

By Senator Baker

20-999A-05

See HB 987

1                                   A bill to be entitled

2           An act relating to the Lake County Water

3           Authority district; amending, codifying,

4           reenacting, and repealing special acts relating

5           to the district in conformity to s. 189.429,

6           F.S.; providing district boundaries; providing

7           purposes; providing for a governing body and

8           prescribing its powers, duties, functions,

9           membership, and organization; providing for

10          partisan election of board members; providing

11          duties of constitutional officers in Lake

12          County with respect to the authority; providing

13          a limit on the amount the authority may spend

14          to educate the public regarding water issues;

15          providing maximum millage limit; repealing

16          chapters 29222 (1953), 57-1484, 59-1466,

17          63-1507, 65-1787, 69-1209, 2000-492, and

18          2003-376, Laws of Florida, relating to the

19          district; providing for a referendum on whether

20          elections to the authority shall be partisan;

21          providing a ballot statement; providing

22          effective dates.

24 Be It Enacted by the Legislature of the State of Florida:

26           Section 1. Pursuant to section 189.429, Florida

27 Statutes, this act constitutes the codification of all special

28 acts relating to the Lake County Water Authority district. It

29 is the intent of the Legislature in enacting this law to

30 provide a single act for the district. It is further the

31 intent of the Legislature to preserve all district authority,

1 including the authority to annually assess and levy taxes or  
2 assessments against all assessable property in the district.

3 Section 2. Chapters 29222 (1953), 57-1484, 59-1466,  
4 63-1507, 65-1787, 69-1209, 2000-492, and 2003-376, Laws of  
5 Florida, relating to the Lake County Water Authority, are  
6 codified, amended, reenacted, and repealed as provided in this  
7 act.

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

10 Section 1. Purpose.--For the purposes of controlling  
11 and conserving the freshwater resources of Lake County;  
12 fostering and improving the tourist business in the county by  
13 improvements to streams, lakes, and canals in the county;  
14 providing recreational facilities for tourists and citizens  
15 and taxpayers of the county by a more efficient use of the  
16 streams, lakes, and canals in the county; improving the fish  
17 and aquatic wildlife of the county by improving the streams,  
18 lakes, and canals in the county; and protecting the freshwater  
19 resources of Lake County through assisting local governments  
20 in treating of stormwater runoff by conserving fresh water to  
21 improve the streams, lakes, and canals in the county, there is  
22 created and incorporated a special taxing district extending  
23 territorially throughout the present limits of Lake County,  
24 Florida. The district shall be known and designated as the  
25 "Lake County Water Authority," but shall hereafter in this  
26 act, for convenience, be referred to as "the authority."

27 Section 2. Territorial limits.--The territorial limits  
28 of the authority shall be coterminous with the boundaries of  
29 Lake County.

30 Section 3. County purpose.--Each of the purposes for  
31 which the authority is created is declared to be a county

1 purpose, for the accomplishment of which taxes upon all real  
2 and personal property within the territorial limits of the  
3 authority are by this act authorized to be levied, assessed,  
4 and collected.

5 Section 4. Governing board; elections; surety.--A  
6 governing body for the authority is created, consisting of  
7 seven members who are residents of Lake County, which body  
8 shall be known and designated as the "Board of Trustees of the  
9 Lake County Water Authority," but which shall be referred to  
10 as "the board." Five of the members must each reside in a  
11 geographic area identical to a county commission district, to  
12 be elected by the electors of the county at large. Two of the  
13 members will be elected by the electors of the county at large  
14 without regard to their residence. On the second Tuesday  
15 following the general election in 2000, the term of office of  
16 each person serving on the board immediately before that date  
17 expires, and the members of the board shall be elected by the  
18 electors of Lake County in nonpartisan elections conducted by  
19 the supervisor of elections pursuant to section 189.405,  
20 Florida Statutes, in accordance with the Florida Election  
21 Code, chapters 97 through 106, Florida Statutes, beginning  
22 with the general election in 2000, for terms of 4 years  
23 beginning on the second Tuesday following the general  
24 election. For purposes of staggering terms, the members  
25 elected in 2000 from odd-numbered areas and the at-large  
26 member receiving the higher number of votes shall be elected  
27 to 4-year terms and the members elected from even-numbered  
28 areas and the at-large member receiving the lower number of  
29 votes shall be elected to 2-year terms. Thereafter, each  
30 member shall be elected for a term of 4 years, except that a  
31 person may not be elected to more than two consecutive 4-year

1 terms. At the first meeting in December of each year or,  
2 during a year in which there is a general election, at a  
3 meeting held no later than 30 days after the general election  
4 if the meeting and the election of officers have been  
5 advertised properly, the board shall select one of their  
6 number as chair and one as vice chair of the board. The Clerk  
7 of the Circuit Court of Lake County shall act as secretary and  
8 treasurer of the board without any additional compensation. In  
9 the event the provision pertaining to the duties of the clerk  
10 of the circuit court is for any reason held to be invalid, the  
11 board may select one of its members to serve as its secretary  
12 and treasurer, or it may appoint a nonmember of the board as  
13 its secretary and treasurer, and such nonmember shall receive  
14 compensation commensurate with the responsibilities as  
15 determined by the board. The board shall select a nonmember to  
16 serve as executive director of the authority, and such  
17 nonmember shall receive compensation commensurate with the  
18 responsibilities as determined by the board. The board shall  
19 require a surety bond of any person, including the clerk of  
20 the circuit court, who shall act as secretary and treasurer of  
21 the board. The amount of the surety bond will be determined by  
22 the board. This bond shall be in addition to any bond  
23 furnished by such person as clerk of the circuit court or as a  
24 member of the board. The premium of the bond shall be paid by  
25 the board as a necessary expense of operation.

26 Section 5. Surety bond.--Each member of the board,  
27 before assuming his or her duties, shall give a good and  
28 sufficient surety bond in the sum of \$2,500 payable to the  
29 Governor of the State of Florida and his or her successors in  
30 office, conditioned upon the faithful performance of his or  
31 her duties as a member of the board. Such bond must be

1 approved by and filed with the Chief Financial Officer of the  
2 State of Florida, and the premium or premiums for such bond  
3 shall be paid by the board as a necessary expense.

4 Section 6. Quorum; majority vote; entitlement to  
5 vote.--Four members of the board shall constitute a quorum for  
6 the transaction of business. A majority vote of all members  
7 present shall be necessary in order to authorize any action by  
8 the board. The chair shall be entitled to vote on all  
9 questions.

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

13 Section 8. Expenses.--Each member of the board and its  
14 engineers, auditors, attorneys, agents, and employees shall be  
15 paid their actual expenses incurred when engaged on business  
16 of the authority, but such expenses shall not be paid unless  
17 payment has been authorized and approved. The board may  
18 authorize and approve the payment of any expense, or it may  
19 delegate to the executive director the power to authorize such  
20 payment as long as, at the time it makes the delegation, it  
21 approves parameters, including, but not limited to, parameters  
22 on the amount that may be expended, within which the executive  
23 director may exercise that power. A separate delegation must  
24 be made with respect to any expenditure or class of  
25 expenditures.

26 Section 9. Powers of board.--

27 (a) The board has all the powers of a body corporate,  
28 including, but not limited to, the power to sue and be sued;  
29 to make contracts; to adopt and use a common seal and to alter  
30 the same as deemed expedient; to buy, acquire by condemnation  
31 or eminent domain in the manner prescribed for use by counties

1 in Florida, sell, own, use, control, operate, improve, and  
2 lease all land and personal property as the board deems  
3 necessary or proper in carrying out the provisions of this  
4 act; to appoint and employ, and dismiss at pleasure, such  
5 engineers, auditors, attorneys, and other employees and agents  
6 as the board may require, and to fix and pay the compensation  
7 thereof; to establish an office for the transaction of its  
8 business in Lake County and to pay all necessary costs and  
9 expenses incident to the administration and operation thereof;  
10 and to pay all other costs and expenses reasonably necessary  
11 or expedient in carrying out and accomplishing the purposes of  
12 this act.

13 (b) The authority may acquire by purchase, gift,  
14 lease, condemnation, eminent domain, or any other manner such  
15 lands within the territorial extent of the authority as are  
16 reasonably necessary for constructing and maintaining the  
17 works and making the improvements required to carry out the  
18 intent of this act, including, without limitation, the right  
19 to acquire by condemnation or eminent domain such lands and  
20 any interest therein reasonably necessary for any such purpose  
21 which may already be devoted to public use for county,  
22 municipal, district, railroad, or public utility purposes  
23 where and to the extent that the same may cross, intersect, or  
24 be situate upon or within the area of such land hereinbefore  
25 referred to. The authority shall also have the right to  
26 acquire by purchase, gift, lease, condemnation, or eminent  
27 domain, or in any other manner, land, timber, earth, rock, and  
28 other materials or property, and property rights, including  
29 riparian rights, in such amounts as are reasonably necessary  
30 or useful in the development of the works or improvements  
31 before referred to. Condemnation or eminent domain proceedings

1 shall be maintained by and in the name of the authority, and  
2 the procedure shall be, except insofar as is altered hereby,  
3 that prescribed for use by counties in Florida.

4 (c) The authority may take, exclusively occupy, use,  
5 and possess, insofar as is necessary for carrying out the  
6 provisions of this act, any areas of land owned by the state  
7 and within the territorial jurisdiction of the authority, not  
8 in use for state purposes, including, without limitation,  
9 swamps and overflowed lands, bottoms of streams, lakes, and  
10 rivers, and the riparian rights thereto pertaining, and, when  
11 so taken and occupied, due notice of such taking and occupancy  
12 having been filed with the Trustees of the Internal  
13 Improvement Trust Fund of the state by the authority, such  
14 areas of land are granted to and shall be the property of the  
15 authority. For the purposes of this section, the meaning of  
16 the term "use" shall include the removal of material from and  
17 the placing of material on any such land. In case it is held  
18 by any court of competent jurisdiction that there are any  
19 lands owned by the state which may not be so granted, the  
20 provisions of this section shall continue in full force and  
21 effect as to all other lands owned by the state and granted to  
22 the authority under this section. The provisions of this  
23 section are subject to all laws and regulations of the United  
24 States of America with respect to navigable waters.

25 (d) In addition to all other powers conferred upon the  
26 board by this act, the board may enlarge, change, modify, or  
27 improve any stream, lake, or canal within the territorial  
28 limits of the authority and may clean out, straighten,  
29 enlarge, or change the course of any waterway or canal,  
30 natural or artificial, within the territorial limits of the  
31 authority; may provide such canals, locks, levees, dikes,

1 dams, sluiceways, reservoirs, holding basins, floodways,  
2 pumping stations, buildings, bridges, highways, and other  
3 works and facilities that the board deems necessary; may cross  
4 any highway or railway with works of the district and hold,  
5 control, and acquire by donation, lease, purchase, or  
6 otherwise any land or personal property needed for carrying  
7 out the purpose of this act and may remove any building or  
8 other obstruction necessary for the construction, maintenance,  
9 and operation of such works. The improvements made or to be  
10 made under this act are sometimes referred to in this act as  
11 "the works" of the board. The board shall also have power to  
12 operate any and all works and improvements of the authority.  
13 The provisions of this section are subject to all laws and  
14 regulations of the United States of America with respect to  
15 navigable waters.

16 (e) The board may take possession of and control, use,  
17 operate, and maintain all streams, lakes, canals, dams, locks,  
18 levees, dikes, sluiceways, reservoirs, holding basins,  
19 floodways, pumping stations, buildings, bridges, highways,  
20 navigation, and conservation works, and other works and  
21 facilities within the territorial limits of the authority to  
22 the extent only that such possession, control, and use have  
23 been deemed by the board, in its sole discretion, to be useful  
24 and necessary in carrying out the purposes of this act. Such  
25 possession, control, and use are subject to the rights of  
26 persons, firms, and corporations and the rights of Lake County  
27 and municipalities, districts, and political bodies in Lake  
28 County (which rights may be acquired by the authority by  
29 condemnation or eminent domain as provided for by this act).

30 (f) The authority shall control all streams, including  
31 slow-moving streams, flowing from any of the water reservoirs



1 in Lake County, whether natural or constructed, into the  
2 system of lakes and streams in or adjacent to Lake County for  
3 the protection of the natural water reservoirs and the  
4 adjacent and neighboring areas.

5 (g) The board may grant licenses or permits for the  
6 construction and excavation of canals and ditches connecting  
7 with navigable waters; may establish, adopt, and administer  
8 rules governing the construction and excavation of canals and  
9 ditches with authority to prohibit any construction deemed by  
10 the board to be detrimental to the best interests of the  
11 public or purposes for which the authority was established;  
12 may do any and all things hereinafter authorized or required  
13 to be done; and may do any and all things, whether or not  
14 included in the powers enumerated in this act, necessary to  
15 accomplish the purposes of this act.

16 (h) The board may enter into any agreement or contract  
17 with the Federal Government or the state, or any agency,  
18 political subdivision, or instrumentality of either; and  
19 counties adjoining Lake County; and municipalities and taxing  
20 districts in Lake County and in counties adjoining Lake County  
21 for the purpose of carrying out, or which in the judgment of  
22 the board may assist it in carrying out, the purposes of this  
23 act.

24 Section 10. Receipt or use of property.--Lake County  
25 and all municipalities, districts, political bodies, and  
26 political subdivisions of the state in Lake County are  
27 severally authorized to grant, convey, or transfer to, and  
28 permit the use of by, the authority upon such terms and  
29 conditions as are agreeable to the governing bodies thereof  
30 real and personal property belonging to them which is  
31

1 necessary or useful to the authority in carrying out the  
2 purposes of this act.

3 Section 11. Authority funds; warrants.--All authority  
4 funds shall be deposited in a bank or banks or federal or  
5 state savings and loan association to be designated by the  
6 board, but before any authority moneys are deposited in such  
7 depository or depositories, security shall be furnished the  
8 authority ample to protect such deposits to the full extent  
9 and amount that such deposits are not otherwise protected or  
10 insured by the Federal Deposit Insurance Corporation or the  
11 Federal Savings and Loan Insurance Corporation. Funds of the  
12 authority shall be paid out only upon warrant signed by the  
13 treasurer of the authority and countersigned by the chair or  
14 vice chair. No warrants shall be drawn or issued disbursing  
15 any of the funds of the authority except for a purpose  
16 authorized by this act and only when the account or  
17 expenditure for which the same is to be given in payment has  
18 been audited and approved by the board.

19 Section 12. Budget; millage levied; procedure.--The  
20 board shall determine, annually on or before October 1, by  
21 resolution the amount of money that will be required to carry  
22 out the purposes of this act for the next ensuing fiscal year  
23 (which fiscal year shall be the same as that of Lake County)  
24 and the millage, which shall not exceed one-half of one mill,  
25 that will be required to be levied to produce the amount of  
26 money set forth in the resolution; however, the determination  
27 of the amount of money to be raised and the millage to be  
28 levied may be delayed until the board receives the necessary  
29 information. The authority shall allocate no more than 3.5  
30 percent of its annual ad valorem budget for educational  
31 programs to educate and teach the public about water issues.

1 Immediately upon the adoption of the resolution a certified  
2 copy thereof shall be furnished to the Board of County  
3 Commissioners of Lake County, and the Board of County  
4 Commissioners of Lake County shall, for the year named in the  
5 certified copy of the resolution, levy, assess, collect, and  
6 enforce taxes upon all taxable real and personal property  
7 within the authority. The procedure to be followed to  
8 accomplish the purpose of this section shall be as follows:

9       (a) Assessment of property shall be as provided by  
10 general law.

11       (b) The board shall by resolution determine the total  
12 amount to be raised by taxation in such year upon the taxable  
13 property within the authority and shall, in and by such  
14 resolution, fix and determine the millage on each dollar  
15 valuation of property on the assessment rolls, which, when  
16 levied, will raise the amount so determined as the total  
17 amount to be raised by taxation in that year, and in and by  
18 such resolution the board shall direct the Board of County  
19 Commissioners to levy, assess, and fix such millage as the  
20 rate of taxation upon all the taxable real and personal  
21 property within the authority.

22       (c) A certified copy of such tax resolution executed  
23 in the name of the authority by its chair or vice chair and  
24 attested by its secretary, under its corporate seal, shall  
25 immediately be delivered to the Board of County Commissioners  
26 of Lake County.

27       (d) It shall be the duty of the Board of County  
28 Commissioners, each year: to levy, assess, and fix the millage  
29 and the rate of taxation upon all the taxable real and  
30 personal property within the authority as set forth in the  
31 certified copy of the resolution of the board; to certify the

1 millage to the Department of Revenue of the State of Florida;  
2 and to order the property appraiser of the county to levy and  
3 assess, and the county tax collector to collect, a tax at the  
4 millage fixed by the Board of County Commissioners upon all of  
5 the taxable real and personal property within the authority  
6 for the year, and the levies and assessments shall be included  
7 in the tax roll and warrant of the property appraiser of the  
8 county for each fiscal year thereafter. The tax collector of  
9 the county shall collect such taxes so levied by the board of  
10 county commissioners for the authority in lawful money of the  
11 United States of America in the same manner and at the same  
12 time as county taxes are collected and shall pay and remit the  
13 same upon collection to the board.

14 (e) The Property Appraiser, Tax Collector, and Board  
15 of County Commissioners of Lake County and the Department of  
16 Revenue shall, when requested by the board, prepare from their  
17 official records and deliver to the board any and all  
18 information that may be requested from time to time from them  
19 regarding the tax valuations, levies, assessments, or  
20 collections in such county.

21 Section 13. Collection of taxes; enforcement.--All  
22 taxes levied and assessed by the Board of County Commissioners  
23 of Lake County for the authority (beginning with the year  
24 1953) shall be collected and the enforcement thereof shall be  
25 at the same time and in the same manner as other county taxes  
26 are collected and enforced and when so collected shall be paid  
27 over to the board for its use pursuant to this act.

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

29 (a) The board may borrow money at such time or times  
30 as it deems necessary to carry out the purposes of this act  
31 and to execute and deliver its promissory note or notes

1 therefor bearing interest as fixed by the board; however, the  
2 board shall not borrow any sum of money or give its promissory  
3 note therefor for a period of time longer than 1 year, and the  
4 total amount of money borrowed and outstanding may not exceed  
5 \$35,000 at any one time.

6 (b) The board may issue bonds payable solely from  
7 revenues of the authority. The value of all such bonds  
8 outstanding at any time may not exceed an amount equal to  
9 one-third of the authority's anticipated revenues for the  
10 period for which the bonds are outstanding. Revenue bonds may  
11 not be issued unless their issuance has been approved by a  
12 majority of those electors of the authority voting in a  
13 referendum in which the ballot statement describes in detail  
14 the purpose for which the bonds will be issued.

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

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

25 Section 17. Construction.--It is the intention of the  
26 Legislature that the provisions of this act be liberally  
27 construed to accomplish its purposes.

28 Section 18. Plan; annual report.--

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

1 furtherance of its goals. The authority shall update the plan  
2 periodically.

3 (b) The authority shall prepare a report annually  
4 which includes an evaluation and assessment of the  
5 effectiveness of the authority's activities in the preceding  
6 year. The report must address both ongoing activities of the  
7 authority and the progress in meeting goals and projects  
8 enumerated in the 5-year plan. The report shall be submitted  
9 to the Legislature, the St. Johns River Water Management  
10 District, and the Lake County Board of County Commissioners.

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

13 Section 4. Chapters 29222 (1953), 57-1484, 59-1466,  
14 63-1507, 65-1787, 69-1209, 2000-492, and 2003-376, Laws of  
15 Florida, are repealed.

16 Section 5. Section 4 of section 3 of this act is  
17 amended to read:

18 Section 4. Governing board; elections; surety.--A  
19 governing body for the authority is created, consisting of  
20 seven members who are residents of Lake County, which body  
21 shall be known and designated as the "Board of Trustees of the  
22 Lake County Water Authority," but which shall be referred to  
23 as "the board." Five of the members must each reside in a  
24 geographic area identical to a county commission district, to  
25 be elected by the electors of the county at large. Two of the  
26 members will be elected by the electors of the county at large  
27 without regard to their residence. On the second Tuesday  
28 following the general election in 2000, the term of office of  
29 each person serving on the board immediately before that date  
30 expires, and the members of the board shall be elected by the  
31 electors of Lake County in partisan ~~nonpartisan~~ elections

1 | conducted by the supervisor of elections pursuant to section  
2 | 189.405, Florida Statutes, in accordance with the Florida  
3 | Election Code, chapters 97 through 106, Florida Statutes,  
4 | beginning with the general election in 2000, for terms of 4  
5 | years beginning on the second Tuesday following the general  
6 | election. For purposes of staggering terms, the members  
7 | elected in 2000 from odd-numbered areas and the at-large  
8 | member receiving the higher number of votes shall be elected  
9 | to 4-year terms and the members elected from even-numbered  
10 | areas and the at-large member receiving the lower number of  
11 | votes shall be elected to 2-year terms. Thereafter, each  
12 | member shall be elected for a term of 4 years, except that a  
13 | person may not be elected to more than two consecutive 4-year  
14 | terms. At the first meeting in December of each year or,  
15 | during a year in which there is a general election, at a  
16 | meeting held no later than 30 days after the general election  
17 | if the meeting and the election of officers have been  
18 | advertised properly, the board shall select one of their  
19 | number as chair and one as vice chair of the board. The Clerk  
20 | of the Circuit Court of Lake County shall act as secretary and  
21 | treasurer of the board without any additional compensation. In  
22 | the event the provision pertaining to the duties of the clerk  
23 | of the circuit court is for any reason held to be invalid, the  
24 | board may select one of its members to serve as its secretary  
25 | and treasurer, or it may appoint a nonmember of the board as  
26 | its secretary and treasurer, and such nonmember shall receive  
27 | compensation commensurate with the responsibilities as  
28 | determined by the board. The board shall select a nonmember to  
29 | serve as executive director of the authority, and such  
30 | nonmember shall receive compensation commensurate with the  
31 | responsibilities as determined by the board. The board shall

1 require a surety bond of any person, including the clerk of  
2 the circuit court, who shall act as secretary and treasurer of  
3 the board. The amount of the surety bond will be determined by  
4 the board. This bond shall be in addition to any bond  
5 furnished by such person as clerk of the circuit court or as a  
6 member of the board. The premium of the bond shall be paid by  
7 the board as a necessary expense of operation.

8           Section 6. The provisions of section 5 shall take  
9 effect only upon express approval by a majority vote of those  
10 qualified electors of the Lake County Water Authority district  
11 voting in a referendum to be called by the Lake County  
12 Supervisor of Elections and to be held in conjunction with the  
13 next general election, in accordance with the provisions of  
14 law currently in force in the district. The question to be  
15 placed on the ballot shall be in substantially the following  
16 form:

17  
18 Shall the members of the Lake County Water Authority be  
19 elected in partisan elections?

20  
21 Yes

22  
23 No

24           Section 7. Except as otherwise provided for section 5  
25 of this act, this act shall take effect upon becoming a law.