

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: CS/HB 1315 Lake County Water Authority, Lake County
SPONSOR(S): Local, Federal & Veterans Affairs Subcommittee; Metz
TIED BILLS: **IDEN./SIM. BILLS:**

| REFERENCE | ACTION | ANALYST | STAFF DIRECTOR or BUDGET/POLICY CHIEF |
|---|------------------|---------|---------------------------------------|
| 1) Local, Federal & Veterans Affairs Subcommittee | 11 Y, 0 N, As CS | Darden | Miller |
| 2) Natural Resources & Public Lands Subcommittee | 14 Y, 0 N | Gregory | Shugar |
| 3) Government Accountability Committee | | | |

SUMMARY ANALYSIS

The Lake County Water Authority (Authority) was created by the Legislature in 1953 to conserve freshwater resources in Lake County, foster tourism business in the county, provide recreational facilities, improve fish and aquatic wildlife, and protect freshwater resources from damage from stormwater runoff.

The bill prohibits the Authority from spending public funds on tourism promotion and providing man-made recreational amenities such as tennis courts, swimming pools, and athletic fields. The Authority may continue to operate nature observation parks. The bill removes the power of eminent domain from the Authority and enables the Authority to request the county exercise eminent domain powers on behalf of the Authority. The bill requires the Authority's annual report and financial statement to be posted to the Authority's website.

The bill shall take effect upon becoming a law.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

Lake County Water Authority

The Lake County Water Authority (Authority) was created by the Legislature in 1953.¹ The Authority was created to:

- Control and conserve the freshwater resources of Lake County;
- Foster and improve the tourist business in the county by improvements to the streams, lakes, and canals;
- Provide recreational facilities by a more efficient use of the streams, lakes, and canals;
- Improve the fish and aquatic wildlife in the County with improvements to the streams, lakes, and canals; and
- Protect the freshwater resources through assisting local governments in treatment of stormwater runoff.²

The Authority is governed by a seven member Board of Trustees (Board) elected by residents of Lake County. Two members of the Board are elected at-large, while five are elected from county commission districts. The members of the Board are elected in nonpartisan elections to four year terms. The Board selects a Chair and a Vice Chair from among its members. The Clerk of the Circuit Court for Lake County serves as the secretary and treasurer of the Board. The Board is responsible selecting a non-member to serve as Executive Director for the Authority.³

Members of the Board receive \$25 per day as compensation when performing Authority duties.⁴ Members of the Board and employees of the Authority are entitled to reimbursement for expenses incurred in the discharge of their duties. The Board may choose to approve expenses directly, or may delegate the task to the Executive Director of the Authority subject to parameters set by the Board.⁵

The powers of the Board include:

- Conducting business on behalf of the Authority;⁶
- Acquiring real property and use rights by purchase, gift, lease, eminent domain, or other methods reasonably necessary;⁷
- Taking possession and using state lands for carrying out the purposes of the Authority, if the lands are not in use by the state and due notice is given to the Trustees of the Internal Improvement Trust Fund;⁸
- Making improvements to streams, lakes, and canals within the county;⁹
- Taking possession and operating basins, floodways, pumping stations, buildings, bridges, highways, navigation, and conservation works within the county;¹⁰

¹ Lake County Water Authority, *General Information*, <http://www.lcwa.org/budget/> (last visited Mar. 8, 2017). *See also* ch. 53-29222, Laws of Fla.

² *Id.*

³ Chapter 2005-314, s. 3(4), Laws of Fla. The charter of the Authority was codified by ch. 2005-314, Laws of Fla.

⁴ Chapter 2005-314, s. 3(7), Laws of Fla.

⁵ Chapter 2005-314, s. 3(8), Laws of Fla.

⁶ Chapter 2005-314, s. 3(9)(a), Laws of Fla.

⁷ Chapter 2005-314, s. 3(9)(b), Laws of Fla.

⁸ Chapter 2005-314, s. 3(9)(c), Laws of Fla.

⁹ Chapter 2005-314, s. 3(9)(d), Laws of Fla.

¹⁰ Chapter 2005-314, s. 3(9)(e), Laws of Fla.

- Controlling all streams flowing into water reservoirs within the county or adjacent to the county;¹¹
- Granting licenses or permits for the construction and excavation of canals and ditches connecting navigable waters in the county;¹² and
- Entering into contracts with the local, state, or federal governments for the purposes of carrying out the provisions of the charter.¹³

The Board is required to publish a detailed financial statement at least once a year in a newspaper published in Lake County. The statement must include a list of all moneys received and disbursed during the preceding year.¹⁴

The Authority must prepare a five year plan listing projects it plans to undertake. The Authority is required to update the plan periodically and to publish an annual report evaluating and assessing the effectiveness of the five year plan. The Authority must submit the annual report to the Legislature, the St. Johns River Water Management District, and the Lake County Board of County Commissioners.¹⁵

Effect of Proposed Changes

The bill removes references to tourism and providing recreational facilities from the purpose section of the charter.

The bill clarifies that the five members of the Board elected from the county commission districts must reside in separate county commission districts.

The bill removes the ability of the Authority to exercise eminent domain; take possession of and use state lands; to take possession of and use canals, dams, etc.; and to issue permits and licenses for construction of canals and ditches connecting navigable waters.

The bill authorizes the Board to remove significant hazards to navigation from major public waterways within the county. The bill authorizes the Board to recommend to the Lake County Board of County Commissioners to use its power of eminent domain to acquire private property.

The bill authorizes the Board to promote the Authority's purpose and works through board resolutions, press releases, electronic communications, and attendance at public events sponsored by other entities. However, the bill prohibits the use of public funds for these purposes.

The bill prohibits the Authority from operating public recreational facilities with man-made attractions such as tennis courts, swimming pools, boat docks, or athletic fields. The bill provides an exception allowing the Board to maintain the operation of Hickory Point Park. The bill authorizes the Authority to operate parks allowing for public observation of nature. The bill allows the Authority to dispose of property no longer necessary for its purpose or works.

The bill requires the Authority to publish its annual financial statement and report on the Authority's website and specifies the annual report must be published in a newspaper of general circulation.

The bill removes transitional language from the charter and revises the construction of the charter to require provisions to be reasonably construed.

¹¹ Chapter 2005-314, s. 3(9)(f), Laws of Fla.

¹² Chapter 2005-314, s. 3(9)(g), Laws of Fla.

¹³ Chapter 2005-314, s. 3(9)(h), Laws of Fla.

¹⁴ Chapter 2005-314, s. 3(15), Laws of Fla.

¹⁵ Chapter 2005-314, s. 3(17), Laws of Fla.

B. SECTION DIRECTORY:

Section 1: Amends ch. 2005-314, Laws of Florida, concerning the Lake County Water Authority.

Section 2: Provides that the bill shall take effect upon becoming a law.

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? February 2, 2017.

WHERE? The *Daily Commercial*, a daily newspaper published in Lake County, Florida.

B. REFERENDUM(S) REQUIRED? Yes No

IF YES, WHEN?

C. LOCAL BILL CERTIFICATION FILED? Yes, attached No

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached No

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

The bill does not require executive branch rulemaking or provide for rulemaking authority.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On March 15, 2017, the Local, Federal & Veterans Affairs Subcommittee adopted a strike-all amendment and reported the bill favorably as a committee substitute. The amendment authorizes the Authority to promote its purpose and works by board resolutions and press releases; allows the Authority to dispose of property no longer necessary for its purpose or works; and make several technical corrections to the bill.

This analysis is drawn to the bill as amended by the Local, Federal & Veterans Affairs Subcommittee.