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DATE: February 26, 1997

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

BILL #: HB 515

RELATING TO: Pelican Lake Water Control District, Palm Beach County

SPONSOR(S): Representative Greene

COMPANION BILL(S): None.

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

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

I. SUMMARY:

This bill requires the elected Board of Supervisors of the Pelican Lake Water Control District to consist of three citizens of the United States who are resident freeholders of Florida.

The bill deletes land from the Pelican Lake Water Control District and annexes the deleted land to the Pahokee Water Control District.

The attached Economic Impact Statement indicates there will be no economic impact.

II. SUBSTANTIVE ANALYSIS:

A. PRESENT SITUATION:

The Pelican Lake Water Control District (District) is an independent water control district created by special act in 1925, chapter 11087, Laws of Florida. Its board of supervisors is elected at a meeting of the owners of the lands situated in the District. The three persons receiving the greatest number of votes are the elected Supervisors. The voters determine the terms of office of each Supervisor, which are respectively, one, two and three years.

Currently, the Pahokee Water Control District supplies water control services to certain lands located in the Pelican Lake Water Control District, under the same conditions it supplies water control services to lands in its own district. The Board of Supervisors of the Pelican Lake Water Control District pays the Pahokee Water Control District an amount equal to the annual maintenance taxes which would be levied upon the lands if they were in the Pahokee Water Control District to provide the lands with water control services.

B. EFFECT OF PROPOSED CHANGES:

The pool of persons qualified to serve on the Board of Supervisors of the Pelican Lake Water Control District might be slightly reduced. To qualify as a candidate for the Board of Supervisors, a person would have to be a citizen of the United States and a resident freeholder of Florida.

The land in the Pelican Lake Water Control District for which the Pahokee Water Control District currently provides water control, and for which the Pelican Lake Water Control District pays the Pahokee Water Control District, would be annexed to the Pahokee Water Control District. The Pelican Lake Water Control District would no longer have an obligation to ensure water control services are provided to the annexed property, or to pay the Pahokee Water Control District for provision of water control services.

C. LAWS OF FLORIDA/FLORIDA STATUTES AFFECTED:

Chapter 11087, Laws of Florida, 1925, as amended
Chapter 26739, Laws of Florida, 1951, as amended
Chapter 28417, Laws of Florida, 1953, as amended
Chapter 77-625, Laws of Florida, as amended

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?

No.

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

No.

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

No.

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?

Pelican Lake Water Control District's official responsibility for supplying water control to the deannexed land are passed on to the Pahokee Water Control District. However, the Pahokee Water Control District has been carrying out those duties since 1953.

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

There will be no additional cost to the Pahokee Water Control District. Pelican Lake Water Control District currently pays Pahokee Water Control District the amount of the annual maintenance taxes which would be levied upon the lands if they were in Pahokee Water Control District. Upon passage of the bill, Pahokee will directly levy the annual maintenance taxes.

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

Not Applicable.

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?

No.

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

No.

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

No.

3. Personal Responsibility:

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

No.

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

Yes. The Pahokee Water Control District has the authority to impose a maintenance tax on the beneficiaries in return for water control services.

4. Individual Freedom:

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

No.

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

No.

5. Family Empowerment:

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

Not applicable.

(1) Who evaluates the family's needs?

(2) Who makes the decisions?

(3) Are private alternatives permitted?

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

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

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

Not Applicable.

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?

Not Applicable.

(2) service providers?

Not Applicable.

(3) government employees/agencies?

Not Applicable.

E. SECTION-BY-SECTION ANALYSIS:

Section 1. Section 4 of chapter 77-625, Laws of Florida, as amended, is amended to require the Board of Supervisors of the Pelican Lake Water Control District to be composed of three United States citizens who are resident freeholders of Florida.

Section 2. Chapter 28417, Laws of Florida, as amended, is repealed.

Section 3. Section 1 of chapter 26739, Laws of Florida, 1951, as amended, is amended to deannex 892.65 acres in Palm Beach County, FL.

Section 4. This section annexes 892.65 acres in Palm Beach, County, FL, to the Pahokee Water Control District.

Section 5. A severability clause is provided.

Section 6. Section 6 provides for an effective date upon becoming law.

III. NOTICE/REFERENDUM AND OTHER REQUIREMENTS:

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? January 15, 1997

WHERE? The Palm Beach Post, West Palm Beach, Palm Beach County, FL

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:

Although the local bill certification provided with HB 515 states the purpose of this act cannot be accomplished locally, Section 298.07, F.S., provides a vehicle other than a special act for amending the District's boundaries. However, the District's boundaries were established in chapter 11087, Laws of Florida, 1925, as amended, and have been changed by special act as recently as 1951.

V. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

Section 2, page 1, lines 27 and 28, reads "Chapter 28417, Laws of Florida, 1953, as amended is hereby repealed." However, chapter 28417, Laws of Florida, 1953, has never been amended. Therefore, in the interest of technical accuracy, staff recommend the term "as amended," be stricken. This change should be made in the title as well.

VI. SIGNATURES:

COMMITTEE ON COMMUNITY AFFAIRS:

Prepared by:

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