

STORAGE NAME: h0645.ca

DATE: March 11, 1997

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

BILL #: HB 645

RELATING TO: Pahokee 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) WATER & RESOURCE MANAGEMENT
 - (3) FINANCE & TAXATION
 - (4)
 - (5)
-

I. SUMMARY:

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

The bill expands boundaries of the district to include land from Pelican Lake Water Control District and repeals the provision which authorizes the Pahokee Water Control District to provide water control to Pelican Lake Sub-Drainage District.

The attached Economic Impact Statement indicates there will be negligible economic impact, if there is any impact at all.

II. SUBSTANTIVE ANALYSIS:

A. PRESENT SITUATION:

The Pahokee Water Control District (District) is an independent water control district created by special act in 1923, chapter 10002, Laws of Florida. Its board of supervisors is elected at a meeting of the owners of the lands located within the district. The three persons receiving the greatest number of votes are the elected Supervisors.

Currently, the Pahokee Water Control District supplies the 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 located within 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.

B. EFFECT OF PROPOSED CHANGES:

The pool of persons qualified to serve on the Board of Supervisors of the Pahokee Water Control District might be reduced slightly. Qualified candidates for the Board of Supervisors would have to be both a resident freeholder of Florida and a citizen of the United States.

The land, currently located in the Pelican Lake Water Control District, is served by the Pahokee Water Control District. The Pelican Lake Water Control District pays the Pahokee Water Control District a fee equivalent to the annual maintenance taxes which would be levied upon the lands if they were located within the Pahokee Water Control District. The effect of the proposed change would be that the Pahokee Water Control District would now have an obligation to ensure water control services for the annexed property. The annexed property would be subject to the Pahokee Water Control annual maintenance taxes. The annexed property would no longer be subject to the Pelican Lake Water Control District annual maintenance taxes.

C. LAWS OF FLORIDA/FLORIDA STATUTES AFFECTED:

Chapter 1001, Laws of Florida, 1923, as amended
Chapter 28417, Laws of Florida, 1953.

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?

Pahokee Water Control District will now have the obligation for supplying water control to the annexed land from the Pelican Lake Water Control District. However, the Pahokee Water Control District has been supplying the water control services for this land 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. Pahokee Water Control District is currently paid by the Pelican Lake Water Control District the amount of the annual maintenance taxes which would be levied upon the lands if they were in the Pahokee Water Control District. Upon the 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 service. The beneficiaries were already paying for this service from the Pelican Water Control District who was paying the actual provider, the Pahokee Water Control District.

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:

Not applicable.

(1) parents and guardians?

(2) service providers?

(3) government employees/agencies?

E. SECTION-BY-SECTION ANALYSIS:

Section 1: Section 1 of chapter 10002, Laws of Florida, as amended, is amended to require the Board of Supervisors of the Pahokee Water Control District to be composed of three resident freeholders of Florida who are also United States citizens.

Section 2: Chapter 28417, Laws of Florida, 1953, is repealed.

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Section 3: Section 2 of chapter 10002, Laws of Florida, 1923, as amended, is amended to annex 892.65 acres from the Pelican Control Water District, Palm Beach, Florida into the Pahokee Water Control District, Palm Beach, Florida.

Section 4: Deannexes 892.65 acres in the Pelican Water Control District, Palm Beach, Florida.

Section 5: Provides a severability clause.

Section 6: Provides that this act shall take effect upon becoming a 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, 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

IV. COMMENTS:

Although the local bill certification provided with HB 645 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 10002, Laws of Florida, 1923, as amended, and have been changed by special act as recently as 1953.

V. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

Section 2, page 1, lines 26 and 27, reads "Chapter 28417, Laws of Florida, 1953, as amended, is hereby repealed." However, chapter 28417, Laws of Florida, 1943, 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.

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VI. SIGNATURES:

COMMITTEE ON COMMUNITY AFFAIRS:

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