

**STORAGE NAME:** h1475a.ca

**DATE:** April 14, 1999

**HOUSE OF REPRESENTATIVES  
COMMITTEE ON  
Community Affairs  
ANALYSIS - LOCAL LEGISLATION**

**BILL #:** HB 1475

**RELATING TO:** Lake Worth Drainage District/Palm Beach County

**SPONSOR(S):** Representative Jacobs

**COMPANION BILL(S):** SB 2596 (i)

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

- (1) COMMUNITY AFFAIRS (PRC) YEAS 9 NAYS 0
  - (2) WATER & RESOURCE MANAGEMENT (RLC)
  - (3)
  - (4)
  - (5)
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**I. SUMMARY:**

This bill revises provisions of the Lake Worth Drainage District's charter relating to its governing board. The bill increases the size of the District's governing board from three members to five members. In addition, the members will now be elected from defined subdistricts rather than at large.

The bill also provides that current members of the Board continue in office for the remainder of their terms, and that the additional two members must be qualified electors of two subdistricts that are not represented by a supervisor. The terms of the two additional members are staggered.

The Committee on Community Affairs, at its meeting on April 14, 1999, adopted a strike-everything amendment which substantially changes this bill. The strike-everything amendment converts the elections to five-member subdistricts, but changes the voting requirements and candidate qualifications provisions. *For a detailed explanation, please refer to the AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES section of this analysis.*

II. SUBSTANTIVE ANALYSIS:

A. PRESENT SITUATION:

The Lake Worth Drainage District (District) in Palm Beach County serves its purpose of water control and water supply by providing reclaiming, draining, and irrigation services within its boundaries. The District is comprised of approximately 218 square miles and serves 600,000 of 1,000,000 Palm Beach County residents.

The District is governed by a three member Board of Supervisors (Board). Each supervisor candidate must be a landowner or a president of a corporate landowner. Supervisors are elected by votes of all District voters and hold office for terms of 3 years. Supervisor elections are held on the first Wednesday after the 3rd of October. Supervisors hold office until their successors have been elected and qualified. Vacancies or expirations on the Board are filled by appointment by the remaining supervisors within 60 days of the vacancy. The appointee serves for the balance of the remaining term.

The District currently does not have single-member subdistrict elections. However, its charter does provide for conversion to such districts. In order to convert to single-member subdistricts, a petition signed by at least 10 percent of District electors must be filed with the Board with a request for a referendum. Upon verification that 10 percent of qualified voters have petitioned for single-member districts, a referendum election is held the sooner of within 6 months or at the District's next regularly scheduled election. If the referendum fails, then the Board will continue to being elected as the charter provides. In addition, an additional referendum on this issue may not be held for a minimum of two years.

If the referendum is approved, then the Board is increased to five members who serve terms of four years. The new members will be elected from five single-member subdistricts, whose boundaries are provided for in the charter. In order to vote in a subdistrict, an elector must own property or represent property in that subdistrict, and may only cast votes equal to the acreage owned within the subdistrict. An acre, or fraction thereof, is entitled to one vote per acre or fraction. The candidate receiving the greatest number of votes is the supervisor from that subdistrict. The charter provides for initial terms in order to create staggered elections. Elections are non-partisan and held pursuant to section 99.061, Florida Statutes. Vacancies or expirations on the Board are filled by appointment by the remaining supervisors within 45 days of receipt of a resignation. The appointee serves for the balance of the remaining term.

The District's charter was codified in 1998 by House Bill 4504. The current updated version of its charter can be found in chapter 98-525, Laws of Florida.

B. EFFECT OF PROPOSED CHANGES:

This bill revises provisions of the Lake Worth Drainage District's charter relating to the governing board by:

- increasing the number of supervisors to five;
- removing the requirement of a petition and referendum in order for the Board to be converted to a single-member subdistrict election;
- providing that supervisors of the Board are elected from five single-member subdistricts, with qualified electors casting votes equal to the amount of land within the subdistrict; and
- providing that supervisors serve terms of four years.

In addition, the bill provides that current members of the Board continue in office for the remainder of their terms, and that the additional two members must be qualified electors of two subdistricts that are not represented by a supervisor. The terms of the two additional members are staggered.

C. LAWS OF FLORIDA/FLORIDA STATUTES AFFECTED:

Section 4 of section 2 of chapter 98-525, 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?

No.

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

The bill increases the responsibilities of the two individuals which are elected to serve due to the Board being increased to five members.

The District will save money and work as the District will no longer be required to hold a referendum if a petition for five-member subdistricts is submitted to the Board. However, additional money will be spent by the District for compensation to the new supervisors.

(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?

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 ANALYSIS:

Section 1: Amends section 4 of section 2 of chapter 98-525, Laws of Florida, by converting the District elections for three at-large positions to five single-member subdistricts. The bill also:

- increases the number of supervisors to five;
- changes the election date by removing that the election is held on the first Wednesday after the 3rd of October;
- removes the requirement of a petition and referendum in order for the Board to be converted to a single-member subdistrict election, and removes related provisions;
- provides that supervisors of the Board are elected from five single-member subdistricts, with qualified electors casting votes equal to the amount of land within the subdistrict; and
- provides that supervisors serve terms of four years.

Section 2: Provides that the current members of the Board continue in office for the remainder of their terms; Provides that the additional two members must be qualified electors of two subdistricts that are not represented by a supervisor; Provides that the terms of the two additional members are staggered.

III. NOTICE/REFERENDUM AND OTHER REQUIREMENTS:

A. NOTICE PUBLISHED? Yes  No

IF YES, WHEN? January 31, 1999

WHERE? The Palm Beach Post

B. REFERENDUM(S) REQUIRED? Yes  No

IF YES, WHEN?

C. LOCAL BILL CERTIFICATION FILED? Yes, attached [X] No [ ]

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached [X] No [ ]

IV. COMMENTS:

This bill is due to a concern regarding a possible lack of representation on the Board by electors of the urbanized segment of the District. Due to the one acre = one vote provision, large property owners potentially control who is elected to the Board. By having five-member subdistricts, the urbanized areas of the District are guaranteed to have representation on the Board.

Under the current language of the bill, the District opposes the changes to its governing board.

V. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

The Committee on Community Affairs, at its meeting on April 14, 1999, adopted three amendments. The first amendment is a strike-everything amendment offered by Representative Jacobs which substantially changes this bill. The strike-everything amendment converts the elections to five-member subdistricts, but changes the voting requirements and candidate qualifications provisions.

All electors of the District vote for all seats. However, in order to promote equality among the urbanized and agricultural subdistricts, candidates for the three urbanized subdistricts must not only be landowners within that subdistrict, but must also be residents of that subdistrict. The candidates for the other two subdistricts are only required to be qualified electors (landowners within the district) of the district. In addition, the terms of office for candidates is reduced from four years to three years.

The strike-everything amendment also provides that a vacancy occurs when a supervisor ceases to be qualified for his/her seat. Appointees serve until the next regularly scheduled district election where an election is held to fill the unexpired term of the vacant seat.

Specific terms regarding the two new additional supervisors are provided for in the amendment.

The second and third amendments adopted by the Committee were offered by Representative Morroni and were amendments to the strike-everything amendment. They were subsequently engrossed in the strike-everything amendment. The second amendment inserts language into the notice provision and requires the District to take all steps to insure that there is a reasonable level of publicity regarding the supervisors election.

The third amendment revises the vote necessary to be elected. Under the strike-everything amendment, a candidate need only receive the highest number of votes to be elected. The amendment to the amendment requires a runoff election if no candidate receives a majority of votes. If no candidate wins a majority of the vote, a runoff is held between the two candidates receiving the most votes. The candidate who receives a majority of the votes in the election is elected.

VI. SIGNATURES:

COMMITTEE ON Community Affairs:

Prepared by:

Staff Director:

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Laura L. Jacobs

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Joan Highsmith-Smith