

## HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

**BILL #:** HB 1105 Lake County Water District, Lake County

**SPONSOR(S):** Truenow

**TIED BILLS:** **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local Administration & Veterans Affairs Subcommittee	15 Y, 1 N	Darden	Miller
2) Ways & Means Committee	12 Y, 3 N	Davis	Aldridge
3) State Affairs Committee			

### SUMMARY ANALYSIS

The Lake County Water Authority (Authority) was created by the Legislature in 1953 to conserve freshwater resources in Lake County, foster tourism business in the county, provide recreational facilities, improve fish and aquatic wildlife, and protect freshwater resources from damage from stormwater runoff.

The bill renames the Authority to the "Lake County Water District" (District) and declares that the District is a dependent special district of Lake County. The bill replaces the current governing board with a new five-member board appointed by the Lake County Board of County Commissioners. Board members are appointed to four-year terms, but two of the initial appointees shall serve two-year terms to provide for staggered terms.

The bill revises the powers of the District to clarify that the board may only pay necessary costs and expenses and enter into agreements with local, state, or federal governments for purposes directly related to carrying out the provisions of the charter. The bill removes the board's authority to operate passive parks.

The bill directs the board of the District to draft a proposed budget for the District and to determine the millage rate necessary to fund the budget, but requires the final budget and millage rate to be approved by the Lake County Board of County Commissioners, subject to their amendment.

The bill provides that no later than 30 days after its effective date, the Lake County Board of County Commissioners must appoint initial members of the District's board.

The bill provides that upon becoming a law, ch. 2005-314, Laws of Fla., as amended by ch. 2017-218, Laws of Fla. and the bill, shall become a separate chapter of the Lake County Codification and shall be subject to revision, amendment, or repeal by the Lake County Board of County Commissioners. Future amendments to the district's charter may be made by the Legislature or the Lake County Board of County Commissioners.

# FULL ANALYSIS

## I. SUBSTANTIVE ANALYSIS

### A. EFFECT OF PROPOSED CHANGES:

#### Background

##### Lake County Water Authority

The Lake County Water Authority (Authority) was created by the Legislature in 1953.<sup>1</sup> The Authority was created to:

- Control and conserve the freshwater resources of Lake County;
- Foster improvements to the streams, lakes, and canals;
- Improve the fish and aquatic wildlife in the County with improvements to the streams, lakes, and canals; and
- Protect the freshwater resources through assisting local governments in treatment of stormwater runoff.<sup>2</sup>

The Authority is governed by a seven-member Board of Trustees (Board) elected by residents of Lake County. Two members of the Board are elected at-large, while the remaining members are elected from each county commission district. The members of the Board are elected in nonpartisan elections to four-year terms. The Board selects a Chair and a Vice Chair from among its members. The Clerk of the Circuit Court for Lake County serves as the secretary and treasurer of the Board. The Board is responsible selecting a non-member to serve as Executive Director for the Authority.<sup>3</sup>

Members of the Board receive \$25 per day as compensation when performing Authority duties.<sup>4</sup> Members of the Board and employees of the Authority are entitled to reimbursement for expenses incurred in the discharge of their duties. The Board may choose to approve expenses directly, or may delegate the task to the Executive Director of the Authority, subject to parameters set by the Board.<sup>5</sup>

The powers of the Board include:

- Conducting business on behalf of the Authority;<sup>6</sup>
- Acquiring real property and use rights by purchase, gift, lease, or other methods reasonably necessary;<sup>7</sup>
- Making improvements to streams, lakes, and canals within the county;<sup>8</sup>
- Controlling all streams flowing into water reservoirs within the county or adjacent to the county;<sup>9</sup>
- Removing 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;<sup>10</sup>
- Entering into contracts with the local, state, or federal governments for the purposes of carrying out the provisions of the charter;<sup>11</sup>
- Recommending to the Lake County Board of County Commissioners, by resolution, to acquire private property by eminent domain;<sup>12</sup> and

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<sup>1</sup> Lake County Water Authority, *General Information*, <http://www.lcwa.org/budget/> (last visited Mar. 8, 2017). See also ch. 53-29222, Laws of Fla.

<sup>2</sup> Ch. 2005-314, s. (3)(1), Laws of Fla., as amended by ch. 2017-218, s. 1, Laws of Fla.

<sup>3</sup> Ch. 2005-314, s. 3(4), Laws of Fla. The charter of the Authority was codified by ch. 2005-314, Laws of Fla.

<sup>4</sup> Ch. 2005-314, s. 3(7), Laws of Fla.

<sup>5</sup> Ch. 2005-314, s. 3(8), Laws of Fla.

<sup>6</sup> Ch. 2005-314, s. 3(9)(a), Laws of Fla.

<sup>7</sup> Ch. 2005-314, s. 3(9)(b), Laws of Fla., as amended by ch. 2017-218, s. 1, Laws of Fla.

<sup>8</sup> Ch. 2005-314, s. 3(9)(d), Laws of Fla.

<sup>9</sup> Ch. 2005-314, s. 3(9)(f), Laws of Fla.

<sup>10</sup> Ch. 2017-218, s. 1, Laws of Fla., creating s. (9)(e) of the Lake County Water Authority Charter, as codified by ch. 2005-314, s. 3, Laws of Fla.

<sup>11</sup> Ch. 2005-314, s. 3(9)(h), Laws of Fla.

<sup>12</sup> Ch. 2017-218, s. 1, Laws of Fla., creating s. (9)(h) of the Lake County Water Authority Charter, as codified by ch. 2005-314, s. 3, Laws of Fla.

- Operating “passive parks” 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.<sup>13</sup>

The Board is required to publish a detailed financial statement at least once a year on the Authority’s website and in a newspaper published in Lake County. The statement must include a list of all moneys received and disbursed during the preceding year.<sup>14</sup>

The Authority must prepare annual updates on the Authority’s five-year plan, listing projects it plans to undertake. The Authority is required to update the plan periodically and to publish an annual report evaluating and assessing the effectiveness of the five-year plan. The Authority must submit the annual report to the Legislature, the St. Johns River Water Management District, and the Lake County Board of County Commissioners.<sup>15</sup>

### **Effect of Proposed Changes**

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#### **B. SECTION DIRECTORY:**

- Section 1: Amends ch. 2005-314, Laws of Fla., as amended, to make the Lake County Water Authority a dependent special district of Lake County and making conforming changes.
- Section 2: Requires the Lake County Board of County Commissioners to appoint initial members of the District’s new governing board within 30 days of the bill becoming a law.
- Section 3: Provides that upon becoming a law, ch. 2005-314, Laws of Fla., as amended by ch. 2017-218, Laws of Fla., and this bill, will be become a separate chapter of the Lake County Codification and subject to revision, amendment, or repeal by the Lake County Board of County Commissioners.

<sup>13</sup> Ch. 2017-218, s. 1, Laws of Fla., creating s. (9)(j) of the Lake County Water Authority Charter, as codified by ch. 2005-314, s. 3, Laws of Fla. The Authority is prohibited from operating “active parks” (parks developed for the purpose of public recreation with man-made improvements), with the exception of Hickory Point Park.

<sup>14</sup> Ch. 2005-314, s. 3(15), Laws of Fla., as amended by ch. 2017-218, s. 1, Laws of Fla.

<sup>15</sup> Ch. 2005-314, s. 3(17), Laws of Fla., as amended by ch. 2017-218, s. 1, Laws of Fla.

Section 4: Provides that the bill shall take effect upon becoming a law.

## II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes  No

IF YES, WHEN? September 2, 2021.

WHERE? The *North Lake Outpost*, a weekly newspaper of general circulation published in Lake County, Florida.

B. REFERENDUM(S) REQUIRED? Yes  No

IF YES, WHEN?

C. LOCAL BILL CERTIFICATION FILED? Yes  No

D. ECONOMIC IMPACT STATEMENT FILED? Yes  No

## III. COMMENTS

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

The bill does not provide rulemaking authority or require executive branch rulemaking.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

## IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

None.