

CHAMBER ACTION

1 The Finance & Tax Committee recommends the following:

2
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to the Lake County Water Authority
7 district; amending, codifying, reenacting, and repealing
8 special acts relating to the district in conformity to s.
9 189.429, F.S.; providing district boundaries; providing
10 purposes; providing for a governing body and prescribing
11 its powers, duties, functions, membership, and
12 organization; providing for partisan election of board
13 members; providing duties of constitutional officers in
14 Lake County with respect to the authority; providing a
15 limit on the amount the authority may spend to educate the
16 public regarding water issues; providing maximum millage
17 limit; repealing chapters 29222 (1953), 57-1484, 59-1466,
18 63-1507, 65-1787, 69-1209, 2000-492, and 2003-376, Laws of
19 Florida, relating to the district; providing for a
20 referendum on whether elections to the authority shall be
21 partisan; providing a ballot statement; providing
22 effective dates.

HB 987

2005
CS

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

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

34 Section 2. Chapters 29222 (1953), 57-1484, 59-1466, 63-
35 1507, 65-1787, 69-1209, 2000-492, and 2003-376, Laws of Florida,
36 relating to the Lake County Water Authority, are codified,
37 amended, reenacted, and repealed as provided in this act.

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

40 Section 1. Purpose.--For the purposes of controlling and
41 conserving the freshwater resources of Lake County; fostering
42 and improving the tourist business in the county by improvements
43 to streams, lakes, and canals in the county; providing
44 recreational facilities for tourists and citizens and taxpayers
45 of the county by a more efficient use of the streams, lakes, and
46 canals in the county; improving the fish and aquatic wildlife of
47 the county by improving the streams, lakes, and canals in the
48 county; and protecting the freshwater resources of Lake County
49 through assisting local governments in treating of stormwater
50 runoff by conserving fresh water to improve the streams, lakes,
51 and canals in the county, there is created and incorporated a

52 special taxing district extending territorially throughout the
 53 present limits of Lake County, Florida. The district shall be
 54 known and designated as the "Lake County Water Authority," but
 55 shall hereafter in this act, for convenience, be referred to as
 56 "the authority."

57 Section 2. Territorial limits.--The territorial limits of
 58 the authority shall be coterminous with the boundaries of Lake
 59 County.

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

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

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

108 | board. The board shall require a surety bond of any person,
 109 | including the clerk of the circuit court, who shall act as
 110 | secretary and treasurer of the board. The amount of the surety
 111 | bond will be determined by the board. This bond shall be in
 112 | addition to any bond furnished by such person as clerk of the
 113 | circuit court or as a member of the board. The premium of the
 114 | bond shall be paid by the board as a necessary expense of
 115 | operation.

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

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

130 | Section 7. Board compensation.--Each member of the board
 131 | shall receive \$25 per day as compensation for his or her
 132 | services when performing his or her duties.

133 | Section 8. Expenses.--Each member of the board and its
 134 | engineers, auditors, attorneys, agents, and employees shall be
 135 | paid their actual expenses incurred when engaged on business of

136 | the authority, but such expenses shall not be paid unless
 137 | payment has been authorized and approved. The board may
 138 | authorize and approve the payment of any expense, or it may
 139 | delegate to the executive director the power to authorize such
 140 | payment as long as, at the time it makes the delegation, it
 141 | approves parameters, including, but not limited to, parameters
 142 | on the amount that may be expended, within which the executive
 143 | director may exercise that power. A separate delegation must be
 144 | made with respect to any expenditure or class of expenditures.

145 | Section 9. Powers of board.--

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

162 | (b) The authority may acquire by purchase, gift, lease,
 163 | condemnation, eminent domain, or any other manner such lands

HB 987

2005
CS

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

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

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

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

220 referred to in this act as "the works" of the board. The board
 221 shall also have power to operate any and all works and
 222 improvements of the authority. The provisions of this section
 223 are subject to all laws and regulations of the United States of
 224 America with respect to navigable waters.

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

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

245 (g) The board may grant licenses or permits for the
 246 construction and excavation of canals and ditches connecting
 247 with navigable waters; may establish, adopt, and administer

248 rules governing the construction and excavation of canals and
 249 ditches with authority to prohibit any construction deemed by
 250 the board to be detrimental to the best interests of the public
 251 or purposes for which the authority was established; may do any
 252 and all things hereinafter authorized or required to be done;
 253 and may do any and all things, whether or not included in the
 254 powers enumerated in this act, necessary to accomplish the
 255 purposes of this act.

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

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

271 Section 11. Authority funds; warrants.--All authority
 272 funds shall be deposited in a bank or banks or federal or state
 273 savings and loan association to be designated by the board, but
 274 before any authority moneys are deposited in such depository or
 275 depositories, security shall be furnished the authority ample to

HB 987

2005
CS

276 | protect such deposits to the full extent and amount that such
 277 | deposits are not otherwise protected or insured by the Federal
 278 | Deposit Insurance Corporation or the Federal Savings and Loan
 279 | Insurance Corporation. Funds of the authority shall be paid out
 280 | only upon warrant signed by the treasurer of the authority and
 281 | countersigned by the chair or vice chair. No warrants shall be
 282 | drawn or issued disbursing any of the funds of the authority
 283 | except for a purpose authorized by this act and only when the
 284 | account or expenditure for which the same is to be given in
 285 | payment has been audited and approved by the board.

286 | Section 12. Budget; millage levied; procedure.--The board
 287 | shall determine, annually on or before October 1, by resolution
 288 | the amount of money that will be required to carry out the
 289 | purposes of this act for the next ensuing fiscal year (which
 290 | fiscal year shall be the same as that of Lake County) and the
 291 | millage, which shall not exceed one-half of one mill, that will
 292 | be required to be levied to produce the amount of money set
 293 | forth in the resolution; however, the determination of the
 294 | amount of money to be raised and the millage to be levied may be
 295 | delayed until the board receives the necessary information. The
 296 | authority shall allocate no more than 3.5 percent of its annual
 297 | ad valorem budget for educational programs to educate and teach
 298 | the public about water issues. Immediately upon the adoption of
 299 | the resolution a certified copy thereof shall be furnished to
 300 | the Board of County Commissioners of Lake County, and the Board
 301 | of County Commissioners of Lake County shall, for the year named
 302 | in the certified copy of the resolution, levy, assess, collect,
 303 | and enforce taxes upon all taxable real and personal property

HB 987

2005
CS

304 within the authority. The procedure to be followed to accomplish
 305 the purpose of this section shall be as follows:

306 (a) Assessment of property shall be as provided by general
 307 law.

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

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

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

HB 987

2005
CS

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

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

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

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

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

HB 987

2005
CS

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

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

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

379 Section 16. 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 17. 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.

HB 987

2005
CS

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 18. 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
 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

HB 987

2005
CS

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
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

Page 16 of 17

HB 987

2005
CS

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?

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.