

LAKE COUNTY WATER AUTHORITY

ENABLING LEGISLATION

CHAPTER 2005-314 AS AMMENDED BY CHAPTER 2017-218, LAWS OF FLORIDA

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, 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 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. 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, 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 and 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 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, or in any other manner other than condemnation or eminent domain 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 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 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 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 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 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 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 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.

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

(f) The board 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.

(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 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 authority and the county or municipality shall cooperate in the public interest. If the county or the municipality ultimately proceeds with the authority's recommended acquisition, the implementation of the purpose of this act for which the authority made the recommendation may be addressed through an interlocal agreement between the authority and the county or municipality.

(i) The board may promote the 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 manmade 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 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 therefore bearing interest as fixed by the board; however, the board shall not borrow any sum of money or give its promissory note therefore 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 on the 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 authority shall prepare and publish on the authority's website 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 annually prepare and publish on the authority's website a report that 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.

Approved by the Governor June 6, 2017.

Filed in Office Secretary of State June 6, 2017.