc of said curve, through a central angle of 04°53'08" for an arc length of 11.00 feet to the PRC with a curve to the left, concave easterly, having a radius of 4508.07 feet; thence southerly along the arc of said curve, through a central angle of 02°37'18" for an arc length of 206.27 feet to an intersection with a line that is parallel with and 1320.00 feet southerly of a westerly projection of the South line of said Section 30; thence S 88°48'15" W along said line a distance of



1475.19 feet to an intersection with a line that is parallel with and 1500.00 feet westerly of a southerly projection of the West line of said Section 30; thence S 00°16'05" E a distance of 703 feet, more or less, to the waters of Alligator Harbor and the POINT OF TERMINATION.

Section 8. This act shall take effect upon becoming a law.

Approved by the Governor June 10, 2005.

Filed in Office Secretary of State June 10, 2005.