

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

15
 16 Be It Enacted by the Legislature of the State of Florida:

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

26 Section 2. Chapter 29222, Laws of Florida, 1953, and
 27 chapters 57-1484, 59-1466, 63-1507, 65-1787, 69-1209, 2000-492,
 28 and 2003-376, Laws of Florida, relating to the Lake County Water

29 Authority, are codified, amended, enacted, and repealed as
 30 provided in this act.

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
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
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.

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
 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
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
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
 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
 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. Budget; millage levied; procedure.--The board
 279 shall determine, annually on or before October 1, by resolution

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

295 (a) Assessment of property shall be as provided by general
296 law.

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

308 (c) A certified copy of such tax resolution executed in
 309 the name of the authority by its chair or vice chair and
 310 attested by its secretary, under its corporate seal, shall
 311 immediately be delivered to the Board of County Commissioners of
 312 Lake County.

313 (d) It shall be the duty of the Board of County
 314 Commissioners, each year: (1) to levy, assess, and fix the
 315 millage and the rate of taxation upon all the taxable real and
 316 personal property within the authority as set forth in the
 317 certified copy of the resolution of the board, (2) to certify
 318 the millage to the Department of Revenue of the State of
 319 Florida, and (3) to order the property appraiser of the county
 320 to levy and assess, and the county tax collector to collect, a
 321 tax at the millage fixed by the Board of County Commissioners
 322 upon all of the taxable real and personal property within the
 323 authority for the year, and the levies and assessments shall be
 324 included in the tax roll and warrant of the property appraiser
 325 of the county for each fiscal year thereafter. The tax collector
 326 of the county shall collect such taxes so levied by the Board of
 327 County Commissioners for the authority in lawful money of the
 328 United States of America in the same manner and at the same time
 329 as county taxes are collected and shall pay and remit the same
 330 upon collection to the board.

331 (e) The Property Appraiser, Tax Collector, and Board of
 332 County Commissioners of Lake County and the Department of
 333 Revenue shall, when requested by the board, prepare from their
 334 official records and deliver to the board any and all
 335 information that may be requested from time to time from them

336 regarding the tax valuations, levies, assessments, or
337 collections in such county.

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

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

346 (a) The board may borrow money at such time or times as it
347 deems necessary to carry out the purposes of this act and to
348 execute and deliver its promissory note or notes therefor
349 bearing interest as fixed by the board; however, the board shall
350 not borrow any sum of money or give its promissory note therefor
351 for a period of time longer than 1 year, and the total amount of
352 money borrowed and outstanding may not exceed \$35,000 at any one
353 time.

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

363 Section 15. Financial statement.--At least once in each
364 year the board shall publish in some newspaper published in Lake
365 County a complete detailed statement of its financial condition,
366 including a list of all moneys received and disbursed by the
367 board during the preceding year.

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

372 Section 17. Construction.--It is the intention of the
373 Legislature that the provisions of this act be liberally
374 construed to accomplish its purposes.

375 Section 18. Plan; annual report.--

376 (a) The authority shall prepare a plan that describes the
377 authority's goals for the ensuing 5 years. The plan must include
378 projects that will be undertaken within that period in
379 furtherance of its goals. The authority shall update the plan
380 periodically.

381 (b) The authority shall prepare a report annually which
382 includes an evaluation and assessment of the effectiveness of
383 the authority's activities in the preceding year. The report
384 must address both ongoing activities of the authority and the
385 progress in meeting goals and projects enumerated in the 5-year
386 plan.

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

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

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