

STORAGE NAME: h1609.ca

DATE: April 6, 1999

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
COMMUNITY AFFAIRS
ANALYSIS - LOCAL LEGISLATION**

BILL #: HB 1609

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

SPONSOR(S): Representative Starks and others

COMPANION BILL(S): None.

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

- (1) COMMUNITY AFFAIRS
 - (2) WATER RESOURCE MANAGEMENT
 - (3) GENERAL GOVERNMENT APPROPRIATIONS
 - (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. Dissolution takes affect 180 days after St. Johns River Water Management District becomes the fee title owner of all the remaining lands within Zellwood Drainage and Water Control District. If all the property is not purchased, the District is not dissolved.

The bill also provides for allocation of the District's assets and liabilities upon dissolution.

II. SUBSTANTIVE ANALYSIS:

A. PRESENT SITUATION:

Zellwood Drainage and Water Control District (Zellwood) was created in 1941 by chapter 20715, Laws of Florida. The Zellwood Drainage and Water Control District is listed in the **1998 Official List of Special Districts** as an independent special district. However, there is nothing in the District's charter which designates it as independent. 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.

Information supplied by the sponsor indicates that contracts for sale of the remaining property within Zellwood have been signed with the identified property owners.

Section 189.4042(2), F. S.

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.

Chapter 98-474, L.O.F.

House bill 3829 passed the House on April 24, 1998, by a vote of 120 Yeas and 0 Nays. The Senate passed HB 3829 on May 1, 1998, by a vote of 40 YEAS and 0 NAYS. The bill became chapter 98-474, Laws of Florida. Chapter 98-474, Laws of Florida provided for the dissolution of Zellwood if all the property within the District's boundaries was purchased by St. Johns Rive Water Management District (St. Johns) on or before September 30, 1998. St. Johns was unable to purchase the property by the designated date. For this reason, this bill was introduced for the 1999 legislative session.

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. Dissolution takes affect 180 days after St. Johns becomes the fee title owner of all remaining lands within Zellwood. If all the property is not purchased, the Zellwood Drainage and Water Control District is not dissolved.

The bill provides for allocation of the District's assets and liabilities upon dissolution of Zellwood. The bill also provides that St. Johns must deposit all moneys received in the Economic Trust Fund in the Executive Office of the Governor for local government redevelopment activities. St. Johns must also transfer all tangible personal property received to the Department of Management Services to be deposited in the Executive Office of the Governor. Distribution of the money and tangible personal property are to be used for the purpose of providing economic and infrastructure development in portions of northwestern Orange County and east central Lake County, which will be adversely affected economically due to the acquisition of lands pursuant to section 373.461, F.S. (Lake Apopka improvement and management).

C. LAWS OF FLORIDA/FLORIDA STATUTES AFFECTED:

Chapter 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?

Not applicable.

(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?

No.

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:

The bill does not purport to provide services to families or children.

- (1) Who evaluates the family's needs?

Not applicable.

- (2) Who makes the decisions?

Not applicable.

- (3) Are private alternatives permitted?

Not applicable.

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

Not applicable.

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

Not applicable.

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

No.

- 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:

The bill does not create or change a program providing services to families or children.

(1) parents and guardians?

Not applicable.

(2) service providers?

Not applicable.

(3) government employees/agencies?

Not applicable.

E. SECTION-BY-SECTION ANALYSIS:

Section 1 -- Defines "St. Johns," "Zellwood," and "remaining lands."

Section 2 -- Repeals chapter 41-20715, and 47-24323, L.O.F., and 47, L.O.F., and dissolves the Zellwood Drainage and Water Control District if St. Johns Water Management District becomes the fee title owner of all remaining lands within Zellwood; provides that dissolution is effective 180 days after such event; provides that St. Johns must notify the Department of Community Affairs, in writing, when it becomes the fee title owner of the remaining lands; provides that St. Johns must also notify the Department of Community Affairs of the dissolution of Zellwood; provides that chapter 41-20715, and 47-24323, and L.O.F., are not repealed if St. Johns is not the fee title owner of all the remaining lands.

Section 3 -- Provides that St. Johns must notify Zellwood, in writing, within 7 days of becoming the fee title owner of the remaining lands; provides that upon notification Zellwood must redevelop and implement a process to allocate the district's assets and liabilities prior to dissolution; provides that in allocating its assets and liabilities, Zellwood must (1) transfer to St. Johns all property that St. Johns has listed as needed for restoration of Lake Apopka, (2) use the remaining assets or proceeds of the sale of the assets to eliminate all reasonably ascertainable liabilities, and (3) transfer all assets or proceeds remaining to St. Johns; provides that St. Johns must deposit all moneys received pursuant to this section in the Economic Trust Fund in the Executive Office of the Governor to be used for local government redevelopment activities; provides that St. Johns must transfer all tangible personal property received pursuant to this section to the Department of Management Services to be deposited in the Executive Office of the Governor; provides that moneys and tangible personal property are to be used for the purpose of providing economic and infrastructure development in portions of northwestern Orange County and east central Lake County, which will be adversely affected economically due to the acquisition of lands pursuant to section 373.461, F.S. (Lake Apopka improvement and management).

Section 4 -- Provides that any interlocal agreement existing between St. Johns and Zellwood is ratified; provides that St. Johns and Zellwood are authorized to modify or rescind such an agreement.

Section 5 -- Provides that this act governs if there is any conflicts with chapter 41-20715, L.O.F., 47-24323, L.O.F., or chapter 298, F.S.; provides that nothing in this act should be construed as altering the provisions of 373.461, F.S.; provides that the act must not be construed as modifying the existing consent order between Zellwood and St. Johns.

Section 6 -- Provides an effective date of upon becoming law.

III. NOTICE/REFERENDUM AND OTHER REQUIREMENTS:

A. NOTICE PUBLISHED? Yes [x] No []

IF YES, WHEN? February 5, 1999

WHERE? The Orlando Sentinel

STORAGE NAME: h1609.ca

DATE: April 6, 1999

PAGE 6

B. REFERENDUM(S) REQUIRED? Yes [] No [x]

IF YES, WHEN?

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

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached [x] 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 boundaries. 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. However, a disadvantage is that upon the purchase by St. Johns, the 10,000 acres will be exempt from ad valorem taxes.

The bill was filed on March 8, 1999, after the local bill filing deadline of March 2, 1999.

V. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

None.

VI. SIGNATURES:

COMMITTEE ON COMMUNITY AFFAIRS:

Prepared by:

Staff Director:

Aimee Diaz

Joan Highsmith-Smith