

CHAPTER 2022-245

House Bill No. 1105

An act relating to the Lake County Water District, Lake County; amending ch. 2005-314, Laws of Florida, as amended; providing an exception to general law; revising the purpose of the district; providing that the district is a dependent special taxing district; providing for the appointment of members to the board of advisors; deleting provisions relating to the development, ownership, maintenance, or operation of certain parks by the Lake County Water Authority and authorizing the board of advisors to sell or donate land for parks to certain entities under certain circumstances; requiring the Board of County Commissioners of Lake County to consider and approve, modify, or reject the annual budget and millage proposed by the board of advisors and approve the district's final budget and millage; requiring district revenues to be used only for specified purposes; providing for initial appointments to the board of advisors and staggered terms; revising construction; providing that all special acts comprising the charter of the district are ordinances of Lake County and may be revised, amended, or repealed by the board of county commissioners; providing an effective date.

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 of Lake County.

Section 3. County purpose.—Each of the purposes for which the district 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 district authority are by this act authorized to be levied, assessed, and collected.

Section 4. Governing board; elections; surety.—A governing body for the district authority is created, consisting of five ~~seven~~ members who are residents of Lake County, which body shall be known and designated as the “Board of Advisors Trustees of the Lake County Water District Authority,” but which shall be referred to as “the board.” The Board of County Commissioners of Lake County shall appoint each member of the board. ~~Five of~~ The members must each reside in a separate geographic area identical to a county commission district, ~~to be elected by the electors of the county at large;~~ no two such members shall reside in the same county commission district. Members shall serve for a term of 4 years; however, for the purpose of providing staggered terms, the initial appointment of three ~~Two of~~ the members will be elected by the electors of the county at large without regard to their residence. ~~The members of the board shall be elected by the electors of Lake County in partisan elections. Each member shall be elected for a term of 4 years and two members shall be for a term of 2 years., except that~~ A person may not be appointed ~~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 may ~~shall~~ select a nonmember to serve as executive director of the board 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 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 district 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 district authority.—

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

(b) The district authority may acquire by purchase, gift, lease, or in any other manner other than condemnation or eminent domain such lands within the territorial extent of the district 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 the right to acquire 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 district authority shall also have the right to acquire by purchase, gift, lease, or in any other manner other than condemnation or eminent domain 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. The board may sell or otherwise reasonably dispose of property deemed by the district authority as no longer useful to its purpose or works.

(c) 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 district 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 district 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 in any other manner other than condemnation or eminent domain, 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

district authority. The provisions of this section are subject to all laws and regulations of the United States of America with respect to navigable waters.

(d) The district 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 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 reasonable judgment of the board may assist it in carrying out, the purposes of this act.

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

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

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

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

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

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 district 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 district authority in carrying out the purposes of this act.

Section 11. District authority funds; warrants.—All district 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 district authority moneys are deposited in such depository or depositories, security shall be furnished to the district 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 district authority shall be paid out only upon warrant signed by the treasurer of the district authority and countersigned by the chair or vice chair. No warrants shall be drawn or issued disbursing any of the funds of the district 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 district 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 consider and approve, modify, or reject the proposed budget and millage adopted by the board. If the proposed budget and millage adopted by the board is modified or rejected, the Board of County Commissioners of Lake County shall determine the budget and millage,

for the year named in the certified copy of the resolution. The Board of County Commissioners of Lake County shall approve the final budget and millage for the district and shall, levy, assess, collect, and enforce taxes upon all taxable real and personal property within the district 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 district 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 request ~~direct~~ the Board of County Commissioners to approve, modify, or reject 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 district 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 approve, modify, or reject the annual budget and millage proposed by the board and, if modified or rejected, to determine the budget and millage for the district; to approve the final budget and millage for the district; to levy, assess, and fix the millage and the rate of taxation upon all the taxable real and personal property within the district authority as set forth in the final budget and millage approved by the Board of County Commissioners ~~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 district 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 district 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 district 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.—

(b) The board may issue bonds payable solely from revenues of the district authority. The value of all such bonds outstanding at any time may not exceed an amount equal to one-third of the district's 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 district 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 on the district's authority's website and in a newspaper of general circulation 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 ~~reasonably~~ construed to accomplish its purposes.

Section 17. Plan; annual report.—

(a) The district authority shall prepare and publish on the district's authority's website a plan that describes the district's 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 district authority shall update the plan periodically.

(b) The district authority shall annually prepare and publish on the district's authority's website a report that includes an evaluation and assessment of the effectiveness of the district's authority's activities in the preceding year. The report must address both ongoing activities of the district 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 or the Board of County Commissioners of Lake County.

Section 2. No later than 30 days after the date this act becomes law, the Board of County Commissioners of Lake County shall appoint five members to the board of advisors of the district, three members to serve initial terms

of 4 years and two members to serve initial terms of 2 years in order to achieve staggered terms for the board. Board members appointed subsequent to these initial terms shall serve full terms of 4 years as provided in the charter. The members serving on the board of advisors of the district on the effective date of this act shall continue in office until members are appointed pursuant to this section.

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

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

Approved by the Governor June 24, 2022.

Filed in Office Secretary of State June 24, 2022.