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A bill to be entitled

An act relating to the Lake County Water Authority district; amending, codifying, reenacting, and repealing chapter 29222, Laws of Florida, 1953, as amended; codifying special acts relating to the district in conformity to s. 189.429, F.S.; providing district boundaries; providing purposes; providing for a governing body and prescribing its powers, duties, functions, membership, and organization; providing duties of constitutional officers in Lake County with respect to the authority; repealing chapter 29222, Laws of Florida, 1953, and chapters 57-1484, 59-1466, 63-1507, 65-1787, 69-1209, 2000-492, 2003-376, Florida Statutes, relating to the district; 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 the Lake County Water Authority district. It is the intent of the Legislature in enacting this law to provide a single act for the district. It is further the intent of the Legislature to preserve all district authority, including the authority to annually assess and levy taxes or assessments against all assessable property in the district.

Section 2. Chapter 29222, Laws of Florida, 1953, and chapters 57-1484, 59-1466, 63-1507, 65-1787, 69-1209, 2000-492, and 2003-376, Laws of Florida, relating to the Lake County Water Authority, are codified, amended, enacted, and repealed as provided in this act.

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31 Section 3. The charter for the Lake County Water Authority  
32 district is re-created and reenacted to read:

33 Section 1. Purpose.--For the purposes of controlling and  
34 conserving the freshwater resources of Lake County; fostering  
35 and improving the tourist business in the county by improvements  
36 to the streams, lakes, and canals in the county; providing  
37 recreational facilities for the tourists and citizens and  
38 taxpayers of the county by a more efficient use of the streams,  
39 lakes, and canals in the county; preserving, protecting, and  
40 improving the fish and wildlife of the county; and protecting  
41 the freshwater resources of Lake County through assisting local  
42 governments in treatment of stormwater runoff, there is created  
43 and incorporated a special taxing district extending  
44 territorially throughout the present limits of Lake County,  
45 Florida. The district shall be known and designated as "The Lake  
46 County Water Authority," but shall hereafter in this act, for  
47 convenience, be referred to as "the authority."

48 Section 2. Territorial limits.--The territorial limits of  
49 the authority shall be coterminous with the boundaries of Lake  
50 County.

51 Section 3. County purpose.--Each of the purposes for which  
52 the authority is created is declared to be a county purpose, for  
53 the accomplishment of which taxes upon all real and personal  
54 property within the territorial limits of the authority are by  
55 this act authorized to be levied, assessed, and collected.

56 Section 4. Governing board; elections; surety.--A  
57 governing body for the authority is created, consisting of seven  
58 members who are residents of Lake County, which body shall be  
59 known and designated as the "Board of Trustees of the Lake  
60 County Water Authority," but which shall be referred to as "the

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61 board." Five of the members must each reside in a geographic  
62 area identical to a county commission district, to be elected by  
63 the electors of the county at large. Two of the members will be  
64 elected by the electors of the county at large without regard to  
65 their residence. On the second Tuesday following the general  
66 election in 2000, the term of office of each person serving on  
67 the board immediately before that date expires, and the members  
68 of the board shall be elected by the electors of Lake County in  
69 partisan elections conducted by the supervisor of elections  
70 pursuant to section 189.405, Florida Statutes, in accordance  
71 with the Florida Election Code, chapters 97 through 106, Florida  
72 Statutes, beginning with the general election in 2000, for terms  
73 of 4 years beginning on the second Tuesday following the general  
74 election. For purposes of staggering terms, the members elected  
75 in 2000 from odd-numbered areas and the at-large member  
76 receiving the higher number of votes shall be elected to 4-year  
77 terms and the members elected from even-numbered areas and the  
78 at-large member receiving the lower number of votes shall be  
79 elected to 2-year terms. Thereafter, each member shall be  
80 elected for a term of 4 years, except that a person may not be  
81 elected to more than two consecutive 4-year terms. At the first  
82 meeting in December of each year or, during a year in which  
83 there is a general election, at a meeting held no later than 30  
84 days after the general election if the meeting and the election  
85 of officers have been advertised properly, the board shall  
86 select one of their number as chair and one as vice chair of the  
87 board. The Clerk of the Circuit Court of Lake County shall act  
88 as secretary and treasurer of the board without any additional  
89 compensation. In the event the provision pertaining to the  
90 duties of the clerk of the circuit court is for any reason held

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91 to be invalid, the board may select one of its members to serve  
 92 as its secretary and treasurer, or it may appoint a nonmember of  
 93 the board as its secretary and treasurer and such nonmember  
 94 shall receive compensation commensurate with the  
 95 responsibilities as determined by the board. The board shall  
 96 select a nonmember to serve as executive director of the  
 97 authority, and such nonmember shall receive compensation  
 98 commensurate with the responsibilities as determined by the  
 99 board. The board shall require a surety bond of any person,  
 100 including the clerk of the circuit court, who shall act as  
 101 secretary and treasurer of the board. The amount of the surety  
 102 bond will be determined by the board. This bond shall be in  
 103 addition to any bond furnished by such person as clerk of the  
 104 circuit court or as a member of the board. The premium of the  
 105 bond shall be paid by the board as a necessary expense of  
 106 operation.

107 Section 5. Surety bond.--Each member of the board, before  
 108 assuming his or her duties, shall give a good and sufficient  
 109 surety bond in the sum of \$2,500 payable to the Governor of the  
 110 State of Florida and his or her successors in office,  
 111 conditioned upon the faithful performance of his or her duties  
 112 as a member of the board. Such bond must be approved by and  
 113 filed with the Chief Financial Officer of the State of Florida,  
 114 and the premium or premiums for such bond shall be paid by the  
 115 board as a necessary expense.

116 Section 6. Quorum; majority vote; entitlement to  
 117 vote.--Four members of the board shall constitute a quorum for  
 118 the transaction of business. A majority vote of all members  
 119 present shall be necessary in order to authorize any action by  
 120 the board. The chair shall be entitled to vote on all questions.

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121 Section 7. Board compensation.--Each member of the board  
 122 shall receive \$25 per day as compensation for his or her  
 123 services when performing his or her duties.

124 Section 8. Expenses.--Each member of the board and its  
 125 engineers, auditors, attorneys, agents, and employees shall be  
 126 paid their actual expenses incurred when engaged on business of  
 127 the authority, but such expenses shall not be paid unless  
 128 payment has been authorized and approved. The board may  
 129 authorize and approve the payment of any expense, or it may  
 130 delegate to the executive director the power to authorize such  
 131 payment as long as, at the time it makes the delegation, it  
 132 approves parameters, including, but not limited to, parameters  
 133 on the amount that may be expended, within which the executive  
 134 director may exercise that power. A separate delegation must be  
 135 made with respect to any expenditure or class of expenditures.

136 Section 9. Powers of board.--

137 (a) The board has all the powers of a body corporate,  
 138 including, but not limited to, the power to sue and be sued; to  
 139 make contracts; to adopt and use a common seal and to alter the  
 140 same as deemed expedient; to buy, acquire by condemnation or  
 141 eminent domain in the manner prescribed for use by counties in  
 142 Florida, sell, own, use, control, operate, improve, and lease  
 143 all land and personal property as the board deems necessary or  
 144 proper in carrying out the provisions of this act; to appoint  
 145 and employ, and dismiss at pleasure, such engineers, auditors,  
 146 attorneys, and other employees and agents as the board may  
 147 require, and to fix and pay the compensation thereof; to  
 148 establish an office for the transaction of its business in the  
 149 City of Tavares or any other municipality in Lake County and to  
 150 pay all necessary costs and expenses incident to the

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151 administration and operation thereof; and to pay all other costs  
 152 and expenses reasonably necessary or expedient in carrying out  
 153 and accomplishing the purposes of this act.

154 (b) The authority may acquire by purchase, gift, lease,  
 155 condemnation, eminent domain, or any other manner such lands  
 156 within the territorial extent of the authority as are reasonably  
 157 necessary for constructing and maintaining the works and making  
 158 the improvements required to carry out the intent of this act,  
 159 including, without limitation, the right to acquire by  
 160 condemnation or eminent domain such lands and any interest  
 161 therein reasonably necessary for any such purpose which may  
 162 already be devoted to public use for county, municipal,  
 163 district, railroad, or public utility purposes where and to the  
 164 extent that the same may cross, intersect, or be situate upon or  
 165 within the area of such land hereinbefore referred to. The  
 166 authority shall also have the right to acquire by purchase,  
 167 gift, lease, condemnation, or eminent domain, or in any other  
 168 manner, land, timber, earth, rock, and other materials or  
 169 property, and property rights, including riparian rights, in  
 170 such amounts as are reasonably necessary or useful in the  
 171 development of the works or improvements before referred to.  
 172 Condemnation or eminent domain proceedings shall be maintained  
 173 by and in the name of the authority, and the procedure shall be,  
 174 except insofar as is altered hereby, that prescribed for use by  
 175 counties in Florida.

176 (c) The authority may take, exclusively occupy, use, and  
 177 possess, insofar as is necessary for carrying out the provisions  
 178 of this act, any areas of land owned by the state and within the  
 179 territorial jurisdiction of the authority, not in use for state  
 180 purposes, including, without limitation, swamps and overflowed

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181 lands, bottoms of streams, lakes, and rivers, and the riparian  
 182 rights thereto pertaining, and, when so taken and occupied, due  
 183 notice of such taking and occupancy having been filed with the  
 184 Trustees of the Internal Improvement Trust Fund of the state by  
 185 the authority, such areas of land are granted to and shall be  
 186 the property of the authority. For the purposes of this section,  
 187 the meaning of the term "use" shall include the removal of  
 188 material from and the placing of material on any such land. In  
 189 case it is held by any court of competent jurisdiction that  
 190 there are any lands owned by the state which may not be so  
 191 granted, the provisions of this section shall continue in full  
 192 force and effect as to all other lands owned by the state and  
 193 granted to the authority under this section. The provisions of  
 194 this section are subject to all laws and regulations of the  
 195 United States of America with respect to navigable waters.

196 (d) In addition to all other powers conferred upon by the  
 197 board by this act, the board may enlarge, change, modify, or  
 198 improve any stream, lake, or canal within the territorial limits  
 199 of the authority and may clean out, straighten, enlarge, or  
 200 change the course of any waterway or canal, natural or  
 201 artificial, within the territorial limits of the authority; may  
 202 provide such canals, locks, levees, dikes, dams, sluiceways,  
 203 reservoirs, holding basins, floodways, pumping stations,  
 204 buildings, bridges, highways, and other works and facilities  
 205 that the board deems necessary; may cross any highway or railway  
 206 with works of the district and hold, control, and acquire by  
 207 donation, lease, purchase, or otherwise any land or personal  
 208 property needed for carrying out the purpose of this act and may  
 209 remove any building or other obstruction necessary for the  
 210 construction, maintenance, and operation of such works. The

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211 improvements made or to be made under this act are sometimes  
 212 referred to in this act as "the works" of the board. The board  
 213 shall also have power to operate any and all works and  
 214 improvements of the authority. The provisions of this section  
 215 are subject to all laws and regulations of the United States of  
 216 America with respect to navigable waters.

217 (e) The board may take possession of and control, use,  
 218 operate, and maintain all streams, lakes, canals, dams, locks,  
 219 levees, dikes, sluiceways, reservoirs, holding basins,  
 220 floodways, pumping stations, buildings, bridges, highways,  
 221 navigation, and conservation works, and other works and  
 222 facilities within the territorial limits of the authority to the  
 223 extent only that such possession, control, and use have been  
 224 deemed by the board, in its sole discretion, to be useful and  
 225 necessary in carrying out the purposes of this act. Such  
 226 possession, control, and use are subject to the rights of  
 227 persons, firms, and corporations and the rights of Lake County  
 228 and municipalities, districts, and political bodies in Lake  
 229 County (which rights may be acquired by the authority by  
 230 condemnation or eminent domain as provided for by this act).

231 (f) The authority shall control all streams, including  
 232 slow-moving streams, flowing from any of the water reservoirs in  
 233 Lake County, whether natural or constructed, into the system of  
 234 lakes and streams in or adjacent to Lake County for the  
 235 protection of the natural water reservoirs and the adjacent and  
 236 neighboring areas.

237 (g) The board may grant licenses or permits for the  
 238 construction and excavation of canals and ditches connecting  
 239 with navigable waters; may establish, adopt, and administer  
 240 rules governing the construction and excavation of canals and

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241 ditches with authority to prohibit any construction deemed by  
 242 the board to be detrimental to the best interests of the public  
 243 or purposes for which the authority was established; may do any  
 244 and all things hereinafter authorized or required to be done;  
 245 and may do any and all things, whether or not included in the  
 246 powers enumerated in this act, necessary to accomplish the  
 247 purposes of this act.

248 (h) The board may enter into any agreement or contract  
 249 with the Federal Government or the state, or any agency,  
 250 political subdivision, or instrumentality of either; and  
 251 counties adjoining Lake County; and municipalities and taxing  
 252 districts in Lake County and in counties adjoining Lake County  
 253 for the purpose of carrying out, or which in the judgment of the  
 254 board may assist it in carrying out, the purposes of this act.

255 Section 10. Receipt or use of property.--Lake County and  
 256 all municipalities, districts, political bodies, and political  
 257 subdivisions of the state in Lake County are severally  
 258 authorized to grant, convey, or transfer to, and permit the use  
 259 of by, the authority upon such terms and conditions as are  
 260 agreeable to the governing bodies thereof real and personal  
 261 property belonging to them which is necessary or useful to the  
 262 authority in carrying out the purposes of this act.

263 Section 11. Authority funds; warrants.--All authority  
 264 funds shall be deposited in a bank or banks or federal or state  
 265 savings and loan association to be designated by the board, but  
 266 before any authority moneys are deposited in such depository or  
 267 depositories, security shall be furnished the authority ample to  
 268 protect such deposits to the full extent and amount that such  
 269 deposits are not otherwise protected or insured by the Federal  
 270 Deposit Insurance Corporation or the Federal Savings and Loan

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271 Insurance Corporation. Funds of the authority shall be paid out  
 272 only upon warrant signed by the treasurer of the authority and  
 273 countersigned by the chair or vice chair. No warrants shall be  
 274 drawn or issued disbursing any of the funds of the authority  
 275 except for a purpose authorized by this act and only when the  
 276 account or expenditure for which the same is to be given in  
 277 payment has been audited and approved by the board.

278 Section 12. Agreement with Internal Improvement Trust Fund  
 279 Board of Trustees.--The board may enter into an agreement with  
 280 the Board of Trustees of the Internal Improvement Trust Fund for  
 281 procuring from the trustees a sum of money, not to exceed  
 282 \$250,000, to be applied toward the purposes for which the  
 283 authority was created. The Board of Trustees of the Internal  
 284 Improvement Trust Fund may make such sum available to the  
 285 authority through its board by an agreement, the terms of which  
 286 are satisfactory to the authority and the Board of Trustees.

287 Section 13. Budget; millage levied; procedure.--The board  
 288 may determine, annually on or before October 1, by resolution  
 289 the amount of money that will be required to carry out the  
 290 purposes of this act for the next ensuing fiscal year (which  
 291 fiscal year shall be the same as that of Lake County) and the  
 292 millage that will be required to be levied to produce the amount  
 293 of money set forth in the resolution; however, the determination  
 294 of the amount of money to be raised and the millage to be levied  
 295 may be delayed until the board receives the necessary  
 296 information. Immediately upon the adoption of the resolution a  
 297 certified copy thereof shall be furnished to the Board of County  
 298 Commissioners of Lake County, and the Board of County  
 299 Commissioners of Lake County shall, for the year named in the  
 300 certified copy of the resolution, levy, assess, collect, and

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301 enforce taxes upon all taxable real and personal property within  
 302 the authority. The procedure to be followed to accomplish the  
 303 purpose of this section shall be as follows:

304 (a) Assessment of property shall be as provided by general  
 305 law.

306 (b) The board shall by resolution determine the total  
 307 amount to be raised by taxation in such year upon the taxable  
 308 property within the authority and shall, in and by such  
 309 resolution, fix and determine the millage on each dollar  
 310 valuation of property on the assessment rolls, which, when  
 311 levied, will raise the amount so determined as the total amount  
 312 to be raised by taxation in that year, and in and by such  
 313 resolution the board shall direct the Board of County  
 314 Commissioners to levy, assess, and fix such millage as the rate  
 315 of taxation upon all the taxable real and personal property  
 316 within the authority.

317 (c) A certified copy of such tax resolution executed in  
 318 the name of the authority by its chair or vice chair and  
 319 attested by its secretary, under its corporate seal, shall  
 320 immediately be delivered to the Board of County Commissioners of  
 321 Lake County.

322 (d) It shall be the duty of the Board of County  
 323 Commissioners, each year: (1) to levy, assess, and fix the  
 324 millage and the rate of taxation upon all the taxable real and  
 325 personal property within the authority as set forth in the  
 326 certified copy of the resolution of the board, (2) to certify  
 327 the millage to the Department of Revenue of the State of  
 328 Florida, and (3) to order the property appraiser of the county  
 329 to levy and assess, and the county tax collector to collect, a  
 330 tax at the millage fixed by the Board of County Commissioners

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331 upon all of the taxable real and personal property within the  
 332 authority for the year, and the levies and assessments shall be  
 333 included in the tax roll and warrant of the property appraiser  
 334 of the county for each fiscal year thereafter. The tax collector  
 335 of the county shall collect such taxes so levied by the Board of  
 336 County Commissioners for the authority in lawful money of the  
 337 United States of America in the same manner and at the same time  
 338 as county taxes are collected and shall pay and remit the same  
 339 upon collection to the board.

340 (e) The Property Appraiser, Tax Collector, and Board of  
 341 County Commissioners of Lake County and the Department of  
 342 Revenue shall, when requested by the board, prepare from their  
 343 official records and deliver to the board any and all  
 344 information that may be requested from time to time from them  
 345 regarding the tax valuations, levies, assessments, or  
 346 collections in such county.

347 Section 14. Collection of taxes; enforcement.--All taxes  
 348 levied and assessed by the Board of County Commissioners of Lake  
 349 County for the authority (beginning with the year 1953) shall be  
 350 collected and the enforcement thereof shall be at the same time  
 351 and in the same manner as other county taxes are collected and  
 352 enforced and when so collected shall be paid over to the board  
 353 for its use pursuant to this act.

354 Section 15. Borrowing of funds; bond issuance.--

355 (a) The board may borrow money at such time or times as it  
 356 deems necessary to carry out the purposes of this act and to  
 357 execute and deliver its promissory note or notes therefor  
 358 bearing interest as fixed by the board; however, the board shall  
 359 not borrow any sum of money or give its promissory note therefor  
 360 for a period of time longer than 1 year, and the total amount of

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361 money borrowed and outstanding may not exceed \$35,000 at any one  
 362 time.

363 (b) The board may issue bonds payable solely from revenues  
 364 of the authority. The value of all such bonds outstanding at any  
 365 time may not exceed an amount equal to one-third of the  
 366 authority's anticipated revenues for the period for which the  
 367 bonds are outstanding. Revenue bonds may not be issued unless  
 368 their issuance has been approved by a majority of those electors  
 369 of the authority voting in a referendum in which the ballot  
 370 statement describes in detail the purpose for which the bonds  
 371 will be issued.

372 Section 16. Financial statement.--At least once in each  
 373 year the board shall publish in some newspaper published in Lake  
 374 County a complete detailed statement of its financial condition,  
 375 including a list of all moneys received and disbursed by the  
 376 board during the preceding year.

377 Section 17. Exemption of authority property.--All real and  
 378 personal property owned, leased, controlled, or used by the  
 379 authority is exempt from all county, municipal, taxing district,  
 380 and other ad valorem taxes and special assessments for benefits.

381 Section 18. Construction.--It is the intention of the  
 382 Legislature that the provisions of this act be liberally  
 383 construed to accomplish its purposes.

384 Section 19. Plan; annual report.--

385 (a) The authority shall prepare a plan that describes the  
 386 authority's goals for the ensuing 5 years. The plan must include  
 387 projects that will be undertaken within that period in  
 388 furtherance of its goals. The authority shall update the plan  
 389 periodically.

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390       (b) The authority shall prepare a report annually which  
391 includes an evaluation and assessment of the effectiveness of  
392 the authority's activities in the preceding year. The report  
393 must address both ongoing activities of the authority and the  
394 progress in meeting goals and projects enumerated in the 5-year  
395 plan.

396       Section 20. Charter amendment.--The district's charter may  
397 be amended only by the Legislature.

398       Section 4. Chapter 29222, Laws of Florida, 1953, and  
399 chapters 57-1484, 59-1466, 63-1507, 65-1787, 69-1209, 2000-492,  
400 and 2003-376, Florida Statutes, are repealed.

401       Section 5. This act shall take effect upon becoming a law.