

1 A bill to be entitled

2 An act relating to the Lake County Water Authority,
3 Lake County; amending ch. 2005-314, Laws of Florida;
4 revising purpose of the authority; deleting obsolete
5 language; removing power of the governing board and
6 the authority to acquire land through eminent domain
7 or condemnation; removing power of the board relating
8 to certain state land; providing for the county or a
9 municipality to acquire private property through
10 eminent domain under certain circumstances; providing
11 powers of the board relating to navigation and
12 blockage of certain waterways in the county;
13 prohibiting the board from expending public funds to
14 promote recreation and tourism; providing powers of
15 and restrictions on the authority and the board
16 relating to parks; requiring certain documents to be
17 published on the authority's website; providing an
18 effective date.

19
20 Be It Enacted by the Legislature of the State of Florida:

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22 Section 1. Sections 1, 4, 9, 15, 16, and 17 of section 3
23 of chapter 2005-314, Laws of Florida, are amended to read:

24 Section 1. Purpose.—For the purposes of controlling and
25 conserving the freshwater resources of Lake County; fostering

26 | ~~and improving the tourist business in the county by improvements~~
27 | ~~to streams, lakes, and canals in the county; providing~~
28 | ~~recreational facilities for tourists and citizens and taxpayers~~
29 | ~~of the county by a more efficient use of the streams, lakes, and~~
30 | ~~canals in the county;~~ improving the fish and aquatic wildlife of
31 | the county by improving the streams, lakes, and canals in the
32 | county; and protecting the freshwater resources of Lake County
33 | through assisting local governments in treating of stormwater
34 | runoff ~~by conserving fresh water to improve the streams, lakes,~~
35 | ~~and canals in the county,~~ there is created and incorporated a
36 | special taxing district extending territorially throughout the
37 | present limits of Lake County, Florida. The district shall be
38 | known and designated as the "Lake County Water Authority," but
39 | shall hereafter in this act, for convenience, be referred to as
40 | "the authority."

41 | Section 4. Governing board; elections; surety.—A governing
42 | body for the authority is created, consisting of seven members
43 | who are residents of Lake County, which body shall be known and
44 | designated as the "Board of Trustees of the Lake County Water
45 | Authority," but which shall be referred to as "the board." Five
46 | of the members must each reside in a separate geographic area
47 | identical to a county commission district, to be elected by the
48 | electors of the county at large; no two such members shall
49 | reside in the same county commission district. Two of the
50 | members will be elected by the electors of the county at large

51 without regard to their residence. ~~On the second Tuesday~~
52 ~~following the general election in 2000, the term of office of~~
53 ~~each person serving on the board immediately before that date~~
54 ~~expires, and~~ The members of the board shall be elected by the
55 electors of Lake County in partisan elections. ~~conducted by the~~
56 ~~supervisor of elections pursuant to section 189.405, Florida~~
57 ~~Statutes, in accordance with the Florida Election Code, chapters~~
58 ~~97 through 106, Florida Statutes, beginning with the general~~
59 ~~election in 2000, for terms of 4 years beginning on the second~~
60 ~~Tuesday following the general election. For purposes of~~
61 ~~staggering terms, the members elected in 2000 from odd-numbered~~
62 ~~areas and the at-large member receiving the higher number of~~
63 ~~votes shall be elected to 4-year terms and the members elected~~
64 ~~from even-numbered areas and the at-large member receiving the~~
65 ~~lower number of votes shall be elected to 2-year terms.~~
66 ~~Thereafter,~~ Each member shall be elected for a term of 4 years,
67 except that a person may not be elected to more than two
68 consecutive 4-year terms. At the first meeting in December of
69 each year or, during a year in which there is a general
70 election, at a meeting held no later than 30 days after the
71 general election if the meeting and the election of officers
72 have been advertised properly, the board shall select one of
73 their number as chair and one as vice chair of the board. The
74 Clerk of the Circuit Court of Lake County shall act as secretary
75 and treasurer of the board without any additional compensation.

76 In the event the provision pertaining to the duties of the clerk
77 of the circuit court is for any reason held to be invalid, the
78 board may select one of its members to serve as its secretary
79 and treasurer, or it may appoint a nonmember of the board as its
80 secretary and treasurer, and such nonmember shall receive
81 compensation commensurate with the responsibilities as
82 determined by the board. The board shall select a nonmember to
83 serve as executive director of the authority, and such nonmember
84 shall receive compensation commensurate with the
85 responsibilities as determined by the board. The board shall
86 require a surety bond of any person, including the clerk of the
87 circuit court, who shall act as secretary and treasurer of the
88 board. The amount of the surety bond will be determined by the
89 board. This bond shall be in addition to any bond furnished by
90 such person as clerk of the circuit court or as a member of the
91 board. The premium of the bond shall be paid by the board as a
92 necessary expense of operation.

93 Section 9. Powers of board and authority.-

94 (a) The board has all the powers of a body corporate,
95 including, but not limited to, the power to sue and be sued; to
96 make contracts; to adopt and use a common seal and to alter the
97 same as deemed expedient; to buy, acquire ~~by condemnation or~~
98 ~~eminent domain in the manner prescribed for use by counties in~~
99 ~~Florida~~, sell, own, use, control, operate, improve, and lease
100 all land and personal property as the board deems necessary or

101 proper in carrying out the provisions of this act; to appoint
102 and employ, and dismiss at pleasure, such engineers, auditors,
103 attorneys, and other employees and agents as the board may
104 require, and to fix and pay the compensation thereof; to
105 establish an office for the transaction of its business in Lake
106 County and to pay all necessary costs and expenses incident to
107 the administration and operation thereof; and to pay all other
108 costs and expenses reasonably necessary or expedient in carrying
109 out and accomplishing the purposes of this act.

110 (b) The authority may acquire by purchase, gift, or lease,
111 ~~condemnation, eminent domain, or any other manner~~ such lands
112 within the territorial extent of the authority as are reasonably
113 necessary for constructing and maintaining the works and making
114 the improvements required to carry out the intent of this act,
115 including, ~~without limitation,~~ the right to acquire by
116 ~~condemnation or eminent domain~~ such lands and any interest
117 therein reasonably necessary for any such purpose which may
118 already be devoted to public use for county, municipal,
119 district, railroad, or public utility purposes where and to the
120 extent that the same may cross, intersect, or be situate upon or
121 within the area of such land hereinbefore referred to. The
122 authority shall also have the right to acquire by purchase,
123 gift, or lease, ~~condemnation, or eminent domain, or in any other~~
124 ~~manner,~~ land, timber, earth, rock, and other materials or
125 property, and property rights, including riparian rights, in

126 such amounts as are reasonably necessary or useful in the
127 development of the works or improvements before referred to.
128 ~~Condemnation or eminent domain proceedings shall be maintained~~
129 ~~by and in the name of the authority, and the procedure shall be,~~
130 ~~except insofar as is altered hereby, that prescribed for use by~~
131 ~~counties in Florida.~~

132 ~~(c) The authority may take, exclusively occupy, use, and~~
133 ~~possess, insofar as is necessary for carrying out the provisions~~
134 ~~of this act, any areas of land owned by the state and within the~~
135 ~~territorial jurisdiction of the authority, not in use for state~~
136 ~~purposes, including, without limitation, swamps and overflowed~~
137 ~~lands, bottoms of streams, lakes, and rivers, and the riparian~~
138 ~~rights thereto pertaining, and, when so taken and occupied, due~~
139 ~~notice of such taking and occupancy having been filed with the~~
140 ~~Trustees of the Internal Improvement Trust Fund of the state by~~
141 ~~the authority, such areas of land are granted to and shall be~~
142 ~~the property of the authority. For the purposes of this section,~~
143 ~~the meaning of the term "use" shall include the removal of~~
144 ~~material from and the placing of material on any such land. In~~
145 ~~case it is held by any court of competent jurisdiction that~~
146 ~~there are any lands owned by the state which may not be so~~
147 ~~granted, the provisions of this section shall continue in full~~
148 ~~force and effect as to all other lands owned by the state and~~
149 ~~granted to the authority under this section. The provisions of~~

150 ~~this section are subject to all laws and regulations of the~~
151 ~~United States of America with respect to navigable waters.~~

152 (c)~~(d)~~ In addition to all other powers conferred upon the
153 board by this act, the board may enlarge, change, modify, or
154 improve any stream, lake, or canal within the territorial limits
155 of the authority and may clean out, straighten, enlarge, or
156 change the course of any waterway or canal, natural or
157 artificial, within the territorial limits of the authority; may
158 provide such canals, locks, levees, dikes, dams, sluiceways,
159 reservoirs, holding basins, floodways, pumping stations,
160 buildings, bridges, highways, and other works and facilities
161 that the board deems necessary; may cross any highway or railway
162 with works of the district and hold, control, and acquire by
163 donation, lease, or purchase,~~or otherwise~~ any land or personal
164 property needed for carrying out the purpose of this act and may
165 remove any building or other obstruction necessary for the
166 construction, maintenance, and operation of such works. The
167 improvements made or to be made under this act are sometimes
168 referred to in this act as "the works" of the board. The board
169 shall also have power to operate any and all works and
170 improvements of the authority. The provisions of this section
171 are subject to all laws and regulations of the United States of
172 America with respect to navigable waters.

173 ~~(e) The board may take possession of and control, use,~~
174 ~~operate, and maintain all streams, lakes, canals, dams, locks,~~

175 ~~levees, dikes, sluiceways, reservoirs, holding basins,~~
176 ~~floodways, pumping stations, buildings, bridges, highways,~~
177 ~~navigation, and conservation works, and other works and~~
178 ~~facilities within the territorial limits of the authority to the~~
179 ~~extent only that such possession, control, and use have been~~
180 ~~deemed by the board, in its sole discretion, to be useful and~~
181 ~~necessary in carrying out the purposes of this act. Such~~
182 ~~possession, control, and use are subject to the rights of~~
183 ~~persons, firms, and corporations and the rights of Lake County~~
184 ~~and municipalities, districts, and political bodies in Lake~~
185 ~~County (which rights may be acquired by the authority by~~
186 ~~condemnation or eminent domain as provided for by this act).~~

187 (d) ~~(f)~~ The authority shall control all streams, including
188 slow-moving streams, flowing from any of the water reservoirs in
189 Lake County, whether natural or constructed, into the system of
190 lakes and streams in or adjacent to Lake County for the
191 protection of the natural water reservoirs and the adjacent and
192 neighboring areas.

193 (e) The board may attempt, when technically,
194 environmentally, and economically feasible, to remove
195 significant hazards to navigation and blockages from the major
196 public waterways of Lake County, whenever those hazards and
197 blockages substantially affect public navigation on large lakes
198 and their connecting streams and canals. Generally, such work
199 shall be limited to lakes that have legal authorized access by

200 the general public and to the Dora Canal, the Apopka-Beauclair
 201 Canal, the Dead River, Haynes Creek, Helena Run, and the
 202 publicly accessible portions of the Palatlahaha River System.

203 ~~(f)(g) The board may grant licenses or permits for the~~
 204 ~~construction and excavation of canals and ditches connecting~~
 205 ~~with navigable waters; may establish, adopt, and administer~~
 206 ~~rules governing the construction and excavation of canals and~~
 207 ~~ditches with authority to prohibit any construction deemed by~~
 208 ~~the board to be detrimental to the best interests of the public~~
 209 ~~or purposes for which the authority was established; may do any~~
 210 and all things hereinafter authorized or required to be done;
 211 and may do any and all things, whether or not included in the
 212 powers enumerated in this act, necessary to accomplish the
 213 purposes of this act.

214 ~~(g)(h)~~ The board may enter into any agreement or contract
 215 with the Federal Government or the state, or any agency,
 216 political subdivision, or instrumentality of either; and
 217 counties adjoining Lake County; and municipalities and taxing
 218 districts in Lake County and in counties adjoining Lake County
 219 for the purpose of carrying out, or which in the reasonable
 220 judgment of the board may assist it in carrying out, the
 221 purposes of this act.

222 (h) The board may recommend, by resolution to the Board of
 223 County Commissioners of Lake County or the governing body of a
 224 municipality in the county, the acquisition of private property

225 using the power of eminent domain. Such recommendation shall
226 specify the purpose under this act for which such acquisition is
227 necessary. Within 90 days after receipt of such a
228 recommendation, the county or municipality shall formally
229 respond to such recommendation with its approval, disapproval,
230 or a proposed modification. The authority and the county or
231 municipality shall cooperate in the public interest. If the
232 county or the municipality ultimately proceeds with the
233 authority's recommended acquisition, the implementation of the
234 purpose of this act for which the authority made the
235 recommendation may be addressed through an interlocal agreement
236 between the authority and the county or municipality.

237 (i) The board may promote recreation and tourism through
238 board resolutions, press releases, electronic communications,
239 and attendance at public events sponsored by other entities, but
240 otherwise may not expend public funds to promote recreation and
241 tourism in the county, including, but not limited to, hosting
242 events, advertising, or marketing.

243 (j) (1)a. For purposes of this subsection, an "active park"
244 means a park developed for the purpose of public recreation with
245 man-made improvements, including, but not limited to, buildings
246 for meetings and events; athletic fields; tennis, racquetball,
247 and volleyball courts; swimming pools; recreational boat docks,
248 boat houses, and related facilities; and similar capital
249 facilities.

250 b. For purposes of this subsection, a "passive park" means
251 a park developed for the purpose of allowing public observation
252 of natural conditions and environmentally sensitive areas or
253 providing public access to streams, lakes, and canals for
254 waterborne activities, using limited man-made improvements,
255 including, but not limited to, nature trails, equestrian trails,
256 elevated boardwalks, boat ramps, and kayak and canoe launching
257 pads.

258 (2) The authority may not develop, own, maintain, or
259 operate active parks, with the exception of Hickory Point Park,
260 but may develop, own, maintain, and operate passive parks on
261 property owned by the authority for the purpose of this act,
262 provided that such passive parks are not in conflict with the
263 public purpose for which the authority acquired the property.
264 Nothing in this act shall prohibit the continued use of the Disc
265 Golf Course at Hidden Waters Preserve. The board may sell or
266 donate land for parks to Lake County or a municipality in the
267 county pursuant to an interlocal agreement.

268 Section 15. Financial statement.—At least once in each
269 year the board shall publish on the authority's website and in a
270 ~~some~~ newspaper of general circulation published in Lake County a
271 complete detailed statement of its financial condition,
272 including a list of all moneys received and disbursed by the
273 board during the preceding year.

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274 Section 16. Construction.—It is the intention of the
275 Legislature that the provisions of this act be reasonably
276 ~~liberally~~ construed to accomplish its purposes.

277 Section 17. Plan; annual report.—

278 (a) The authority shall prepare and publish on the
279 authority's website a plan that describes the authority's goals
280 for the ensuing 5 years. The plan must include projects that
281 will be undertaken within that period in furtherance of its
282 goals. The authority shall update the plan periodically.

283 (b) The authority shall annually prepare and publish on
284 the authority's website a report that ~~annually which~~ includes an
285 evaluation and assessment of the effectiveness of the
286 authority's activities in the preceding year. The report must
287 address both ongoing activities of the authority and the
288 progress in meeting goals and projects enumerated in the 5-year
289 plan. The report shall be submitted to the Legislature, the St.
290 Johns River Water Management District, and the Lake County Board
291 of County Commissioners.

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