

CHAMBER ACTION

1 The Committee on Local Government & Veterans' Affairs recommends
2 the following:

3
4 **Committee Substitute**

5 Remove the entire bill and insert:

6 A bill to be entitled

7 An act relating to the Lake County Water Authority
8 district; amending, codifying, reenacting, and repealing
9 chapter 29222, Laws of Florida, 1953, as amended;
10 codifying special acts relating to the district in
11 conformity to s. 189.429, F.S.; providing district
12 boundaries; providing purposes; providing for a governing
13 body and prescribing its powers, duties, functions,
14 membership, and organization; providing duties of
15 constitutional officers in Lake County with respect to the
16 authority; repealing chapter 29222, Laws of Florida, 1953,
17 and chapters 57-1484, 59-1466, 63-1507, 65-1787, 69-1209,
18 2000-492, 2003-376, Laws of Florida, relating to the
19 district; providing an effective date.

20
21 Be It Enacted by the Legislature of the State of Florida:
22

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23 Section 1. Pursuant to section 189.429, Florida Statutes,
 24 this act constitutes the codification of all special acts
 25 relating to the Lake County Water Authority district. It is the
 26 intent of the Legislature in enacting this law to provide a
 27 single act for the district. It is further the intent of the
 28 Legislature to preserve all district authority, including the
 29 authority to annually assess and levy taxes or assessments
 30 against all assessable property in the district.

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 34 Authority, are codified, amended, enacted, and repealed as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

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

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

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51 County Water Authority," but shall hereafter in this act, for
52 convenience, be referred to as "the authority."

53 Section 2. Territorial limits.--The territorial limits of
54 the authority shall be coterminous with the boundaries of Lake
55 County.

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

61 Section 4. Governing board; elections; surety.--A
62 governing body for the authority is created, consisting of seven
63 members who are residents of Lake County, which body shall be
64 known and designated as the "Board of Trustees of the Lake
65 County Water Authority," but which shall be referred to as "the
66 board." Five of the members must each reside in a geographic
67 area identical to a county commission district, to be elected by
68 the electors of the county at large. Two of the members will be
69 elected by the electors of the county at large without regard to
70 their residence. On the second Tuesday following the general
71 election in 2000, the term of office of each person serving on
72 the board immediately before that date expires, and the members
73 of the board shall be elected by the electors of Lake County in
74 partisan elections conducted by the supervisor of elections
75 pursuant to section 189.405, Florida Statutes, in accordance
76 with the Florida Election Code, chapters 97 through 106, Florida
77 Statutes, beginning with the general election in 2000, for terms
78 of 4 years beginning on the second Tuesday following the general

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79 | election. For purposes of staggering terms, the members elected
80 | in 2000 from odd-numbered areas and the at-large member
81 | receiving the higher number of votes shall be elected to 4-year
82 | terms and the members elected from even-numbered areas and the
83 | at-large member receiving the lower number of votes shall be
84 | elected to 2-year terms. Thereafter, each member shall be
85 | elected for a term of 4 years, except that a person may not be
86 | elected to more than two consecutive 4-year terms. At the first
87 | meeting in December of each year or, during a year in which
88 | there is a general election, at a meeting held no later than 30
89 | days after the general election if the meeting and the election
90 | of officers have been advertised properly, the board shall
91 | select one of their number as chair and one as vice chair of the
92 | board. The Clerk of the Circuit Court of Lake County shall act
93 | as secretary and treasurer of the board without any additional
94 | compensation. In the event the provision pertaining to the
95 | duties of the clerk of the circuit court is for any reason held
96 | to be invalid, the board may select one of its members to serve
97 | as its secretary and treasurer, or it may appoint a nonmember of
98 | the board as its secretary and treasurer and such nonmember
99 | shall receive compensation commensurate with the
100 | responsibilities as determined by the board. The board shall
101 | select a nonmember to serve as executive director of the
102 | authority, and such nonmember shall receive compensation
103 | commensurate with the responsibilities as determined by the
104 | board. The board shall require a surety bond of any person,
105 | including the clerk of the circuit court, who shall act as
106 | secretary and treasurer of the board. The amount of the surety

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107 bond will be determined by the board. This bond shall be in
 108 addition to any bond furnished by such person as clerk of the
 109 circuit court or as a member of the board. The premium of the
 110 bond shall be paid by the board as a necessary expense of
 111 operation.

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

121 Section 6. Quorum; majority vote; entitlement to
 122 vote.--Four members of the board shall constitute a quorum for
 123 the transaction of business. A majority vote of all members
 124 present shall be necessary in order to authorize any action by
 125 the board. The chair shall be entitled to vote on all questions.

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

129 Section 8. Expenses.--Each member of the board and its
 130 engineers, auditors, attorneys, agents, and employees shall be
 131 paid their actual expenses incurred when engaged on business of
 132 the authority, but such expenses shall not be paid unless
 133 payment has been authorized and approved. The board may
 134 authorize and approve the payment of any expense, or it may

135 delegate to the executive director the power to authorize such
136 payment as long as, at the time it makes the delegation, it
137 approves parameters, including, but not limited to, parameters
138 on the amount that may be expended, within which the executive
139 director may exercise that power. A separate delegation must be
140 made with respect to any expenditure or class of expenditures.

141 Section 9. Powers of board.--

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

159 (b) The authority may acquire by purchase, gift, lease,
160 condemnation, eminent domain, or any other manner such lands
161 within the territorial extent of the authority as are reasonably
162 necessary for constructing and maintaining the works and making

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

181 | (c) The authority may take, exclusively occupy, use, and
 182 | possess, insofar as is necessary for carrying out the provisions
 183 | of this act, any areas of land owned by the state and within the
 184 | territorial jurisdiction of the authority, not in use for state
 185 | purposes, including, without limitation, swamps and overflowed
 186 | lands, bottoms of streams, lakes, and rivers, and the riparian
 187 | rights thereto pertaining, and, when so taken and occupied, due
 188 | notice of such taking and occupancy having been filed with the
 189 | Trustees of the Internal Improvement Trust Fund of the state by
 190 | the authority, such areas of land are granted to and shall be

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191 the property of the authority. For the purposes of this section,
192 the meaning of the term "use" shall include the removal of
193 material from and the placing of material on any such land. In
194 case it is held by any court of competent jurisdiction that
195 there are any lands owned by the state which may not be so
196 granted, the provisions of this section shall continue in full
197 force and effect as to all other lands owned by the state and
198 granted to the authority under this section. The provisions of
199 this section are subject to all laws and regulations of the
200 United States of America with respect to navigable waters.

201 (d) In addition to all other powers conferred upon by the
202 board by this act, the board may enlarge, change, modify, or
203 improve any stream, lake, or canal within the territorial limits
204 of the authority and may clean out, straighten, enlarge, or
205 change the course of any waterway or canal, natural or
206 artificial, within the territorial limits of the authority; may
207 provide such canals, locks, levees, dikes, dams, sluiceways,
208 reservoirs, holding basins, floodways, pumping stations,
209 buildings, bridges, highways, and other works and facilities
210 that the board deems necessary; may cross any highway or railway
211 with works of the district and hold, control, and acquire by
212 donation, lease, purchase, or otherwise any land or personal
213 property needed for carrying out the purpose of this act and may
214 remove any building or other obstruction necessary for the
215 construction, maintenance, and operation of such works. The
216 improvements made or to be made under this act are sometimes
217 referred to in this act as "the works" of the board. The board
218 shall also have power to operate any and all works and

219 improvements of the authority. The provisions of this section
 220 are subject to all laws and regulations of the United States of
 221 America with respect to navigable waters.

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

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

242 (g) The board may grant licenses or permits for the
 243 construction and excavation of canals and ditches connecting
 244 with navigable waters; may establish, adopt, and administer
 245 rules governing the construction and excavation of canals and
 246 ditches with authority to prohibit any construction deemed by

247 the board to be detrimental to the best interests of the public
 248 or purposes for which the authority was established; may do any
 249 and all things hereinafter authorized or required to be done;
 250 and may do any and all things, whether or not included in the
 251 powers enumerated in this act, necessary to accomplish the
 252 purposes of this act.

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

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

268 Section 11. Authority funds; warrants.--All authority
 269 funds shall be deposited in a bank or banks or federal or state
 270 savings and loan association to be designated by the board, but
 271 before any authority moneys are deposited in such depository or
 272 depositories, security shall be furnished the authority ample to
 273 protect such deposits to the full extent and amount that such
 274 deposits are not otherwise protected or insured by the Federal

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

283 Section 12. Budget; millage levied; procedure.--The board
 284 shall determine, annually on or before October 1, by resolution
 285 the amount of money that will be required to carry out the
 286 purposes of this act for the next ensuing fiscal year (which
 287 fiscal year shall be the same as that of Lake County) and the
 288 millage that will be required to be levied to produce the amount
 289 of money set forth in the resolution; however, the determination
 290 of the amount of money to be raised and the millage to be levied
 291 may be delayed until the board receives the necessary
 292 information. Immediately upon the adoption of the resolution a
 293 certified copy thereof shall be furnished to the Board of County
 294 Commissioners of Lake County, and the Board of County
 295 Commissioners of Lake County shall, for the year named in the
 296 certified copy of the resolution, levy, assess, collect, and
 297 enforce taxes upon all taxable real and personal property within
 298 the authority. The procedure to be followed to accomplish the
 299 purpose of this section shall be as follows:

300 (a) Assessment of property shall be as provided by general
 301 law.

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

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

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

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330 of the county for each fiscal year thereafter. The tax collector
 331 of the county shall collect such taxes so levied by the Board of
 332 County Commissioners for the authority in lawful money of the
 333 United States of America in the same manner and at the same time
 334 as county taxes are collected and shall pay and remit the same
 335 upon collection to the board.

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

343 Section 13. Collection of taxes; enforcement.--All taxes
 344 levied and assessed by the Board of County Commissioners of Lake
 345 County for the authority (beginning with the year 1953) shall be
 346 collected and the enforcement thereof shall be at the same time
 347 and in the same manner as other county taxes are collected and
 348 enforced and when so collected shall be paid over to the board
 349 for its use pursuant to this act.

350 Section 14. Borrowing of funds; bond issuance.--

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

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

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

368 Section 15. Financial statement.--At least once in each
369 year the board shall publish in some newspaper published in Lake
370 County a complete detailed statement of its financial condition,
371 including a list of all moneys received and disbursed by the
372 board during the preceding year.

373 Section 16. Exemption of authority property.--All real and
374 personal property owned, leased, controlled, or used by the
375 authority is exempt from all county, municipal, taxing district,
376 and other ad valorem taxes and special assessments for benefits.

377 Section 17. Construction.--It is the intention of the
378 Legislature that the provisions of this act be liberally
379 construed to accomplish its purposes.

380 Section 18. Plan; annual report.--

381 (a) The authority shall prepare a plan that describes the
382 authority's goals for the ensuing 5 years. The plan must include
383 projects that will be undertaken within that period in

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384 furtherance of its goals. The authority shall update the plan
385 periodically.

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

392 Section 19. Charter amendment.--The district's charter may
393 be amended only by the Legislature.

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

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