

**HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS**

**BILL #:** HB 431

Peace Creek Drainage District, Polk County

**SPONSOR(S):** Wood

**TIED BILLS:**

**IDEN./SIM. BILLS:**

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	<b>REFERENCE</b>	<b>ACTION</b>	<b>ANALYST</b>	<b>STAFF DIRECTOR</b>
1)	<u>Military &amp; Local Affairs Policy Committee</u>	<u>14 Y, 0 N</u>	<u>Fudge</u>	<u>Hoagland</u>
2)	<u>Agriculture &amp; Natural Resources Policy Committee</u>	<u></u>	<u></u>	<u></u>
3)	<u>Natural Resources Appropriations Committee</u>	<u></u>	<u></u>	<u></u>
4)	<u>Economic Development &amp; Community Affairs Policy Council</u>	<u></u>	<u></u>	<u></u>
5)	<u></u>	<u></u>	<u></u>	<u></u>

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**SUMMARY ANALYSIS**

This bill dissolves the Peace Creek Drainage District (PCDD) and transfers all assets and indebtedness of the district, if any, to the Southwest Florida Water Management District effective July 1, 2010.

The bill is effective upon becoming law.

## HOUSE PRINCIPLES

Members are encouraged to evaluate proposed legislation in light of the following guiding principles of the House of Representatives

- Balance the state budget.
- Create a legal and regulatory environment that fosters economic growth and job creation.
- Lower the tax burden on families and businesses.
- Reverse or restrain the growth of government.
- Promote public safety.
- Promote educational accountability, excellence, and choice.
- Foster respect for the family and for innocent human life.
- Protect Florida's natural beauty.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

The Peace Creek Drainage District (PCDD), located in Polk County, was established pursuant to ch. 6458, L.O.F., in 1913, which provides the statutory framework for creating drainage districts. On April 6, 1915, the Board of Supervisors of the District levied and assessed a tax amounting to 22.24848 percent of the benefits assessed to or against each tract or parcel within the District declared to be benefitted by the District. At that time a referendum was not required for the assessment. Also in 1915, the Legislature legalized and validated the assessment of lands in the District. The jurisdiction of the PCDD covers approximately 45,000 total acres that are used primarily for agricultural purposes, and includes the Peace Creek Drainage Canal (Canal). The 34-mile long Canal was constructed by the PCDD around 1915 for the purpose of draining land for agricultural use. Construction of the Canal was funded by assessments levied against property owners in the district. The PCDD has not levied any assessment or tax in decades or performed any Canal maintenance. The PCDD is governed by a three-member board elected by the landowners within the district. The owner of each one acre, or less, is entitled to one vote per acre. The board meets on an annual basis or at the call of the chair. The District currently possesses the powers of a drainage district under ch. 298, F.S.

The PCDD states that there are no outstanding financial liabilities other than legal, accounting and secretary/treasurer billing for which it has not received a recent statement.

Section 189.4042(2), F.S., states that "for any independent district that has ad valorem taxation powers, the same procedure required to grant such independent district taxation powers shall also be required to dissolve or merge the district." As stated above, the Legislature passed a special act to "legalize and validate the assessment of lands in the Peace Creek Drainage District, in Polk County, Florida, for drainage purposes . . . ." Chapter 7090, Laws of Florida. Consequently, this local bill is the appropriate method to abolish the district.

The bill abolishes the Peace Creek Drainage District (PCDD) on July 1, 2010.

#### B. SECTION DIRECTORY:

Section 1: Abolishes the Peace Creek Drainage District and transfers all assets and indebtedness, if any, to the Southwest Florida Water Management District.

Section 2: Repeals chapter laws affecting the district.

Section 3: Provides an effective date of upon becoming law.

## II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes  No

IF YES, WHEN? October 31, 2009.

WHERE? In the *News Chief*, published in Polk 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:

The Southwest Florida Water Management District passed a resolution on August 25, 2009, supporting this bill. The District anticipates that expenditures for fiscal year 2011 will be \$250,000 and represent maintenance activities to improve the conveyance of the canal including sediment removal and regular aquatic vegetation removal. The anticipated fiscal year 2012 expenditures of \$200,000, includes funds for the operation and maintenance of the canal.

## IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES