

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Local, Federal & Veterans
 2 Affairs Subcommittee

3 Representative Metz offered the following:

4

5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Sections 1, 4, 9, 15, 16, and 17 of section 3
 8 of chapter 2005-314, Laws of Florida, are amended to read:

9 Section 1. Purpose.—For the purposes of controlling and
 10 conserving the freshwater resources of Lake County; fostering
 11 ~~and improving the tourist business in the county by improvements~~
 12 ~~to streams, lakes, and canals in the county; providing~~
 13 ~~recreational facilities for tourists and citizens and taxpayers~~
 14 ~~of the county by a more efficient use of the streams, lakes, and~~
 15 ~~canals in the county;~~ improving the fish and aquatic wildlife of
 16 the county by improving the streams, lakes, and canals in the

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17 county; and protecting the freshwater resources of Lake County
18 through assisting local governments in treating of stormwater
19 runoff ~~by conserving fresh water to improve the streams, lakes,~~
20 ~~and canals in the county,~~ there is created and incorporated a
21 special taxing district extending territorially throughout the
22 present limits of Lake County, Florida. The district shall be
23 known and designated as the "Lake County Water Authority," but
24 shall hereafter in this act, for convenience, be referred to as
25 "the authority."

26 Section 4. Governing board; elections; surety.—A governing
27 body for the authority is created, consisting of seven members
28 who are residents of Lake County, which body shall be known and
29 designated as the "Board of Trustees of the Lake County Water
30 Authority," but which shall be referred to as "the board." Five
31 of the members must each reside in a separate geographic area
32 identical to a county commission district, to be elected by the
33 electors of the county at large; no two such members shall
34 reside in the same county commission district. Two of the
35 members will be elected by the electors of the county at large
36 without regard to their residence. ~~On the second Tuesday~~
37 ~~following the general election in 2000, the term of office of~~
38 ~~each person serving on the board immediately before that date~~
39 ~~expires, and~~ The members of the board shall be elected by the
40 electors of Lake County in partisan elections. ~~conducted by the~~
41 ~~supervisor of elections pursuant to section 189.405, Florida~~

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42 ~~Statutes, in accordance with the Florida Election Code, chapters~~
43 ~~97 through 106, Florida Statutes, beginning with the general~~
44 ~~election in 2000, for terms of 4 years beginning on the second~~
45 ~~Tuesday following the general election. For purposes of~~
46 ~~staggering terms, the members elected in 2000 from odd-numbered~~
47 ~~areas and the at-large member receiving the higher number of~~
48 ~~votes shall be elected to 4-year terms and the members elected~~
49 ~~from even-numbered areas and the at-large member receiving the~~
50 ~~lower number of votes shall be elected to 2-year terms.~~
51 ~~Thereafter,~~ Each member shall be elected for a term of 4 years,
52 except that a person may not be elected to more than two
53 consecutive 4-year terms. At the first meeting in December of
54 each year or, during a year in which there is a general
55 election, at a meeting held no later than 30 days after the
56 general election if the meeting and the election of officers
57 have been advertised properly, the board shall select one of
58 their number as chair and one as vice chair of the board. The
59 Clerk of the Circuit Court of Lake County shall act as secretary
60 and treasurer of the board without any additional compensation.
61 In the event the provision pertaining to the duties of the clerk
62 of the circuit court is for any reason held to be invalid, the
63 board may select one of its members to serve as its secretary
64 and treasurer, or it may appoint a nonmember of the board as its
65 secretary and treasurer, and such nonmember shall receive
66 compensation commensurate with the responsibilities as

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67 determined by the board. The board shall select a nonmember to
68 serve as executive director of the authority, and such nonmember
69 shall receive compensation commensurate with the
70 responsibilities as determined by the board. The board shall
71 require a surety bond of any person, including the clerk of the
72 circuit court, who shall act as secretary and treasurer of the
73 board. The amount of the surety bond will be determined by the
74 board. This bond shall be in addition to any bond furnished by
75 such person as clerk of the circuit court or as a member of the
76 board. The premium of the bond shall be paid by the board as a
77 necessary expense of operation.

78 Section 9. Powers of board and authority.-

79 (a) The board has all the powers of a body corporate,
80 including, but not limited to, the power to sue and be sued; to
81 make contracts; to adopt and use a common seal and to alter the
82 same as deemed expedient; to buy, acquire ~~by condemnation or~~
83 ~~eminent domain in the manner prescribed for use by counties in~~
84 ~~Florida~~, sell, own, use, control, operate, improve, and lease
85 all land and personal property as the board deems necessary or
86 proper in carrying out the provisions of this act; to appoint
87 and employ, and dismiss at pleasure, such engineers, auditors,
88 attorneys, and other employees and agents as the board may
89 require, and to fix and pay the compensation thereof; to
90 establish an office for the transaction of its business in Lake
91 County and to pay all necessary costs and expenses incident to

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92 the administration and operation thereof; and to pay all other
93 costs and expenses reasonably necessary or expedient in carrying
94 out and accomplishing the purposes of this act.

95 (b) The authority may acquire by purchase, gift, lease,
96 ~~condemnation, eminent domain, or in~~ any other manner other than
97 condemnation or eminent domain such lands within the territorial
98 extent of the authority as are reasonably necessary for
99 constructing and maintaining the works and making the
100 improvements required to carry out the intent of this act,
101 including, ~~without limitation,~~ the right to acquire ~~by~~
102 ~~condemnation or eminent domain~~ such lands and any interest
103 therein reasonably necessary for any such purpose which may
104 already be devoted to public use for county, municipal,
105 district, railroad, or public utility purposes where and to the
106 extent that the same may cross, intersect, or be situate upon or
107 within the area of such land hereinbefore referred to. The
108 authority shall also have the right to acquire by purchase,
109 gift, lease, ~~condemnation, or eminent domain,~~ or in any other
110 manner other than condemnation or eminent domain, land, timber,
111 earth, rock, and other materials or property, and property
112 rights, including riparian rights, in such amounts as are
113 reasonably necessary or useful in the development of the works
114 or improvements before referred to. The board may sell or
115 otherwise reasonably dispose of property deemed by the authority
116 as no longer useful to its purpose or works. ~~Condemnation or~~

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117 ~~eminent domain proceedings shall be maintained by and in the~~
118 ~~name of the authority, and the procedure shall be, except~~
119 ~~insofar as is altered hereby, that prescribed for use by~~
120 ~~counties in Florida.~~

121 ~~(c) The authority may take, exclusively occupy, use, and~~
122 ~~possess, insofar as is necessary for carrying out the provisions~~
123 ~~of this act, any areas of land owned by the state and within the~~
124 ~~territorial jurisdiction of the authority, not in use for state~~
125 ~~purposes, including, without limitation, swamps and overflowed~~
126 ~~lands, bottoms of streams, lakes, and rivers, and the riparian~~
127 ~~rights thereto pertaining, and, when so taken and occupied, due~~
128 ~~notice of such taking and occupancy having been filed with the~~
129 ~~Trustees of the Internal Improvement Trust Fund of the state by~~
130 ~~the authority, such areas of land are granted to and shall be~~
131 ~~the property of the authority. For the purposes of this section,~~
132 ~~the meaning of the term "use" shall include the removal of~~
133 ~~material from and the placing of material on any such land. In~~
134 ~~case it is held by any court of competent jurisdiction that~~
135 ~~there are any lands owned by the state which may not be so~~
136 ~~granted, the provisions of this section shall continue in full~~
137 ~~force and effect as to all other lands owned by the state and~~
138 ~~granted to the authority under this section. The provisions of~~
139 ~~this section are subject to all laws and regulations of the~~
140 ~~United States of America with respect to navigable waters.~~

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141 (c)~~(d)~~ In addition to all other powers conferred upon the
142 board by this act, the board may enlarge, change, modify, or
143 improve any stream, lake, or canal within the territorial limits
144 of the authority and may clean out, straighten, enlarge, or
145 change the course of any waterway or canal, natural or
146 artificial, within the territorial limits of the authority; may
147 provide such canals, locks, levees, dikes, dams, sluiceways,
148 reservoirs, holding basins, floodways, pumping stations,
149 buildings, bridges, highways, and other works and facilities
150 that the board deems necessary; may cross any highway or railway
151 with works of the district and hold, control, and acquire by
152 donation, lease, purchase, or ~~otherwise~~ in any other manner
153 other than condemnation or eminent domain any land or personal
154 property needed for carrying out the purpose of this act and may
155 remove any building or other obstruction necessary for the
156 construction, maintenance, and operation of such works. The
157 improvements made or to be made under this act are sometimes
158 referred to in this act as "the works" of the board. The board
159 shall also have power to operate any and all works and
160 improvements of the authority. The provisions of this section
161 are subject to all laws and regulations of the United States of
162 America with respect to navigable waters.

163 ~~(e) The board may take possession of and control, use,~~
164 ~~operate, and maintain all streams, lakes, canals, dams, locks,~~
165 ~~levees, dikes, sluiceways, reservoirs, holding basins,~~

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166 ~~floodways, pumping stations, buildings, bridges, highways,~~
167 ~~navigation, and conservation works, and other works and~~
168 ~~facilities within the territorial limits of the authority to the~~
169 ~~extent only that such possession, control, and use have been~~
170 ~~deemed by the board, in its sole discretion, to be useful and~~
171 ~~necessary in carrying out the purposes of this act. Such~~
172 ~~possession, control, and use are subject to the rights of~~
173 ~~persons, firms, and corporations and the rights of Lake County~~
174 ~~and municipalities, districts, and political bodies in Lake~~
175 ~~County (which rights may be acquired by the authority by~~
176 ~~condemnation or eminent domain as provided for by this act).~~

177 (d) (f) The authority shall control all streams, including
178 slow-moving streams, flowing from any of the water reservoirs in
179 Lake County, whether natural or constructed, into the system of
180 lakes and streams in or adjacent to Lake County for the
181 protection of the natural water reservoirs and the adjacent and
182 neighboring areas.

183 (e) The board may attempt, when technically,
184 environmentally, and economically feasible, to remove
185 significant hazards to navigation and blockages from the major
186 public waterways of Lake County, whenever those hazards and
187 blockages substantially affect public navigation on large lakes
188 and their connecting streams and canals. Generally, such work
189 shall be limited to streams, lakes, and canals that have legal
190 authorized access by the general public.

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191 ~~(f)(g)~~ The board ~~may grant licenses or permits for the~~
192 ~~construction and excavation of canals and ditches connecting~~
193 ~~with navigable waters; may establish, adopt, and administer~~
194 ~~rules governing the construction and excavation of canals and~~
195 ~~ditches with authority to prohibit any construction deemed by~~
196 ~~the board to be detrimental to the best interests of the public~~
197 ~~or purposes for which the authority was established; may do any~~
198 and all things hereinafter authorized or required to be done;
199 and may do any and all things, whether or not included in the
200 powers enumerated in this act, necessary to accomplish the
201 purposes of this act.

202 ~~(g)(h)~~ The board may enter into any agreement or contract
203 with the Federal Government or the state, or any agency,
204 political subdivision, or instrumentality of either; and
205 counties adjoining Lake County; and municipalities and taxing
206 districts in Lake County and in counties adjoining Lake County
207 for the purpose of carrying out, or which in the reasonable
208 judgment of the board may assist it in carrying out, the
209 purposes of this act.

210 (h) The board may recommend, by resolution to the Board of
211 County Commissioners of Lake County or the governing body of a
212 municipality in the county, the acquisition of private property
213 using the power of eminent domain. Such recommendation shall
214 specify the purpose under this act for which such acquisition is
215 necessary. Within 90 days after receipt of such a

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216 recommendation, the county or municipality shall formally
217 respond to such recommendation with its approval, disapproval,
218 or a proposed modification. The authority and the county or
219 municipality shall cooperate in the public interest. If the
220 county or the municipality ultimately proceeds with the
221 authority's recommended acquisition, the implementation of the
222 purpose of this act for which the authority made the
223 recommendation may be addressed through an interlocal agreement
224 between the authority and the county or municipality.

225 (i) The board may promote the authority's purpose and
226 works through board resolutions, press releases, electronic
227 communications, and attendance at public events sponsored by
228 other entities, but otherwise may not expend public funds to
229 promote recreation and tourism in the county, including, but not
230 limited to, hosting events, advertising, or marketing.

231 (j) (1)a. For purposes of this subsection, an "active park"
232 means a park developed for the purpose of public recreation with
233 man-made improvements, including, but not limited to, buildings
234 for meetings and events; athletic fields; tennis, racquetball,
235 and volleyball courts; swimming pools; recreational boat docks,
236 boat houses, and related facilities; and similar capital
237 facilities.

238 b. For purposes of this subsection, a "passive park" means
239 a park developed for the purpose of allowing public observation
240 of natural conditions and environmentally sensitive areas or

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241 providing public access to streams, lakes, and canals for
242 waterborne activities, using limited man-made improvements,
243 including, but not limited to, nature trails, equestrian trails,
244 elevated boardwalks, boat ramps, and kayak and canoe launching
245 pads.

246 (2) The authority may not develop, own, maintain, or
247 operate active parks, with the exception of Hickory Point Park,
248 but may develop, own, maintain, and operate passive parks on
249 property owned by the authority for the purpose of this act,
250 provided that such passive parks are not in conflict with the
251 public purpose for which the authority acquired the property.
252 Nothing in this act shall prohibit the continued use of the Disc
253 Golf Course at Hidden Waters Preserve. The board may sell or
254 donate land for parks to Lake County or a municipality in the
255 county pursuant to an interlocal agreement.

256 Section 15. Financial statement.—At least once in each
257 year the board shall publish on the authority's website and in a
258 ~~some~~ newspaper of general circulation published in Lake County a
259 complete detailed statement of its financial condition,
260 including a list of all moneys received and disbursed by the
261 board during the preceding year.

262 Section 16. Construction.—It is the intention of the
263 Legislature that the provisions of this act be reasonably
264 ~~liberally~~ construed to accomplish its purposes.

265 Section 17. Plan; annual report.—

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266 (a) The authority shall prepare and publish on the
267 authority's website a plan that describes the authority's goals
268 for the ensuing 5 years. The plan must include projects that
269 will be undertaken within that period in furtherance of its
270 goals. The authority shall update the plan periodically.

271 (b) The authority shall annually prepare and publish on
272 the authority's website a report that ~~annually which~~ includes an
273 evaluation and assessment of the effectiveness of the
274 authority's activities in the preceding year. The report must
275 address both ongoing activities of the authority and the
276 progress in meeting goals and projects enumerated in the 5-year
277 plan. The report shall be submitted to the Legislature, the St.
278 Johns River Water Management District, and the Lake County Board
279 of County Commissioners.

280 Section 2. This act shall take effect upon becoming a
281 law.

282 -----
283

284 **T I T L E A M E N D M E N T**

285 Remove everything before the enacting clause and insert:
286 An act relating to the Lake County Water Authority, Lake County;
287 amending ch. 2005-314, Laws of Florida; revising purpose of the
288 authority; deleting obsolete language; removing power of the
289 governing board and the authority to acquire land through
290 eminent domain or condemnation; removing power of the board

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291 relating to certain state land; providing for the county or a
292 municipality to acquire private property through eminent domain
293 under certain circumstances; providing powers of the board
294 relating to navigation and blockage of certain waterways in the
295 county; prohibiting the board from expending public funds to
296 promote recreation and tourism; providing powers of and
297 restrictions on the authority and the board relating to parks;
298 requiring certain documents to be published on the authority's
299 website; providing an effective date.