

1 A bill to be entitled
2 An act relating to the Lake County Water District,
3 Lake County; amending ch. 2005-314, Laws of Florida,
4 as amended; providing an exception to general law;
5 revising the purpose of the district; providing that
6 the district is a dependent special taxing district;
7 providing for the appointment of members to the board
8 of advisors; deleting provisions relating to the
9 development, ownership, maintenance, or operation of
10 certain parks by the Lake County Water Authority and
11 authorizing the board of advisors to sell or donate
12 land for parks to certain entities under certain
13 circumstances; requiring the Board of County
14 Commissioners of Lake County to consider and approve,
15 modify, or reject the annual budget and millage
16 proposed by the board of advisors and approve the
17 district's final budget and millage; requiring
18 district revenues to be used only for specified
19 purposes; providing for initial appointments to the
20 board of advisors and staggered terms; revising
21 construction; providing that all special acts
22 comprising the charter of the district are ordinances
23 of Lake County and may be revised, amended, or
24 repealed by the board of county commissioners;
25 providing an effective date.

26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50

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

Section 1. Sections 1, 2, 3, 4, 8, subsections (a), (b), (c), (d), (g), (h), (i), and (j) of section 9, sections 10, 11, 12, and 13, subsection (b) of section 14, and sections 15, 16, 17, and 18 of section 3 of chapter 2005-314, Laws of Florida, as amended by chapter 2017-218, Laws of Florida, are amended to read:

Section 1. Purpose.—For the purposes of controlling and conserving the freshwater resources of Lake County; fostering improvements to streams, lakes, and canals in the county; improving the fish and aquatic wildlife of the county by improving the streams, lakes, and canals in the county; and protecting the freshwater resources of Lake County through assisting local governments in treating of stormwater runoff, notwithstanding any other law to the contrary, there is created and incorporated a dependent special taxing district extending territorially throughout the present limits of Lake County, Florida. The district shall be known and designated as the "Lake County Water District Authority," but shall hereafter in this act, for convenience, be referred to as "the district authority."

Section 2. Territorial limits.—The territorial limits of the district authority shall be coterminous with the boundaries

HB 1105

2022

51 of Lake County.

52 Section 3. County purpose.—Each of the purposes for which
53 the district authority is created is declared to be a county
54 purpose, for the accomplishment of which taxes upon all real and
55 personal property within the territorial limits of the district
56 authority are by this act authorized to be levied, assessed, and
57 collected.

58 Section 4. Governing board; ~~elections~~; surety.—A governing
59 body for the district authority is created, consisting of five
60 ~~seven~~ members who are residents of Lake County, which body shall
61 be known and designated as the "Board of Advisors ~~Trustees~~ of
62 the Lake County Water District Authority," but which shall be
63 referred to as "the board." The Board of County Commissioners of
64 Lake County shall appoint each member of the board. ~~Five of The~~
65 members must each reside in a separate geographic area identical
66 to a county commission district, ~~to be elected by the electors~~
67 ~~of the county at large~~; no two such members shall reside in the
68 same county commission district. Members shall serve for a term
69 of 4 years; however, for the purpose of providing staggered
70 terms, the initial appointment of three ~~Two of the members will~~
71 ~~be elected by the electors of the county at large without regard~~
72 ~~to their residence. The members of the board shall be elected by~~
73 ~~the electors of Lake County in partisan elections. Each member~~
74 shall be ~~elected~~ for a term of 4 years and two members shall be
75 for a term of 2 years. ~~, except that A person may not be~~

76 | appointed ~~elected~~ to more than two consecutive 4-year terms. At
 77 | the first meeting in December of each year ~~or, during a year in~~
 78 | ~~which there is a general election, at a meeting held no later~~
 79 | ~~than 30 days after the general election if the meeting and the~~
 80 | ~~election of officers have been advertised properly,~~ the board
 81 | shall select one of their number as chair and one as vice chair
 82 | of the board. The Clerk of the Circuit Court of Lake County
 83 | shall act as secretary and treasurer of the board without any
 84 | additional compensation. In the event the provision pertaining
 85 | to the duties of the clerk of the circuit court is for any
 86 | reason held to be invalid, the board may select one of its
 87 | members to serve as its secretary and treasurer, or it may
 88 | appoint a nonmember of the board as its secretary and treasurer,
 89 | and such nonmember shall receive compensation commensurate with
 90 | the responsibilities as determined by the board. The board may
 91 | ~~shall~~ select a nonmember to serve as executive director of the
 92 | board authority, and such nonmember shall receive compensation
 93 | commensurate with the responsibilities as determined by the
 94 | board. The board shall require a surety bond of any person,
 95 | including the clerk of the circuit court, who shall act as
 96 | secretary and treasurer of the board. The amount of the surety
 97 | bond will be determined by the board. This bond shall be in
 98 | addition to any bond furnished by such person as clerk of the
 99 | circuit court or as a member of the board. The premium of the
 100 | bond shall be paid by the board as a necessary expense of

101 operation.

102 Section 8. Expenses.—Each member of the board and its
103 engineers, auditors, attorneys, agents, and employees shall be
104 paid their actual expenses incurred when engaged on business of
105 the district authority, but such expenses shall not be paid
106 unless payment has been authorized and approved. The board may
107 authorize and approve the payment of any expense, or it may
108 delegate to the executive director the power to authorize such
109 payment as long as, at the time it makes the delegation, it
110 approves parameters, including, but not limited to, parameters
111 on the amount that may be expended, within which the executive
112 director may exercise that power. A separate delegation must be
113 made with respect to any expenditure or class of expenditures.

114 Section 9. Powers of district authority.—

115 (a) The board has all the powers of a body corporate,
116 including, but not limited to, the power to sue and be sued; to
117 make contracts; to adopt and use a common seal and to alter the
118 same as deemed expedient; to buy, acquire, sell, own, use,
119 control, operate, improve, and lease all land and personal
120 property as the board deems necessary or proper in carrying out
121 the provisions of this act; to appoint and employ, and dismiss
122 at pleasure, such engineers, auditors, attorneys, and other
123 employees and agents as the board may require, and to fix and
124 pay the compensation thereof; to establish an office for the
125 transaction of its business in Lake County and to pay all

126 necessary costs and expenses directly required for ~~incident to~~
 127 the administration and operation thereof; and to pay only those
 128 ~~all other~~ costs and expenses directly required to carry
 129 ~~reasonably necessary or expedient in carrying out and~~ accomplish
 130 ~~accomplishing~~ the express purposes of this act.

131 (b) The district authority may acquire by purchase, gift,
 132 lease, or in any other manner other than condemnation or eminent
 133 domain such lands within the territorial extent of the district
 134 ~~authority~~ as are reasonably necessary for constructing and
 135 maintaining the works and making the improvements required to
 136 carry out the intent of this act, including the right to acquire
 137 such lands and any interest therein reasonably necessary for any
 138 such purpose which may already be devoted to public use for
 139 county, municipal, district, railroad, or public utility
 140 purposes where and to the extent that the same may cross,
 141 intersect, or be situate upon or within the area of such land
 142 hereinbefore referred to. The district authority shall also have
 143 the right to acquire by purchase, gift, lease, or in any other
 144 manner other than condemnation or eminent domain land, timber,
 145 earth, rock, and other materials or property, and property
 146 rights, including riparian rights, in such amounts as are
 147 reasonably necessary or useful in the development of the works
 148 or improvements before referred to. The board may sell or
 149 otherwise reasonably dispose of property deemed by the district
 150 ~~authority~~ as no longer useful to its purpose or works.

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

173 (d) The district ~~authority~~ shall control all streams,
174 including slow-moving streams, flowing from any of the water
175 reservoirs in Lake County, whether natural or constructed, into

HB 1105

2022

176 the system of lakes and streams in or adjacent to Lake County
177 for the protection of the natural water reservoirs and the
178 adjacent and neighboring areas.

179 (g) The board may enter into any agreement or contract
180 with the Federal Government or the state, or any agency,
181 political subdivision, or instrumentality of either; and
182 counties adjoining Lake County; and municipalities and taxing
183 districts in Lake County and in counties adjoining Lake County
184 for the ~~purpose of carrying out, or which in the reasonable~~
185 ~~judgment of the board may assist it in carrying out, the~~
186 purposes of this act.

187 (h) The board may recommend, by resolution to the Board of
188 County Commissioners of Lake County or the governing body of a
189 municipality in the county, the acquisition of private property
190 using the power of eminent domain. Such recommendation shall
191 specify the purpose under this act for which such acquisition is
192 necessary. Within 90 days after receipt of such a
193 recommendation, the county or municipality shall formally
194 respond to such recommendation with its approval, disapproval,
195 or a proposed modification. The district ~~authority~~ and the
196 county or municipality shall cooperate in the public interest.
197 If the county or the municipality ultimately proceeds with the
198 district's ~~authority's~~ recommended acquisition, the
199 implementation of the purpose of this act for which the district
200 ~~authority~~ made the recommendation may be addressed through an

201 interlocal agreement between the district ~~authority~~ and the
 202 county or municipality.

203 (i) The board may promote the district's ~~authority's~~
 204 purpose and works through board resolutions, press releases,
 205 electronic communications, and attendance at public events
 206 sponsored by other entities, but otherwise may not expend public
 207 funds to promote recreation and tourism in the county,
 208 including, but not limited to, hosting events, advertising, or
 209 marketing.

210 ~~(j)(1)a. For purposes of this subsection, an "active park"~~
 211 ~~means a park developed for the purpose of public recreation with~~
 212 ~~man-made improvements, including, but not limited to, buildings~~
 213 ~~for meetings and events; athletic fields; tennis, racquetball,~~
 214 ~~and volleyball courts; swimming pools; recreational boat docks,~~
 215 ~~boat houses, and related facilities; and similar capital~~
 216 ~~facilities.~~

217 ~~b. For purposes of this subsection, a "passive park" means~~
 218 ~~a park developed for the purpose of allowing public observation~~
 219 ~~of natural conditions and environmentally sensitive areas or~~
 220 ~~providing public access to streams, lakes, and canals for~~
 221 ~~waterborne activities, using limited man-made improvements,~~
 222 ~~including, but not limited to, nature trails, equestrian trails,~~
 223 ~~elevated boardwalks, boat ramps, and kayak and canoe launching~~
 224 ~~pads.~~

225 ~~(2) The authority may not develop, own, maintain, or~~

226 ~~operate active parks, with the exception of Hickory Point Park,~~
227 ~~but may develop, own, maintain, and operate passive parks on~~
228 ~~property owned by the authority for the purpose of this act,~~
229 ~~provided that such passive parks are not in conflict with the~~
230 ~~public purpose for which the authority acquired the property.~~
231 ~~Nothing in this act shall prohibit the continued use of the Disc~~
232 ~~Golf Course at Hidden Waters Preserve. The board may sell or~~
233 ~~donate land for parks to Lake County or a municipality in the~~
234 ~~county pursuant to an interlocal agreement.~~

235 Section 10. Receipt or use of property.—Lake County and
236 all municipalities, districts, political bodies, and political
237 subdivisions of the state in Lake County are severally
238 authorized to grant, convey, or transfer to, and permit the use
239 of by, the district authority upon such terms and conditions as
240 are agreeable to the governing bodies thereof real and personal
241 property belonging to them which is necessary or useful to the
242 district authority in carrying out the purposes of this act.

243 Section 11. District authority funds; warrants.—All
244 district authority funds shall be deposited in a bank or banks
245 or federal or state savings and loan association to be
246 designated by the board, but before any district authority
247 moneys are deposited in such depository or depositories,
248 security shall be furnished to the district authority ample to
249 protect such deposits to the full extent and amount that such
250 deposits are not otherwise protected or insured by the Federal

251 Deposit Insurance Corporation or the Federal Savings and Loan
252 Insurance Corporation. Funds of the district ~~authority~~ shall be
253 paid out only upon warrant signed by the treasurer of the
254 district ~~authority~~ and countersigned by the chair or vice chair.
255 No warrants shall be drawn or issued disbursing any of the funds
256 of the district ~~authority~~ except for a purpose authorized by
257 this act and only when the account or expenditure for which the
258 same is to be given in payment has been audited and approved by
259 the board.

260 Section 12. Budget; millage levied; procedure.—The board
261 shall determine, annually on or before October 1, by resolution
262 the amount of money that will be required to carry out the
263 purposes of this act for the next ensuing fiscal year (which
264 fiscal year shall be the same as that of Lake County) and the
265 millage, which shall not exceed one-half of one mill, that will
266 be required to be levied to produce the amount of money set
267 forth in the resolution; however, the determination of the
268 amount of money to be raised and the millage to be levied may be
269 delayed until the board receives the necessary information. The
270 district ~~authority~~ shall allocate no more than 3.5 percent of
271 its annual ad valorem budget for educational programs to educate
272 and teach the public about water issues. Immediately upon the
273 adoption of the resolution a certified copy thereof shall be
274 furnished to the Board of County Commissioners of Lake County,
275 and the Board of County Commissioners of Lake County shall

276 consider and approve, modify, or reject the proposed budget and
 277 millage adopted by the board. If the proposed budget and millage
 278 adopted by the board is modified or rejected, the Board of
 279 County Commissioners of Lake County shall determine the budget
 280 and millage, for the year named in the certified copy of the
 281 resolution. The Board of County Commissioners of Lake County
 282 shall approve the final budget and millage for the district and
 283 shall, levy, assess, collect, and enforce taxes upon all taxable
 284 real and personal property within the district authority. The
 285 procedure to be followed to accomplish the purpose of this
 286 section shall be as follows:

287 (a) Assessment of property shall be as provided by general
 288 law.

289 (b) The board shall by resolution determine the total
 290 amount to be raised by taxation in such year upon the taxable
 291 property within the district authority and shall, in and by such
 292 resolution, fix and determine the millage on each dollar
 293 valuation of property on the assessment rolls, which, when
 294 levied, will raise the amount so determined as the total amount
 295 to be raised by taxation in that year, and in and by such
 296 resolution the board shall request ~~direct~~ the Board of County
 297 Commissioners to approve, modify, or reject ~~levy, assess, and~~
 298 ~~fix~~ such millage ~~as the rate of taxation upon all the taxable~~
 299 ~~real and personal property within the authority~~.

300 (c) A certified copy of such tax resolution executed in

301 the name of the district authority by its chair or vice chair
 302 and attested by its secretary, under its corporate seal, shall
 303 immediately be delivered to the Board of County Commissioners of
 304 Lake County.

305 (d) It shall be the duty of the Board of County
 306 Commissioners, each year: to approve, modify, or reject the
 307 annual budget and millage proposed by the board and, if modified
 308 or rejected, to determine the budget and millage for the
 309 district; to approve the final budget and millage for the
 310 district; to levy, assess, and fix the millage and the rate of
 311 taxation upon all the taxable real and personal property within
 312 the district authority as set forth in the final budget and
 313 millage approved by the Board of County Commissioners ~~certified~~
 314 ~~copy of the resolution of the board;~~ to certify the millage to
 315 the Department of Revenue of the State of Florida; and to order
 316 the property appraiser of the county to levy and assess, and the
 317 county tax collector to collect, a tax at the millage fixed by
 318 the Board of County Commissioners upon all of the taxable real
 319 and personal property within the district authority for the
 320 year, and the levies and assessments shall be included in the
 321 tax roll and warrant of the property appraiser of the county for
 322 each fiscal year thereafter. The tax collector of the county
 323 shall collect such taxes so levied by the board of county
 324 commissioners for the district authority in lawful money of the
 325 United States of America in the same manner and at the same time

326 as county taxes are collected and shall pay and remit the same
 327 upon collection to the board.

328 (e) The Property Appraiser, Tax Collector, and Board of
 329 County Commissioners of Lake County and the Department of
 330 Revenue shall, when requested by the board, prepare from their
 331 official records and deliver to the board any and all
 332 information that may be requested from time to time from them
 333 regarding the tax valuations, levies, assessments, or
 334 collections in such county.

335 Section 13. Collection of taxes; enforcement.—All taxes
 336 levied and assessed by the Board of County Commissioners of Lake
 337 County for the district authority ~~(beginning with the year 1953)~~
 338 shall be collected and the enforcement thereof shall be at the
 339 same time and in the same manner as other county taxes are
 340 collected and enforced and when so collected shall be paid over
 341 to the board for its use pursuant to this act.

342 Section 14. Borrowing of funds; bond issuance.—

343 (b) The board may issue bonds payable solely from revenues
 344 of the district authority. The value of all such bonds
 345 outstanding at any time may not exceed an amount equal to one-
 346 third of the district's authority's ~~authority's~~ anticipated revenues for the
 347 period for which the bonds are outstanding. Revenue bonds may
 348 not be issued unless their issuance has been approved by a
 349 majority of those electors of the district authority voting in a
 350 referendum in which the ballot statement describes in detail the

351 purpose for which the bonds will be issued.

352 Section 15. Financial statement.—At least once in each
353 year the board shall publish on the district's ~~authority's~~
354 website and in a newspaper of general circulation published in
355 Lake County a complete detailed statement of its financial
356 condition, including a list of all moneys received and disbursed
357 by the board during the preceding year.

358 Section 16. Construction.—It is the intention of the
359 Legislature that the provisions of this act be ~~reasonably~~
360 construed to accomplish its purposes.

361 Section 17. Plan; annual report.—

362 (a) The district ~~authority~~ shall prepare and publish on
363 the district's ~~authority's~~ website a plan that describes the
364 district's ~~authority's~~ goals for the ensuing 5 years. The plan
365 must include projects that will be undertaken within that period
366 in furtherance of its goals. The district ~~authority~~ shall update
367 the plan periodically.

368 (b) The district ~~authority~~ shall annually prepare and
369 publish on the district's ~~authority's~~ website a report that
370 includes an evaluation and assessment of the effectiveness of
371 the district's ~~authority's~~ activities in the preceding year. The
372 report must address both ongoing activities of the district
373 ~~authority~~ and the progress in meeting goals and projects
374 enumerated in the 5-year plan. The report shall be submitted to
375 the Legislature, the St. Johns River Water Management District,

HB 1105

2022

376 and the Lake County Board of County Commissioners.

377 Section 18. Charter amendment.—The district's charter may
378 be amended only by the Legislature or the Board of County
379 Commissioners of Lake County.

380 Section 2. No later than 30 days after the date this act
381 becomes law, the Board of County Commissioners of Lake County
382 shall appoint five members to the board of advisors of the
383 district, three members to serve initial terms of 4 years and
384 two members to serve initial terms of 2 years in order to
385 achieve staggered terms for the board. Board members appointed
386 subsequent to these initial terms shall serve full terms of 4
387 years as provided in the charter. The members serving on the
388 board of advisors of the district on the effective date of this
389 act shall continue in office until members are appointed
390 pursuant to this section.

391 Section 3. Upon becoming law, chapter 2005-314, Laws of
392 Florida, as amended by chapter 2017-218, Laws of Florida, and
393 this act, shall become a separate chapter of the Lake County
394 Codification and shall be subject to revision, amendment, or
395 repeal by the Board of County Commissioners of Lake County.

396 Section 4. This act shall take effect upon becoming a law.