

**STORAGE NAME:** h3829.ca

**DATE:** March 16, 1998

**HOUSE OF REPRESENTATIVES  
COMMITTEE ON  
COMMUNITY AFFAIRS  
BILL RESEARCH & ECONOMIC IMPACT STATEMENT - LOCAL LEGISLATION**

**BILL #:** HB 3829

**RELATING TO:** Zellwood Drainage and Water Control District, Orange County

**SPONSOR(S):** Representative Sindler and others

**COMPANION BILL(S):** None

**ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:**

- (1) COMMUNITY AFFAIRS
- (2) FINANCE & TAXATION
- (3)
- (4)
- (5)

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I. SUMMARY:

The bill dissolves the Zellwood Drainage and Water Control District in Orange County. The dissolution is contingent upon the purchase of *all* the property within the District's boundaries by the St. Johns River Water Management District on or before September 30, 1998. If all the property is not purchased, the Zellwood Drainage and Water Control District is not dissolved.

The bill also provides for the development and implementation of a plan to allocate all the District's assets and liabilities upon sale to St. Johns River Water Management District.

II. SUBSTANTIVE RESEARCH:

A. PRESENT SITUATION:

Zellwood Drainage and Water Control District was created in 1941 by chapter 20715, Laws of Florida. The Zellwood Drainage and Water Control District is listed in the **1997 Official List of Special Districts** as an independent special district. There is nothing in the District's charter which indicates the type of designation. The District is a public corporation and a political subdivision of the State. The District's purpose is the draining, reclaiming, improving, and making fit property within the District. The District also controls water levels within the District and provides irrigation facilities for agricultural and sanitary purposes. The governing board of the District is a Board of Supervisors composed of five members serving three year terms. The Board has numerous powers including the ability to levy assessments, employ workers, construct works and improvements, and issue bonds.

Section 189.4042(2), Florida Statutes, provides that a merger or dissolution of an independent special district created by special act of the Legislature may only be effectuated by the Legislature unless otherwise provided by general law.

B. EFFECT OF PROPOSED CHANGES:

The bill dissolves the Zellwood Drainage and Water Control District in Orange County. The dissolution is contingent upon the purchase of *all* the property within the District's boundaries by the St. Johns River Water Management District on or before September 30, 1998. If all the property is not purchased, the Zellwood Drainage and Water Control District is not dissolved.

The bill also provides for the development and implementation of a plan to allocate all the District's assets and liabilities.

C. LAWS OF FLORIDA/FLORIDA STATUTES AFFECTED:

Chapters 41-20715 and 47-24323, Laws of Florida

D. APPLICATION OF PRINCIPLES:

1. Less Government:

a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

The bill eliminates a special district's authority to make rules relating to water control and drainage if the bill's contingency is met.

- (2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

If the contingency in the bill is satisfied, the St. Johns River Water Management District will now perform those services performed by the District. Please see comment section.

- (3) any entitlement to a government service or benefit?

There is no elimination of services. Rather, the bill provides for a new provider of the services.

- b. If an agency or program is eliminated or reduced:

- (1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

The responsibilities of providing services to the District residents are transferred to St. Johns River Water Management District if the bills' contingency is met.

- (2) what is the cost of such responsibility at the new level/agency?

N/A

- (3) how is the new agency accountable to the people governed?

N/A

2. Lower Taxes:

- a. Does the bill increase anyone's taxes?

No.

- b. Does the bill require or authorize an increase in any fees?

No.

- c. Does the bill reduce total taxes, both rates and revenues?

N/A

- d. Does the bill reduce total fees, both rates and revenues?

N/A

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- e. Does the bill authorize any fee or tax increase by any local government?

N/A

3. Personal Responsibility:

- a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

N/A

- b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

N/A

4. Individual Freedom:

- a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

N/A

- b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

N/A

5. Family Empowerment:

a. If the bill purports to provide services to families or children:

(1) Who evaluates the family's needs?

N/A

(2) Who makes the decisions?

N/A

(3) Are private alternatives permitted?

N/A

(4) Are families required to participate in a program?

N/A

(5) Are families penalized for not participating in a program?

N/A

b. Does the bill directly affect the legal rights and obligations between family members?

N/A

c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

(1) parents and guardians?

N/A

(2) service providers?

N/A

(3) government employees/agencies?

N/A

E. SECTION-BY-SECTION RESEARCH:

Section 1: Repeals chapters 41-20715, and 47-24323, Laws of Florida, and dissolves the Zellwood Drainage and Water Control District; and provides that the repeal and dissolution are contingent on the purchase of *all* the property within the District by the St. Johns River Water Management District on or before September 30, 1998.

Section 2: Provides for development and implementation of a plan to allocate all of the District's assets and liabilities by the District and St. Johns River Water Management District.

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

III. NOTICE/REFERENDUM AND OTHER REQUIREMENTS:

A. NOTICE PUBLISHED? Yes  No

IF YES, WHEN? January 27, 1998

WHERE? Orlando, Florida; The Orlando Sentinel

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

IV. COMMENTS:

In 1941, due to wartime circumstances, farmers within the Zellwood Drainage and Water Control District were allowed to siphon water out of Lake Apopka and to farm where the lake formerly was. Over time, the remaining part of Lake Apopka became polluted. St. Johns River Water Management District is in the process of purchasing all the property within the District's boundaires. St. Johns wants to purchase the land in the District in order to restore the lake to its prior size and make it environmentally sound. Over the next four years, approximately 10,000 acres will be flooded by St. Johns River Water Management District.

The advantage of selling the District to the St. Johns River Water Management District is that it will now be in charge of implementing the Lake Apopka Restoration Plan. A disadvantage of the sale is that five employees of the District will be released. Additionally, upon purchase by St. Johns, the 10,000 acres will be exempt from ad valorem taxes.

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V. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

N/A

VI. SIGNATURES:

COMMITTEE ON COMMUNITY AFFAIRS:

Prepared by:

Legislative Research Director:

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Joan Highsmith-Smith