

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: HB 883 Lake Co. Water Authority District
SPONSOR(S): Representative Gibson
TIED BILLS: None. **IDEN./SIM. BILLS:** None.

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Local Affairs</u>	<u>9 Y, 0 N</u>	<u>Morris</u>	<u>Cutchins</u>
2) <u>Local Government & Veterans' Affairs</u>	<u></u>	<u></u>	<u></u>
3) <u></u>	<u></u>	<u></u>	<u></u>
4) <u></u>	<u></u>	<u></u>	<u></u>
5) <u></u>	<u></u>	<u></u>	<u></u>

SUMMARY ANALYSIS

This bill is a codification of the Lake County Water Authority, which oversees the freshwater resources of Lake County.

This bill changes the board member elections process from nonpartisan to a partisan election, which will identify party affiliation of the LCCWA election candidates.

The bill changes the deadline for the authority to determine its budget each fiscal year from July 15, to October 1. This will align the authority's budget process with Lake County's fiscal year, which begins October 1, of each year.

This bill contains language that appears to relieve the authority of preparing an annual budget which would be a violation of s. 189.403(d), F.S.

According to the economic impact statement, this bill does not have a fiscal impact on state or local governments.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

STORAGE NAME: h0883a.lgv.doc
DATE: March 17, 2004

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. DOES THE BILL:

- | | | | |
|--------------------------------------|------------------------------|-----------------------------|---|
| 1. Reduce government? | Yes ☐ | No ☐ | N/A ☒ |
| 2. Lower taxes? | Yes ☐ | No ☐ | N/A ☒ |
| 3. Expand individual freedom? | Yes ☐ | No ☐ | N/A ☒ |
| 4. Increase personal responsibility? | Yes ☐ | No ☐ | N/A ☒ |
| 5. Empower families? | Yes ☐ | No ☐ | N/A ☒ |

For any principle that received a "no" above, please explain:

B. EFFECT OF PROPOSED CHANGES:

This bill is a codification of the Lake County Water Authority, which oversees the freshwater resources of Lake County.

Currently, the LCCWA board members are elected through nonpartisan elections. This bill changes the board member elections process from nonpartisan to a partisan election, which will identify party affiliation of the LCCWA election candidates.

The bill changes the deadline for the authority to determine its budget each fiscal year from July 15, to October 1. This will align the authority's budget process with Lake County's fiscal year, which begins October 1, of each year.

Some sections of this codification change the word 'shall' and replace it with 'may' in relation to some of the LCWA's powers. For example, s. 9(c) of the codification states that the authority may take, exclusively occupy, use, and possess any areas of land owned by the state within its jurisdiction. The current language in the charter states that the authority shall have the right to take, occupy, use, and possess any areas of land owned by the state within its jurisdiction. In this particular section, there is no substantive difference in the changing of terms. However, the change from 'may' to 'shall' was also used in s. 13 of the codification relating to the authority's budget procedure. Section 13 of the codification states that the board may annually determine by resolution the amount of money that will be required to carry out the purposes of the authority. This language appears to relieve the authority of preparing an annual budget which would be a violation of s. 189.403(d), F.S.

C. SECTION DIRECTORY:

Section 1 refers to the requirement of codification pursuant to s. 189.429, F.S., for the LCWA.

Section 2 codifies, reenacts, amends, and repeals chapter 29222, Laws of Florida, 1953, and chs. 57-1484, 59-1466, 63-1507, 65-1787, 69-1209, 2000-492, and 2003-376, L.O.F., to be read as provided in section 3 of this bill.

Section 3 provides the codification of the LCWA;

Section 1 defines the purpose of the LCWA.

Section 2 sets the territorial limits of the LCWA.

Section 3 authorizes the LCWA to levy, assess, and collect taxes for county purposes.

Section 4 creates the governing board consisting of seven members, five of which are elected through single member districts and two are elected countywide. This section changes the elections process from nonpartisan to a partisan election.

Section 5 requires board members to give a surety bond of \$2,500 payable to the Governor and approved by the Chief Financial Officer.

Section 6 constitutes four members of the board as a quorum for the transaction of business and a majority of all members present is necessary to authorize any action by the board.

Section 7 authorizes compensation for each board member for \$25 per day when performing his or her duties.

Section 8 codifies the LCWA's policies on the reimbursement of expenses incurred when engaged on business of the authority for members of the board, its engineers, auditors, attorneys, agents, and employees.

Section 9 gives the LCWA board 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; to buy; acquire land by condemnation or eminent domain, sell, own, use, control, operate, improve, and lease all land and personal property and the board's discretion.

This section also codifies the LCWA's authority to acquire any such lands within the territorial extent of the authority that are reasonably necessary for constructing and maintaining the works and purpose of the LCWA.

This section also codifies the LCWA's authority to take, exclusively occupy, use, and possess any areas of land owned by the state within the territorial jurisdiction of the authority, not in use for state purposes, to carry out the provisions of this act.

The board may also enlarge, change, modify, take possession of, control, 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.

The board 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.

The board may grant licenses or permits for the construction and excavation of canals and ditches connecting with navigable waters. The board may also adopt and administer rules governing the construction and excavation of canals and ditches with authority to prohibit any construction deemed detrimental to the best interests of the public or purpose of the authority.

The board may enter into any agreement or contract with the federal or state government, 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 the LCWA's mission.

Section 10 authorizes Lake County and all municipalities, districts, political bodies, and political subdivisions the ability to grant, convey, or transfer to, and permit the use of real and personal property belonging to them which is necessary to the authority in carrying out its mission.

Section 11 requires all authority funds to be deposited in a bank or federal or state savings and loan association.

Section 12 is an outdated section that authorizes the board to enter agreements with the Internal Improvement Trust Fund Board of Trustees.

Section 13 allows the board to determine annually on or before October 1, the amount of money that will be required to carry out the purposes of this act for the next ensuing fiscal year. The date has been changed from July 15 in order to coincide with Lake County's fiscal year and budget process.

By resolution, the board must determine the amount to be raised by taxation upon the taxable property. Also, the board shall fix and determine the millage on each dollar valuation of property on the assessment rolls and 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.

The board must deliver to the board of County Commissioner of Lake County a certified copy of such tax resolution executed in the name of the authority by its chair or vice chair.

This section also requires certain public officials of Lake County to provide information that may be requested regarding tax valuations, levies, assessment or collections in the county.

Section 14 provides processes for the collection of taxes.

Section 15 authorizes the board to borrow funds, with certain restrictions, and issue bonds solely from the revenue of the authority.

Section 16 requires the board to publish its financial condition in a local newspaper at least once a year.

Section 17 exempts all real and personal property owned, leased, controlled, or used by the authority from all county, municipal, taxing district, and other ad valorem taxes and special assessments.

Section 18 is the construction clause to take the provisions in the charter liberally to accomplish its purposes.

Section 19 requires the authority to prepare a plan describing its goals for the ensuing five years.

Section 20 states that the district's charter may only be amended by the legislature.

Section 4 repeals ch. 29222, L.O.F., 1953, and chs. 57-1484, 59-1466, 63-1507, 65-1787, 69-1209, 2000-492, and 2003-376, L.O.F.

Section 5 provides that this act shall take effect upon becoming a law.

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes ☒ No ☐

IF YES, WHEN?

September 27, 2003

WHERE?

The Daily Commercial in Leesburg, Lake County, Florida.

B. REFERENDUM(S) REQUIRED? Yes ☐ No ☒

IF YES, WHEN?

C. LOCAL BILL CERTIFICATION FILED? Yes, attached ☒ No ☐

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached ☒ No ☐

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Section 12 of the codification is an outdated section that authorizes the board to enter agreements with the Internal Improvement Trust Fund Board of Trustees. Section 13 of the codification states that the board may annually determine by resolution the amount of money that will be required to carry out the purposes of the authority. This language appears to relieve the authority of preparing an annual budget which would be a violation of s. 189.403(d), F.S. However, this language is an unintentional error in the bill and a technical amendment has been proposed to update and correct the language in both sections.

The title and section 4 of the bill refer to LCWA's special acts as being found in Florida Statutes. All of the special acts that are referred to in the bill derive from the Laws of Florida. A technical amendment has been proposed to correct this error.

IV. AMENDMENT/COMMITTEE SUBSTITUTE CHANGES

The Subcommittee on Local Affairs favorably recommended two amendments.

- Amendment 1 is a technical amendment striking section 12 of the codification relating to an agreement with the Internal Improvement Trust Fund Board of Trustees. This amendment removes the outdated section from the bill. This amendment also changes the word '*may*' to '*shall*' in relation to the authority's obligation to determine an annual budget. It was identified as an unintentional error in the bill.
- Amendment 2 is a technical amendment replacing references to *Florida Statutes* to read as *Laws of Florida*.