

**STORAGE NAME:** h3967b.ca

**DATE:** March 30, 1998

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

**BILL #:** HB 3967

**RELATING TO:** Central County Water Control District in Hendry County

**SPONSOR(S):** Representative Spratt

**COMPANION BILL(S):**

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

- (1) COMMUNITY AFFAIRS YEAS 7 NAYS 0
  - (2)
  - (3)
  - (4)
  - (5)
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**I. SUMMARY:**

House Bill 3967 provides definitions and requirements for the election of supervisors for the Central County Water Control District in Hendry County.

The bill provides for :1) definitions for “qualified electors” and “governing board members”; 2) the composition of the board; 3) the terms of office; 4) requirements related to landowners meetings and; 5) the qualifications of electors.

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II. SUBSTANTIVE RESEARCH:

A. PRESENT SITUATION:

The Central County Drainage District, an independent special district, was created in chapter 70-702, Laws of Florida, for the purpose of water and drainage control via means of construction and maintenance of water control infrastructure. The special act provides that the drainage district may levy a millage rate to raise revenue to support the water control functions of the special district. The Board of Supervisors for the district are elected, pursuant to chapter 298, relating to drainage and water control.

Chapter 298, Florida Statutes, provides that there shall be three supervisors elected for water control districts that are landowners within the district and residents of the county in which the district is located. The supervisors are elected by landowners, who are granted one vote per acre of land owned by them within the district. The supervisors currently serve three-year staggered terms.

The Central County Drainage District was re-named the Central County Water Control District in chapter 79-470, Laws of Florida.

Chapter 90-413, Laws of Florida, provides that the district may construct, acquire by donation or purchase recreational facilities and areas, including related facilities, and construct, operate, and maintain such recreational facilities for the benefit of district residents.

Chapter 94-481, Laws of Florida, provides that proxy voting was eliminated in the election of the Board of Supervisors for the Central County Water Control District.

Chapter 96-531, Laws of Florida, provides for an increase in the number of members serving on the district's board of supervisors.

B. EFFECT OF PROPOSED CHANGES:

House Bill 3967 provides definitions and requirements for the election of supervisors for the Central County Water Control District in Hendry County.

The bill provides for :1) definitions for "qualified electors" and "governing board members"; 2) the composition of the board; 3) the terms of office; 4) requirements related to landowners meetings; and 5) the qualifications of electors.

C. LAWS OF FLORIDA/FLORIDA STATUTES AFFECTED:

Chapter 70-702, 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?

N/A

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

N/A

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

N/A

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?

N/A

(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?

N/A

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

N/A

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

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:** Adds section 9 to chapter 70-702, Laws of Florida.

Paragraph (1) of subsection 9 defines terms used in the section. A "qualified elector" means any person at least 18 years of age who is a citizen of the United States, a permanent resident of Florida, and a resident of the district who registers with the supervisor of elections of Hendry County. A "governing board member" means any duly elected member of the Board of Supervisors of Central County Water Control District elected pursuant to the section, provided that any board member elected by popular vote shall be a district elector and any board member elected on a one-acre/one vote basis shall meet the requirements of section 298.11, Florida Statutes.

Paragraph (2) provides for: the composition of the board; the terms of office; landowners meetings; and qualifications of electors.

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The bills provides for five members of the governing board, two of whom are elected by the qualified electors residing in the district and three of whom are elected at the annual meeting pursuant to section 298.11, Florida Statutes. Governing board members elected by qualified electors have 4 year staggered terms, while members elected pursuant to chapter 298, Florida Statutes, shall have 3 year staggered terms. The bill also provides for filling a vacant seat.

The annual landowners meeting is held pursuant to section 298.11, Florida Statutes, in October of each year commencing October 1999. At least one governing board member is elected at each annual meeting. The governing board members are elected by a majority of the acreage owners present and voting at the aforementioned meeting.

The non-partisan elections for governing board members are held and pursuant to Florida Election Code. If the expiration time for the term of an elected governing board member is beyond the normal expiration time for the term, the member holds office until the election of a successor. No proxy voting is permitted and the election of members at the annual meeting that is held pursuant to chapter 298, Florida Statutes. Those voting for members elected pursuant to chapter 298, Florida Statutes, must have paid the taxes on the property for which they receive a vote and provide evidence of that payment.

**Section 2:** Provides for the postponement of the 1998 election of supervisors. In the event that section 1 of this act becomes law after the referendum required by section 3, there is no election of supervisors at the 1998 annual meeting of the district. The new governing board members for the two terms expiring in 1998 are elected by the qualified electors at the November 1998 general election. All terms for members of the governing board are extended until their successors are elected.

**Section 3:** Provides that this act is subject to a referendum at the district's meeting in April, 1998. Sections 2 and 3 of this act shall take effect upon becoming law.

III. NOTICE/REFERENDUM AND OTHER REQUIREMENTS:

A. NOTICE PUBLISHED? Yes  No

IF YES, WHEN? 12/24/97

WHERE? The Clewiston News (Hendry County)

B. REFERENDUM(S) REQUIRED? Yes  No

IF YES, WHEN? April, 1998

C. LOCAL BILL CERTIFICATION FILED? Yes, attached  No

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached  No

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IV. COMMENTS:

The Local Bill Certification is not signed by the chairman of the legislative delegation. The bill was approved by the local legislative delegation on January 27, 1998.

V. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

The sponsor has requested an amendment which postpones the 1998 annual meeting of the Central County Water Control District. The meeting will be re-scheduled by the Board of Supervisors. In addition, the sponsor has requested an amendment which provides that the referendum is held in June, 1998 rather than in April, 1998.

The amendments were adopted unanimously by the House Committee on Community Affairs on March 30, 1998.

VI. SIGNATURES:

COMMITTEE ON COMMUNITY AFFAIRS:

Prepared by:

Legislative Research Director:

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Lisa C. Cervenka

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Joan Highsmith-Smith