

1                   A bill to be entitled  
2           An act relating to the Lake County Water Authority  
3           district; amending, codifying, reenacting, and repealing  
4           special acts relating to the district in conformity to s.  
5           189.429, F.S.; providing district boundaries; providing  
6           purposes; providing for a governing body and prescribing  
7           its powers, duties, functions, membership, and  
8           organization; providing for partisan election of board  
9           members; providing duties of constitutional officers in  
10          Lake County with respect to the authority; providing a  
11          limit on the amount the authority may spend to educate the  
12          public regarding water issues; providing maximum millage  
13          limit; repealing chapters 29222 (1953), 57-1484, 59-1466,  
14          63-1507, 65-1787, 69-1209, 2000-492, and 2003-376, Laws of  
15          Florida, relating to the district; providing for a  
16          referendum on whether elections to the authority shall be  
17          partisan; providing a ballot statement; providing  
18          effective dates.

19  
20   Be It Enacted by the Legislature of the State of Florida:

21  
22          Section 1. Pursuant to section 189.429, Florida Statutes,  
23          this act constitutes the codification of all special acts  
24          relating to the Lake County Water Authority district. It is the  
25          intent of the Legislature in enacting this law to provide a  
26          single act for the district. It is further the intent of the  
27          Legislature to preserve all district authority, including the

28 authority to annually assess and levy taxes or assessments  
29 against all assessable property in the district.

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33 amended, reenacted, and repealed as provided in this act.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  
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  
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  
117 as a member of the board. Such bond must be approved by and  
118 filed with the Chief Financial Officer of the State of Florida,  
119 and the premium or premiums for such bond shall be paid by the  
120 board as a necessary expense.

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

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

129        Section 8. Expenses.--Each member of the board and its  
130 engineers, auditors, attorneys, agents, and employees shall be  
131 paid their actual expenses incurred when engaged on business of  
132 the authority, but such expenses shall not be paid unless  
133 payment has been authorized and approved. The board may  
134 authorize and approve the payment of any expense, or it may  
135 delegate to the executive director the power to authorize such  
136 payment as long as, at the time it makes the delegation, it  
137 approves parameters, including, but not limited to, parameters  
138 on the amount that may be expended, within which the executive

139 director may exercise that power. A separate delegation must be  
 140 made with respect to any expenditure or class of expenditures.

141 Section 9. Powers of board.--

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

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

378        Section 17. Plan; annual report.--

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

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

389 plan. The report shall be submitted to the Legislature, the St.  
 390 Johns River Water Management District, and the Lake County Board  
 391 of County Commissioners.

392 Section 18. Charter amendment.--The district's charter may  
 393 be amended only by the Legislature.

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

397 Section 5. Section 4 of section 3 of this act is amended  
 398 to read:

399 Section 4. Governing board; elections; surety.--A  
 400 governing body for the authority is created, consisting of seven  
 401 members who are residents of Lake County, which body shall be  
 402 known and designated as the "Board of Trustees of the Lake  
 403 County Water Authority," but which shall be referred to as "the  
 404 board." Five of the members must each reside in a geographic  
 405 area identical to a county commission district, to be elected by  
 406 the electors of the county at large. Two of the members will be  
 407 elected by the electors of the county at large without regard to  
 408 their residence. On the second Tuesday following the general  
 409 election in 2000, the term of office of each person serving on  
 410 the board immediately before that date expires, and the members  
 411 of the board shall be elected by the electors of Lake County in  
 412 partisan ~~nonpartisan~~ elections conducted by the supervisor of  
 413 elections pursuant to section 189.405, Florida Statutes, in  
 414 accordance with the Florida Election Code, chapters 97 through  
 415 106, Florida Statutes, beginning with the general election in  
 416 2000, for terms of 4 years beginning on the second Tuesday

417 following the general election. For purposes of staggering  
418 terms, the members elected in 2000 from odd-numbered areas and  
419 the at-large member receiving the higher number of votes shall  
420 be elected to 4-year terms and the members elected from even-  
421 numbered areas and the at-large member receiving the lower  
422 number of votes shall be elected to 2-year terms. Thereafter,  
423 each member shall be elected for a term of 4 years, except that  
424 a person may not be elected to more than two consecutive 4-year  
425 terms. At the first meeting in December of each year or, during  
426 a year in which there is a general election, at a meeting held  
427 no later than 30 days after the general election if the meeting  
428 and the election of officers have been advertised properly, the  
429 board shall select one of their number as chair and one as vice  
430 chair of the board. The Clerk of the Circuit Court of Lake  
431 County shall act as secretary and treasurer of the board without  
432 any additional compensation. In the event the provision  
433 pertaining to the duties of the clerk of the circuit court is  
434 for any reason held to be invalid, the board may select one of  
435 its members to serve as its secretary and treasurer, or it may  
436 appoint a nonmember of the board as its secretary and treasurer,  
437 and such nonmember shall receive compensation commensurate with  
438 the responsibilities as determined by the board. The board shall  
439 select a nonmember to serve as executive director of the  
440 authority, and such nonmember shall receive compensation  
441 commensurate with the responsibilities as determined by the  
442 board. The board shall require a surety bond of any person,  
443 including the clerk of the circuit court, who shall act as  
444 secretary and treasurer of the board. The amount of the surety



445 | bond will be determined by the board. This bond shall be in  
446 | addition to any bond furnished by such person as clerk of the  
447 | circuit court or as a member of the board. The premium of the  
448 | bond shall be paid by the board as a necessary expense of  
449 | operation.

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

458 |  
459 | Shall the members of the Lake County Water Authority be elected  
460 | in partisan elections?

461 |  
462 | Yes

463 |  
464 | No

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