

## House Bill No. 987

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

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

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

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and 2003-376, Laws of Florida, relating to the Lake County Water Authority, are codified, amended, reenacted, and repealed as provided in this act.

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

Section 1. Purpose.—For the purposes of controlling and conserving the freshwater resources of Lake County; fostering and improving the tourist business in the county by improvements to streams, lakes, and canals in the county; providing recreational facilities for tourists and citizens and taxpayers of the county by a more efficient use of the 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 by conserving fresh water to improve the streams, lakes, and canals in the county, there is created and incorporated a 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 Authority,” but shall hereafter in this act, for convenience, be referred to as “the authority.”

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

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

Section 4. Governing board; elections; surety.—A governing body for the authority is created, consisting of seven members who are residents of Lake County, which body shall be known and designated as the “Board of Trustees of the Lake County Water Authority,” but which shall be referred to as “the board.” Five of the members must each reside in a geographic area identical to a county commission district, to be elected by the electors of the county at large. Two of the members will be elected by the electors of the county at large without regard to their residence. On the second Tuesday following the general election in 2000, the term of office of each person serving on the board immediately before that date expires, and the members of the board shall be elected by the electors of Lake County in nonpartisan elections conducted by the supervisor of elections pursuant to section 189.405, Florida Statutes, in accordance with the Florida Election Code, chapters 97 through 106, Florida Statutes, beginning with the general election in 2000, for terms of 4 years beginning on the second Tuesday following the general election. For purposes of staggering terms, the members elected in 2000 from odd-numbered areas and the at-large member receiving the higher number of votes shall be elected to 4-year terms and the members elected from even-numbered areas and the at-large member receiving the lower number of votes shall be elected to 2-year terms. Thereafter, each member shall be elected for a term of 4 years, except that a person may not be elected to more than two consecutive 4-year terms. At the first meeting in December of each year or, during a year in which there is a general election, at a meeting held no later than 30 days after the general election if the meeting and the election of officers have been advertised properly, the board shall select one of their number as chair and one as vice chair of the board. The Clerk of the Circuit Court of Lake County shall act as secretary and treasurer of the board without any additional compensation. In the event the provision pertaining to the duties of the clerk of the circuit court is for any reason held to be invalid, the board may select one of its members to serve as its secretary and treasurer, or it may appoint a nonmember of the board as its secretary and treasurer, and such nonmember shall receive compensation commensurate with the responsibilities as determined by the board. The board shall select a nonmember to serve as executive director of the authority, and such nonmember shall receive compensation commensurate with the responsibilities as determined by the board. The board shall require a surety bond of any person, including the clerk of the circuit court, who shall act as secretary and treasurer of the board. The amount of the surety bond will be determined by the board. This bond shall be in addition to any bond furnished by such person as clerk of the circuit court or as a member of the board. The premium of the bond shall be paid by the board as a necessary expense of operation.

Section 5. Surety bond.—Each member of the board, before assuming his or her duties, shall give a good and sufficient surety bond in the sum of

\$2,500 payable to the Governor of the State of Florida and his or her successors in office, conditioned upon the faithful performance of his or her duties as a member of the board. Such bond must be approved by and filed with the Chief Financial Officer of the State of Florida, and the premium or premiums for such bond shall be paid by the board as a necessary expense.

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

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

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

Section 9. Powers of board.—

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

(b) The authority may acquire by purchase, gift, lease, condemnation, eminent domain, or any other manner such lands within the territorial extent of the authority as are reasonably necessary for constructing and maintaining the works and making the improvements required to carry out the intent of this act, including, without limitation, the right to acquire by condemnation or eminent domain such lands and any interest therein reasonably necessary for any such purpose which may already be devoted to public use for county, municipal, district, railroad, or public utility purposes where and to the extent that the same may cross, intersect, or be situate upon or within the area of such land hereinbefore referred to. The authority

shall also have the right to acquire by purchase, gift, lease, condemnation, or eminent domain, or in any other manner, land, timber, earth, rock, and other materials or property, and property rights, including riparian rights, in such amounts as are reasonably necessary or useful in the development of the works or improvements before referred to. Condemnation or eminent domain proceedings shall be maintained by and in the name of the authority, and the procedure shall be, except insofar as is altered hereby, that prescribed for use by counties in Florida.

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

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

(e) The board may take possession of and control, use, operate, and maintain all streams, lakes, canals, dams, locks, levees, dikes, sluiceways, reservoirs, holding basins, floodways, pumping stations, buildings, bridges, highways, navigation, and conservation works, and other works and facilities within the territorial limits of the authority to the extent only that such possession, control, and use have been deemed by the board, in its sole discretion, to be useful and necessary in carrying out the purposes of this

act. Such possession, control, and use are subject to the rights of persons, firms, and corporations and the rights of Lake County and municipalities, districts, and political bodies in Lake County (which rights may be acquired by the authority by condemnation or eminent domain as provided for by this act).

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

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

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

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

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

Section 12. Budget; millage levied; procedure.—The board shall determine, annually on or before October 1, by resolution the amount of money

that will be required to carry out the purposes of this act for the next ensuing fiscal year (which fiscal year shall be the same as that of Lake County) and the millage, which shall not exceed one-half of one mill, that will be required to be levied to produce the amount of money set forth in the resolution; however, the determination of the amount of money to be raised and the millage to be levied may be delayed until the board receives the necessary information. The authority shall allocate no more than 3.5 percent of its annual ad valorem budget for educational programs to educate and teach the public about water issues. Immediately upon the adoption of the resolution a certified copy thereof shall be furnished to the Board of County Commissioners of Lake County, and the Board of County Commissioners of Lake County shall, for the year named in the certified copy of the resolution, levy, assess, collect, and enforce taxes upon all taxable real and personal property within the authority. The procedure to be followed to accomplish the purpose of this section shall be as follows:

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

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

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

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

(e) The Property Appraiser, Tax Collector, and Board of County Commissioners of Lake County and the Department of Revenue shall, when requested by the board, prepare from their official records and deliver to the

board any and all information that may be requested from time to time from them regarding the tax valuations, levies, assessments, or collections in such county.

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

Section 14. Borrowing of funds; bond issuance.—

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

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

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

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

Section 17. Plan; annual report.—

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

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

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

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

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

Section 4. Governing board; elections; surety.—A governing body for the authority is created, consisting of seven members who are residents of Lake County, which body shall be known and designated as the “Board of Trustees of the Lake County Water Authority,” but which shall be referred to as “the board.” Five of the members must each reside in a geographic area identical to a county commission district, to be elected by the electors of the county at large. Two of the members will be elected by the electors of the county at large without regard to their residence. On the second Tuesday following the general election in 2000, the term of office of each person serving on the board immediately before that date expires, and the members of the board shall be elected by the electors of Lake County in partisan ~~nonpartisan~~ elections conducted by the supervisor of elections pursuant to section 189.405, Florida Statutes, in accordance with the Florida Election Code, chapters 97 through 106, Florida Statutes, beginning with the general election in 2000, for terms of 4 years beginning on the second Tuesday following the general election. For purposes of staggering terms, the members elected in 2000 from odd-numbered areas and the at-large member receiving the higher number of votes shall be elected to 4-year terms and the members elected from even-numbered areas and the at-large member receiving the lower number of votes shall be elected to 2-year terms. Thereafter, each member shall be elected for a term of 4 years, except that a person may not be elected to more than two consecutive 4-year terms. At the first meeting in December of each year or, during a year in which there is a general election, at a meeting held no later than 30 days after the general election if the meeting and the election of officers have been advertised properly, the board shall select one of their number as chair and one as vice chair of the board. The Clerk of the Circuit Court of Lake County shall act as secretary and treasurer of the board without any additional compensation. In the event the provision pertaining to the duties of the clerk of the circuit court is for any reason held to be invalid, the board may select one of its members to serve as its secretary and treasurer, or it may appoint a nonmember of the board as its secretary and treasurer, and such nonmember shall receive compensation commensurate with the responsibilities as determined by the board. The board shall select a nonmember to serve as executive director of the authority, and such nonmember shall receive compensation commensurate with the responsibilities as determined by the board. The board shall require a surety bond of any person, including the clerk of the circuit court, who shall act as secretary and treasurer of the board. The amount of the surety bond will be determined by the board. This bond shall be in addition to any bond furnished by such person as clerk of the circuit court or as a member of the board. The premium of the bond shall be paid by the board as a necessary expense of operation.

Section 6. The provisions of section 5 shall take effect only upon express approval by a majority vote of those qualified electors of the Lake County Water Authority district voting in a referendum to be called by the Lake County Supervisor of Elections and to be held in conjunction with the next



general election, in accordance with the provisions of law currently in force in the district. The question to be placed on the ballot shall be in substantially the following form:

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

Yes

No

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

Approved by the Governor June 8, 2005.

Filed in Office Secretary of State June 8, 2005.