

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	_____	(Y/N)
ADOPTED AS AMENDED	_____	(Y/N)
ADOPTED W/O OBJECTION	_____	(Y/N)
FAILED TO ADOPT	_____	(Y/N)
WITHDRAWN	_____	(Y/N)
OTHER		

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1 Committee/Subcommittee hearing bill: State Affairs Committee  
2 Representative Shoaf offered the following:

**Amendment (with title amendment)**

Remove lines 49-250 and insert:

of the City of Apalachicola. All members of the board must be  
legal residents and water and sewer customers of the district.

(2) Members shall serve 4-year terms, however, the members  
appointed by the Board of County Commissioners of Franklin  
County and the City Commission of the City of Apalachicola shall  
be subject to removal by those governing bodies during their  
unexpired terms.

(3) Each year, the board shall hold an annual  
organizational meeting and elect a chair, vice chair, secretary,  
and treasurer, whose duties shall be established by resolution  
of the board.

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17           (4) The board shall meet monthly at such date, time, and  
18 place as the board may from time to time designate.

19           (5) The board shall have those administrative duties set  
20 forth in this charter and chapter 189, Florida Statutes.

21           (6) A quorum of the board shall be a majority of its  
22 members. Official action will require a majority of those voting  
23 members present.

24           (7) Requirements for financial disclosure, meeting  
25 notices, reporting, and public records maintenance shall be as  
26 set forth in chapters 112, 119, 189, and 286, Florida Statutes.

27           (8) Members of the board shall serve without compensation,  
28 but may be reimbursed for their expenses pursuant to s. 112.061,  
29 Florida Statutes.

30           .. Powers of the district and board.-

31           (1) The district, by and through the board, is authorized  
32 and empowered:

33           (a) To purchase, construct, reconstruct, buy, improve,  
34 extend, enlarge, equip, repair, maintain, and operate a water  
35 and sewer system; to provide fresh water either within the area  
36 described in section 3 or to property located outside the  
37 district's boundaries if the district enters into an agreement  
38 with effected property owners, or both; to operate, manage, and  
39 control all such systems so purchased or constructed and all  
40 properties pertaining thereto; and to furnish and supply water,  
41 sewage, and disposal services to such district or adjoining area

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42 and any persons, firms, or corporations, public or private, in  
43 any such area.

44 (b) To issue negotiable water revenue certificates of the  
45 district, payable from revenues to be derived from the operation  
46 of said water or sewer system.

47 (c) To fix and collect rates and charges for water or  
48 sewer furnished by said water and sewer systems and to fix and  
49 collect charges for making connections with any water or sewer  
50 system.

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

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

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

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67 (g) To make and enter into all contracts and agreements  
68 necessary or incidental to the performance of its duties and the  
69 execution of its powers under this act, including a trust  
70 agreement or trust agreements securing any bonds issued  
71 hereunder; to employ such expert and clerical personnel as may,  
72 in the judgment of the board, be deemed necessary; and to fix  
73 their compensation, provided, however, that all such expenses  
74 shall be payable solely from funds made available under the  
75 provisions of this act.

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

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

88 (j) To construct and operate water mains, laterals,  
89 conduits, pipelines, pumping stations, lift stations, valves,  
90 force mains, laterals, pressure lines, mains, and all necessary  
91 appurtenances thereto, in, along, or under any street, alley,

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92 highway, or other public place in the area described in section  
93 3 or any other area that is subject to an agreement between the  
94 district and the entity controlling the public property.

95 (k) To restrain, enjoin, or otherwise prevent any  
96 political subdivision or agency and any person or corporation,  
97 public or private, from discharging into any navigable or non-  
98 navigable waters within the limits of the district any sewage,  
99 industrial waters, or other refuse which would contribute to the  
100 pollution of such and to restrain, enjoin, or otherwise prevent  
101 the violation of any provision of this act or any resolution,  
102 regulation, or rule adopted pursuant to the powers granted by  
103 this act.

104 (l) Subject to such provisions and restrictions as may be  
105 set forth in any resolution or trust agreement authorizing or  
106 securing any bonds issued under the provisions of this act, to  
107 enter into contracts with the government of the United States or  
108 the state or any agency or instrumentality of either thereof, or  
109 with any municipality, district, private corporation, co-  
110 partnership, association, or individual providing for or  
111 relating to such water system or the purchase and sale of water  
112 or sewer system and the disposal of sewage.

113 (m) To receive and accept from any authorized agency of  
114 the Federal Government loans or grants for the planning,  
115 construction, improvement, extension, enlargement,  
116 reconstruction, or equipment of any water and sewer systems; to

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117 enter into agreements with such agency respecting any such loans  
118 or grants; and to receive and accept aid or contributions from  
119 any source of either money, property, labor, or other things of  
120 value, to be held, used, and applied only for the purposes for  
121 which such loans, grants, or contributions be made.

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

124 (2) The board may fix and revise from time to time rates  
125 and charges for water furnished by any water system and for  
126 sewage disposal by any sewer system and charge and collect the  
127 same. Any such rates and charges shall be so fixed and revised  
128 as to provide funds, with other funds available for such  
129 purpose, sufficient at all times:

130 (a) To pay the cost of maintaining, repairing, and  
131 operating the water and sewer systems of the district, and to  
132 provide reserves therefor and for replacements, depreciation,  
133 and necessary extensions and enlargements.

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

138 (c) To provide a margin of safety for making such payments  
139 and providing such reserves. Such rates and charges shall not be  
140 subject to supervision or regulation by any commission, board,  
141 bureau, or agency of the state or of any political subdivision

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142 of the state. Such rates and charges shall be just and  
143 equitable.

144 (3) The district shall have no power or authority to  
145 impose or collect ad valorem taxes.

146 (4) No funds of the district shall be used for any purpose  
147 other than those defined in this section and the administration  
148 of the affairs and business of the district, or the purpose,  
149 acquisition, construction, expansion, care, maintenance, upkeep,  
150 and operation of a fresh water system and sewer system in the  
151 district as the board may determine to be for the best interest  
152 of the district and inhabitants thereof.

153 (5) The board may provide in the resolution authorizing  
154 the issuance of bonds under this act or in any trust agreement  
155 securing such bonds that if any water or sewer rates shall not  
156 be paid within 30 days from the rendition of any such bills, the  
157 district shall discontinue furnishing water to such premises and  
158 may disconnect the same from the water system. Any such  
159 resolution or trust agreement may include any or all of the  
160 following provisions, and may require the board to adopt such  
161 resolutions or to take such other lawful action as shall be  
162 necessary to effectuate such provisions, and the board is hereby  
163 authorized to adopt such resolutions and to take such other  
164 action.

165 (a) The district may require the owner, tenant, or  
166 occupant of each lot or parcel of land within the district who

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167 is obligated to pay water or sewer rates to the district; to  
168 make a reasonable deposit with the district in advance; to  
169 ensure the payment of such rates or charges; and to be subject  
170 to application to the payment thereof if and when delinquent.

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

179 (6) The powers, functions, and duties of the district  
180 relating to bond issuance, other revenue-raising capabilities,  
181 budget preparation and approval, liens and foreclosure of liens,  
182 use of tax deeds and tax certificates as appropriate for non-ad  
183 valorem assessments, and contractual agreements, and the methods  
184 for financing the district and for collecting non-ad valorem  
185 assessments, fees, or service charges, to the extent authorized  
186 by this act, shall be as forth in this charter, in chapters 170,  
187 189, and 197, Florida Statutes, and in any applicable general or  
188 special law.

189 (7) The district's planning requirements shall be as set  
190 forth in this act and chapter 189, Florida Statutes.

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191 (8) The procedures for conducting any district elections  
192 or referenda authorized by general law, as well the  
193 qualification for electors for any district elections or  
194 referenda, shall be pursuant to chapter 189, Florida Statutes.

195 **Section 3.** Effective upon this act becoming a law, the  
196 City of Apalachicola may not incur any additional obligations or  
197 indebtedness related to the operation of its water and sewer  
198 utility other than expenses incurred in the ordinary course of  
199 business and shall avoid wasting its assets. The City of  
200 Apalachicola and the Apalachicola Water and Sewer District must  
201 enter into an interlocal agreement by the latter of July 1, 2026  
202 or 30 days after the Governor makes initial appointments to the  
203 board to effectuate the transfer of water and sewer service from  
204 the city to the district. Such agreement shall include  
205 provisions concerning an assessment of all assets currently held  
206 by the city for providing water and sewer service, cooperation  
207 in meeting regulatory and permitting requirements for the  
208 transfer of the water and sewer utility, the transition of  
209 assets and liabilities from the city to the district, membership  
210 of district employees in the Florida Retirement System, as well  
211 as any other terms and conditions mutually agreed to by the  
212 parties. Notwithstanding any other provision of law, if the city  
213 and the district do not enter into an interlocal agreement by  
214 the deadline established by this section, the district shall  
215 have the sole authority to make all determinations necessary to

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216 effectuate the transfer of water and sewer service, which are  
217 binding on both the city and the district.

218 **Section 4.** On December 1, 2026, all property, whether  
219 real, personal, or mixed, that is owned, possessed, or  
220 controlled by the City of Apalachicola for the purposes of  
221 providing water and sewer systems, as well as all other assets,  
222 contracts, obligations, and liabilities of the City of  
223 Apalachicola for such purposes, are hereby transferred and  
224 vested in the Apalachicola Water and Sewer District. All  
225 contracts and obligations of the City of Apalachicola for water  
226 and sewer systems existing on the effective date of this act  
227 shall remain in full force and effect, and this act shall in no  
228 way affect the validity of such contracts or obligations.  
229 Current employees of the city employed for the purpose of  
230 providing water and sewer service shall become employees of the  
231 district pursuant to the interlocal agreement or other  
232 determinations made pursuant to section 3 of this act, provided  
233 that the district shall ensure that employees continue  
234 membership in the Florida Retirement System.

235 **Section 5.** Except as otherwise expressly provided in this  
236 act, this act shall take effect upon becoming a law.

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**T I T L E   A M E N D M E N T**

Remove lines 7-10 and insert:  
powers of the district and district board; prohibiting  
the city from incurring certain additional obligations  
or indebtedness; requiring the City of Apalachicola  
and district to enter into an interlocal agreement to  
effectuate the transfer of water and sewer service to  
the district; providing for district to take certain  
actions if the city and the district do not enter an  
interlocal agreement; providing for the transfer of  
assets, assumption of all lawful debts and other  
obligations, and continuation of contracts by  
district; providing for the status of certain  
employees; providing effective dates.