

HB 987

2005

A bill to be entitled

An act relating to the Lake County Water Authority district; amending, codifying, reenacting, and repealing 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 for partisan election of board members; providing duties of constitutional officers in Lake County with respect to the authority; providing a limit on the amount the authority may spend to educate the public regarding water issues; providing maximum millage limit; repealing chapters 29222 (1953), 57-1484, 59-1466, 63-1507, 65-1787, 69-1209, 2000-492, and 2003-376, Laws of Florida, relating to the district; providing for a referendum on whether elections to the authority shall be partisan; providing a ballot statement; providing effective dates.

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.

HB 987

2005

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 33 amended, reenacted, and repealed as provided in this act.

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

36 Section 1. Purpose.--For the purposes of controlling and
 37 conserving the freshwater resources of Lake County; fostering
 38 and improving the tourist business in the county by improvements
 39 to streams, lakes, and canals in the county; providing
 40 recreational facilities for tourists and citizens and taxpayers
 41 of the county by a more efficient use of the streams, lakes, and
 42 canals in the county; improving the fish and aquatic wildlife of
 43 the county by improving the streams, lakes, and canals in the
 44 county; and protecting the freshwater resources of Lake County
 45 through assisting local governments in treating of stormwater
 46 runoff by conserving fresh water to improve the streams, lakes,
 47 and canals in the county, there is created and incorporated a
 48 special taxing district extending territorially throughout the
 49 present limits of Lake County, Florida. The district shall be
 50 known and designated as the "Lake County Water Authority," but
 51 shall hereafter in this act, for convenience, be referred to as
 52 "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

HB 987

2005

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 nonpartisan 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
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

HB 987

2005

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
 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

HB 987

2005

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

HB 987

2005

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 Lake
 154 County and to pay all necessary costs and expenses incident to
 155 the administration and operation thereof; and to pay all other
 156 costs and expenses reasonably necessary or expedient in carrying
 157 out and accomplishing the purposes of this act.

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

HB 987

2005

175 development of the works or improvements before referred to.
176 Condemnation or eminent domain proceedings shall be maintained
177 by and in the name of the authority, and the procedure shall be,
178 except insofar as is altered hereby, that prescribed for use by
179 counties in Florida.

180 (c) The authority may take, exclusively occupy, use, and
181 possess, insofar as is necessary for carrying out the provisions
182 of this act, any areas of land owned by the state and within the
183 territorial jurisdiction of the authority, not in use for state
184 purposes, including, without limitation, swamps and overflowed
185 lands, bottoms of streams, lakes, and rivers, and the riparian
186 rights thereto pertaining, and, when so taken and occupied, due
187 notice of such taking and occupancy having been filed with the
188 Trustees of the Internal Improvement Trust Fund of the state by
189 the authority, such areas of land are granted to and shall be
190 the property of the authority. For the purposes of this section,
191 the meaning of the term "use" shall include the removal of
192 material from and the placing of material on any such land. In
193 case it is held by any court of competent jurisdiction that
194 there are any lands owned by the state which may not be so
195 granted, the provisions of this section shall continue in full
196 force and effect as to all other lands owned by the state and
197 granted to the authority under this section. The provisions of
198 this section are subject to all laws and regulations of the
199 United States of America with respect to navigable waters.

200 (d) In addition to all other powers conferred upon the
201 board by this act, the board may enlarge, change, modify, or
202 improve any stream, lake, or canal within the territorial limits
203 of the authority and may clean out, straighten, enlarge, or

HB 987

2005

204 change the course of any waterway or canal, natural or
 205 artificial, within the territorial limits of the authority; may
 206 provide such canals, locks, levees, dikes, dams, sluiceways,
 207 reservoirs, holding basins, floodways, pumping stations,
 208 buildings, bridges, highways, and other works and facilities
 209 that the board deems necessary; may cross any highway or railway
 210 with works of the district and hold, control, and acquire by
 211 donation, lease, purchase, or otherwise any land or personal
 212 property needed for carrying out the purpose of this act and may
 213 remove any building or other obstruction necessary for the
 214 construction, maintenance, and operation of such works. The
 215 improvements made or to be made under this act are sometimes
 216 referred to in this act as "the works" of the board. The board
 217 shall also have power to operate any and all works and
 218 improvements of the authority. The provisions of this section
 219 are subject to all laws and regulations of the United States of
 220 America with respect to navigable waters.

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

HB 987

2005

233 County (which rights may be acquired by the authority by
 234 condemnation or eminent domain as provided for by this act).

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

241 (g) The board may grant licenses or permits for the
 242 construction and excavation of canals and ditches connecting
 243 with navigable waters; may establish, adopt, and administer
 244 rules governing the construction and excavation of canals and
 245 ditches with authority to prohibit any construction deemed by
 246 the board to be detrimental to the best interests of the public
 247 or purposes for which the authority was established; may do any
 248 and all things hereinafter authorized or required to be done;
 249 and may do any and all things, whether or not included in the
 250 powers enumerated in this act, necessary to accomplish the
 251 purposes of this act.

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

259 Section 10. Receipt or use of property.--Lake County and
 260 all municipalities, districts, political bodies, and political
 261 subdivisions of the state in Lake County are severally

HB 987

2005

262 authorized to grant, convey, or transfer to, and permit the use
 263 of by, the authority upon such terms and conditions as are
 264 agreeable to the governing bodies thereof real and personal
 265 property belonging to them which is necessary or useful to the
 266 authority in carrying out the purposes of this act.

267 Section 11. Authority funds; warrants.--All authority
 268 funds shall be deposited in a bank or banks or federal or state
 269 savings and loan association to be designated by the board, but
 270 before any authority moneys are deposited in such depository or
 271 depositories, security shall be furnished the authority ample to
 272 protect such deposits to the full extent and amount that such
 273 deposits are not otherwise protected or insured by the Federal
 274 Deposit Insurance Corporation or the Federal Savings and Loan
 275 Insurance Corporation. Funds of the authority shall be paid out
 276 only upon warrant signed by the treasurer of the authority and
 277 countersigned by the chair or vice chair. No warrants shall be
 278 drawn or issued disbursing any of the funds of the authority
 279 except for a purpose authorized by this act and only when the
 280 account or expenditure for which the same is to be given in
 281 payment has been audited and approved by the board.

282 Section 12. Budget; millage levied; procedure.--The board
 283 shall determine, annually on or before October 1, by resolution
 284 the amount of money that will be required to carry out the
 285 purposes of this act for the next ensuing fiscal year (which
 286 fiscal year shall be the same as that of Lake County) and the
 287 millage, which shall not exceed one-half of one mill, that will
 288 be required to be levied to produce the amount of money set
 289 forth in the resolution; however, the determination of the
 290 amount of money to be raised and the millage to be levied may be

HB 987

2005

291 delayed until the board receives the necessary information. The
 292 authority shall allocate no more than 3.5 percent of its annual
 293 ad valorem budget for educational programs to educate and teach
 294 the public about water issues. Immediately upon the adoption of
 295 the resolution a certified copy thereof shall be furnished to
 296 the Board of County Commissioners of Lake County, and the Board
 297 of County Commissioners of Lake County shall, for the year named
 298 in the certified copy of the resolution, levy, assess, collect,
 299 and enforce taxes upon all taxable real and personal property
 300 within the authority. The procedure to be followed to accomplish
 301 the purpose of this section shall be as follows:

302 (a) Assessment of property shall be as provided by general
 303 law.

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

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

HB 987

2005

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

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

345 Section 13. Collection of taxes; enforcement.--All taxes
 346 levied and assessed by the Board of County Commissioners of Lake
 347 County for the authority (beginning with the year 1953) shall be
 348 collected and the enforcement thereof shall be at the same time

HB 987

2005

349 and in the same manner as other county taxes are collected and
 350 enforced and when so collected shall be paid over to the board
 351 for its use pursuant to this act.

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

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

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

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

375 Section 16. Exemption of authority property.--All real and
 376 personal property owned, leased, controlled, or used by the
 377 authority is exempt from all county, municipal, taxing district,

HB 987

2005

378 and other ad valorem taxes and special assessments for benefits.

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

382 Section 18. Plan; annual report.--

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

388 (b) The authority shall prepare a report annually which
 389 includes an evaluation and assessment of the effectiveness of
 390 the authority's activities in the preceding year. The report
 391 must address both ongoing activities of the authority and the
 392 progress in meeting goals and projects enumerated in the 5-year
 393 plan. The report shall be submitted to the Legislature, the St.
 394 Johns River Water Management District, and the Lake County Board
 395 of County Commissioners.

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

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

401 Section 5. Section 4 of section 3 of this act is amended
 402 to read:

403 Section 4. Governing board; elections; surety.--A
 404 governing body for the authority is created, consisting of seven
 405 members who are residents of Lake County, which body shall be
 406 known and designated as the "Board of Trustees of the Lake

HB 987

2005

407 County Water Authority," but which shall be referred to as "the
 408 board." Five of the members must each reside in a geographic
 409 area identical to a county commission district, to be elected by
 410 the electors of the county at large. Two of the members will be
 411 elected by the electors of the county at large without regard to
 412 their residence. On the second Tuesday following the general
 413 election in 2000, the term of office of each person serving on
 414 the board immediately before that date expires, and the members
 415 of the board shall be elected by the electors of Lake County in
 416 partisan ~~nonpartisan~~ elections conducted by the supervisor of
 417 elections pursuant to section 189.405, Florida Statutes, in
 418 accordance with the Florida Election Code, chapters 97 through
 419 106, Florida Statutes, beginning with the general election in
 420 2000, for terms of 4 years beginning on the second Tuesday
 421 following the general election. For purposes of staggering
 422 terms, the members elected in 2000 from odd-numbered areas and
 423 the at-large member receiving the higher number of votes shall
 424 be elected to 4-year terms and the members elected from even-
 425 numbered areas and the at-large member receiving the lower
 426 number of votes shall be elected to 2-year terms. Thereafter,
 427 each member shall be elected for a term of 4 years, except that
 428 a person may not be elected to more than two consecutive 4-year
 429 terms. At the first meeting in December of each year or, during
 430 a year in which there is a general election, at a meeting held
 431 no later than 30 days after the general election if the meeting
 432 and the election of officers have been advertised properly, the
 433 board shall select one of their number as chair and one as vice
 434 chair of the board. The Clerk of the Circuit Court of Lake
 435 County shall act as secretary and treasurer of the board without

HB 987

2005

436 any additional compensation. In the event the provision
 437 pertaining to the duties of the clerk of the circuit court is
 438 for any reason held to be invalid, the board may select one of
 439 its members to serve as its secretary and treasurer, or it may
 440 appoint a nonmember of the board as its secretary and treasurer,
 441 and such nonmember shall receive compensation commensurate with
 442 the responsibilities as determined by the board. The board shall
 443 select a nonmember to serve as executive director of the
 444 authority, and such nonmember shall receive compensation
 445 commensurate with the responsibilities as determined by the
 446 board. The board shall require a surety bond of any person,
 447 including the clerk of the circuit court, who shall act as
 448 secretary and treasurer of the board. The amount of the surety
 449 bond will be determined by the board. This bond shall be in
 450 addition to any bond furnished by such person as clerk of the
 451 circuit court or as a member of the board. The premium of the
 452 bond shall be paid by the board as a necessary expense of
 453 operation.

454 Section 6. The provisions of section 5 shall take effect
 455 only upon express approval by a majority vote of those qualified
 456 electors of the Lake County Water Authority district voting in a
 457 referendum to be called by the Lake County Supervisor of
 458 Elections and to be held in conjunction with the next general
 459 election, in accordance with the provisions of law currently in
 460 force in the district. The question to be placed on the ballot
 461 shall be in substantially the following form:

462
 463 Shall the members of the Lake County Water Authority be elected
 464 in partisan elections?

HB 987

2005

465

466 Yes

467

468 No

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