

CHAPTER 61-2211

HOUSE BILL NO. 2778

AN ACT relating to Gulf County, authorizing the Board of County Commissioners of said County to use secondary road funds to pave certain streets; providing an effective date.

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

Section 1. The Board of County Commissioners of Gulf County may use the secondary road funds apportioned to Gulf County to pave sub-division streets or other streets within the county, including such streets within municipal limits as may be agreed upon by the municipal authorities and by the Board of County Commissioners.

Section 2. This act shall take effect immediately upon becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State June 22, 1961.

CHAPTER 61-2212

HOUSE BILL NO. 3139

AN ACT relating to Gulf County; creating a special water and sewer district in the area of the unincorporated community of Highland View; defining its boundaries; providing for a water or sewage system or both; providing for issuance of revenue bonds or certificates to be repaid from the revenues of said system; prescribing the powers of said district including the power to contract with any municipality or governmental agency for water distribution and sewage collection; defining further its powers, franchises and privileges; providing for the governing body of said district; providing an effective date.

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

Section 1. *Short title.*—This act may be known as the Highland View water and sewer district.

Section 2. *Definitions.*—Whenever used in this act, unless a different meaning clearly appears from the context:

(1) The word county shall mean Gulf county.

(2) The words county commissioners shall mean the board of county commissioners of Gulf county.

(3) The words water system shall mean water works or water treatment plant, or other operation concerning water production, distribution or sale.

(4) The words sewerage system shall mean sewerage distribution system, sewerage treatment works and any other undertaking in which sewerage is received, processed, treated or distributed.

(5) The word district shall mean the Highland View water and sewer district, of Gulf county.

(6) The word board when used in this act shall mean the board of commissioners of the Highland View water and sewer district.

Section 3. The boundaries of the Highland View water and sewer district are:

Begin at the point of intersection of the East Line of Section 26, Township 7 South Range 11 West and the center line of the Gulf County Canal and extend a meander line Southwesterly along the center line of the Gulf County Canal to a point 1000 feet West of the point of intersection of the said center line of the Gulf County Canal and the Eastern shoreline of St. Joseph Bay extended; then turn right and extend a line Northwesterly parallel to the Eastern Shoreline of St. Joseph Bay to a point of intersection with the North line of Section 27 Township 7 South Range 11 West extended 1000 feet into St. Joseph Bay from the Eastern Shoreline of said Bay; then turn right and extend a line Easterly along the extended North line of said Section 27 to the Northeast corner of Section 26, Township 7 South Range 11 West; then turn right and extend a line Southerly along the East line of said section 26 to a point of intersection with the centerline of the Gulf County Canal at the point of beginning. The area described above contains fractional section 26, 27, and a small part of the Northwestern quarter of fractional section 35, Township 7 South Range 11 West, Gulf County, Florida.

Section 4. The governing body of the district shall be the Highland View board of commissioners consisting of five (5) members,

each of whom shall be a freeholder and a qualified elector of the district. Members of the board of commissioners, subsequent to the original members herein named, shall be appointed by the governor for terms of four (4) years. The original members of the board of commissioners shall be as follows:

John Hewett
 Silas Player
 P. T. McCormick
 Iris Furney
 W. C. Forehand.

Appointments to fill vacancies on the board of commissioners shall be for the unexpired term only.

Section 5. The board shall organize by electing from their number a chairman, vice-chairman, and a secretary and treasurer. The members of the board shall serve four (4) year terms and shall not receive compensation for their services. However, board members may be reimbursed for expenses incurred incident to the legitimate transaction of business of the district and only when such expenses are approved by a majority of the board at a regular or special meeting. No person shall be appointed as commissioner who is not a resident of and freeholder in the district. Each commissioner shall, before he enters upon his duties as commissioner, execute to the governor of the state a good and sufficient bond in the sum of one thousand dollars (\$1,000.00) with a qualified corporate surety conditioned to faithfully perform the duties of such commissioner and to account for all funds to come into his hands as such commissioner. All premiums payable for such bonds shall be paid from the funds of the district.

Upon the expiration of the term of the commissioners herein appointed, the governor of the state shall appoint the commissioners for said district to serve for a term of four (4) years.

Section 6. No funds of said district shall be used for any purpose other than the administration of the affairs and business of said district, 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.

Section 7. Powers of board.—The board of commissioners of the Highland View water district is authorized and empowered:

- (1) To acquire in the name of the district, either by purchase or the exercise of the right of eminent domain, or to construct, and to reconstruct, improve, extend, enlarge, equip, repair, maintain and operate waterworks or sewerage facilities, either within or without, or partly within and partly without, the territorial limits of the district;
- (2) To issue revenue bonds of the district, payable from water rates or sewer service charges;
- (3) To fix and collect rates and charges for water furnished by any waterworks facilities, and to fix and collect charges for making connections with any waterworks facilities;
- (4) To fix and collect sewer service charges for the services furnished by any sewerage facilities, and to fix and collect charges for making connections with any sewerage facilities;
- (5) To acquire in the name of the district, either by purchase or the exercise of the right of eminent domain, such lands and rights and interests therein, including lands under water and riparian rights, and to acquire such personal property, as it may deem necessary in connection with the construction or operation of waterworks or sewerage facilities, and to hold and dispose of all real and personal property under its control;
- (6) 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, and to employ such consulting and other engineers, superintendents, managers, construction and accounting experts and attorneys, and such employees and agents, 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;
- (7) To exercise jurisdiction, control and supervision over any waterworks facilities and any sewerage facilities owned, operated or maintained by it and to make and enforce such rules and regulations for the maintenance and operation of any such facilities.

as may in its judgment be necessary or desirable for the efficient operation thereof and for accomplishing the purposes of this act;

(8) To enter on any lands, water or premises located within or without the district to make surveys, borings, soundings, or examinations for the purpose of this act;

(9) To construct and operate sewer and water mains, laterals, conduits, pipelines and all necessary appurtenances thereto, in, along or under any streets, alleys, highways or other public places within or without the district;

(10) 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 non-navigable waters within the limits of the district any sewerage, 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;

(11) 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 of Florida or any agency or instrumentality of either thereof, or with any municipality, district, private corporation, co-partnership, association or individual providing for or relating to waterworks facilities or the purchase or sale of water or providing for or relating to sewerage facilities or the collection or disposal of sewerage;

(12) 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 waterworks or sewerage facilities and to 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 purposes for which such loans, grants or contributions may be made; and

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

Section 8. *Water rates and sewer service charges.*—The board of commissioners may fix and revise from time to time rates and charges for water furnished by any waterworks facilities and sewer service charges for the services furnished by any sewerage facilities, 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 and sewerage 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, and (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 and such 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 average 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 factors. In cases where the character of the sewage from any manufacturing or industrial plant, building or premises is such that it imposes an unreasonable burden upon any sewerage facilities, an additional charge may be made therefor, or the board may, if it deems it advisable, compel such manufacturing or industrial plant, building or premises to treat such sewage in such manner as shall be specified by the board before discharging such sewage into any sewer lines owned or maintained by the district.

Section 9. *Collection of rates and charges.*—The board of commissioners may provide in the 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 shall not be paid within thirty (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 waterworks facilities. 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) 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 insure 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 shall not be paid within thirty (30) days after the same shall become due and payable, the district may at the expiration of such thirty (30) days' period disconnect the premises from the waterworks or sewerage facilities, and the district may proceed to recover the amount of any such delinquent rates or charges, with interest, in an action of assumpsit.

(3) That if any sewer service charges for the use of any sewerage facilities by or in connection with any premises not served by any waterworks facilities of the district shall not be paid within thirty (30) days after the same shall become due and payable, the owner, tenant or occupant of such premises shall cease to dispose of sewage or industrial wastes originating from or on such premises by discharge thereof directly or indirectly into the sewerage facilities of the district until such sewer service charges, with interest, shall be paid; that if such owner, tenant or occupant shall not cease such disposal at the expiration of such thirty (30) days' 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) days' 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.

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 be made in accordance with rules and regulations which shall be adopted from time to time by the board which rules and regulations may provide for a charge for making any such connection in such reasonable amount as the board may fix and establish. This act being necessary for the welfare of the inhabitants of the county, shall be liberally construed to effect the purposes thereof.

Section 10. *Provisions of act severable.*—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 11. This act shall take effect immediately upon becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State June 22, 1961.