

HOUSE OF REPRESENTATIVES STAFF FINAL BILL ANALYSIS

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

SPONSOR(S): Truenow

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

FINAL HOUSE FLOOR ACTION: 77 Y's 38 N's **GOVERNOR'S ACTION:** Approved

SUMMARY ANALYSIS

HB 1105 passed the House on February 24, 2022, and subsequently passed the Senate on March 10, 2022.

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 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 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, becomes a separate chapter of the Lake County Codification and is 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.

The bill was approved by the Governor on June 24, 2022, ch. 2022-245, L.O.F., and became effective on that date.

I. SUBSTANTIVE INFORMATION

A. EFFECT OF CHANGES:

Background

The Lake County Water Authority (Authority) was created by the Legislature in 1953.¹ 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.²

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 for selecting a non-member to serve as Executive Director for the Authority.³

Members of the Board receive \$25 per day as compensation when performing Authority duties.⁴ 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 approve expenses directly or delegate the task to the Executive Director of the Authority, subject to parameters set by the Board.⁵

The powers of the Board include:

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

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

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

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

⁴ Ch. 2005-314, s. 3(7), Laws of Fla.

⁵ Ch. 2005-314, s. 3(8), Laws of Fla.

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

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

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

⁹ Ch. 2005-314, s. 3(9)(f), Laws of Fla.

¹⁰ 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.

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

¹² 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.¹³

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.¹⁴

The Authority must prepare annual updates on its 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.¹⁵

Effect of the Bill

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II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

¹³ 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.

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

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

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. ECONOMIC IMPACT STATEMENT FILED? Yes No

D. 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.

E. REFERENDUM(S) REQUIRED? Yes No

IF YES, WHEN?