

STORAGE NAME: h1561a.ft

DATE: April 5, 2000

**HOUSE OF REPRESENTATIVES
AS REVISED BY THE COMMITTEE ON
FINANCE & TAXATION
ANALYSIS - LOCAL LEGISLATION**

BILL #: HB 1561

RELATING TO: South Florida Conservancy District

SPONSOR(S): Representative A. Greene

TIED BILL(S): None

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

- (1) COMMUNITY AFFAIRS (PRC) YEAS 8 NAYS 0
- (2) FINANCE & TAXATION (FRC) YEAS 11 NAYS 0
- (3)
- (4)
- (5)

I. SUMMARY:

This bill codifies and reenacts the South Florida Conservancy District Special Act, to provide for a uniform, comprehensive document.

This bill categorizes the District as an independent special district and provides a description of the boundaries.

This Act addresses procedures relating to the District's board of supervisors, general manager, assessment and collection of certain fees, planning, boundaries, meetings, public records, property rights, taxation on state lands and bond tax exemption.

This bill repeals all previous South Florida Conservancy District Special Acts.

According to the Economic Impact Statement, this bill does not contain a fiscal impact.

Two technical amendments were adopted on March 30, 2000, by the Committee on Community Affairs, and are currently traveling with the bill.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|------------------------------|-----------------------------|---|
| 1. <u>Less Government</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. <u>Lower Taxes</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

B. PRESENT SITUATION:

The South Florida Conservancy District Act was created in 1919, through Ch. 7975, L.O.F. To date, it has been amended 25 times. None of the earlier acts have been expressly repealed in their entirety.

C. EFFECT OF PROPOSED CHANGES:

This Act provides for a uniform, all-inclusive document relating to the South Florida Conservancy District.

This bill expressly classifies the status of the District as an independent special district.

This bill cites Chs. 189, 197, and 298, F.S., as controlling authority. Ch. 189, F.S., provides direction for the definition, creation, and operation of special districts. Ch. 197, F.S., provides rules relating to tax collections, sales, and liens. Ch. 298, F.S., addresses drainage and water control. In lieu of containing specific language relating to board elections, ad valorem taxation, bond issuance, lien of taxes, etc., this bill refers to the above cited statutes to provide direction and authority.

This bill expressly provides that the charter can only be amended through special act by the Florida Legislature.

Codification is the process of bringing up-to-date a special act. Special acts are not codified and, after the Legislature passes the initial enabling act, special acts continuously amend or alter previously enacted special acts. To ascertain the current status of any special act, it is necessary to research all amendments or changes made to the Act since its inception or original passage by the Legislature. Codification of special district charters is important because it allows readers to go to one special act to determine the current charter of a district, instead of two, ten, twenty, or sometimes more special acts.

Codification of special districts' charters was authorized by the 1997 Legislature when it amended Ch. 189, F. S. The 1997 Legislature amended Ch. 189, F. S., to provide for codification of all special districts' charters either by December 1, 2001, or when any act relating to such district is introduced to the Legislature, whichever occurs first. In addition, s. 189.429, F. S., requires that no changes be made to a district's charter as it exists on

October 1, 1997, in the codifying legislation and that all prior Legislative acts relating to the district be repealed.

The 1998 Legislature further amended s. 189.429, F. S., by (i) extending the deadline to codify to December 1, 2004, (ii) allowing for the adoption of the codification schedule provided for in an October 3, 1997, memorandum issued by the Chair of the Committee on Community Affairs, (iii) removing the prohibition of substantive amendments in a district's codification bill, and (iv) removing the requirement that a codified charter must be submitted prior to the introduction of any act relating to the charter or prior to the scheduled deadline.

**SCHEDULE OF SUBMITTALS OF SPECIAL
DISTRICTS' CHARTERS**

Special Districts with 2 special acts (45 districts)	1999 Legislative Session
Special Districts with 3 or 4 special acts (63 districts)	2000 Legislative Session
Special Districts with 5, 6 or 7 special acts (53 districts)	2001 Legislative Session
Special Districts with 8, 9, 10, 11 or 12 special acts (56 districts)	2002 Legislative Session
Special Districts with 13 or more (54 districts)	2003 Legislative Session
Special Fire Control Districts (47 districts)	2004 Legislative Session

Since the enactment of ss. 189.429 and 191.015, F. S., 36 special districts have codified their charters. Following is a list of special districts which have codified pursuant to ss. 189.429 and 191.015, F. S., and the corresponding Laws of Florida:

Alachua County Library District	Ch. 98-502
Anastasia Mosquito Control District	Ch. 99-449
Baker County Hospital District	Ch. 99-431
Carrollwood Recreation District	Ch. 98-475, as amended by Ch. 99-418
Cedar Key Water & Sewer District	Ch. 98-473
Central Broward Water Control District	Ch. 98-501
Charlotte County Airport Authority	Ch. 98-508
Citrus County Hospital Board	Ch. 99-442
Citrus County Mosquito Control District	Ch. 99-432

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County Line Drainage District	Ch. 99-417
East Charlotte Drainage District	Ch. 99-439
Flagler Estates Road & Water District	Ch. 98-529
Florosa Fire Control District	Ch. 99-479
Hillsboro Inlet District	Ch. 99-433
Immokalee Water & Sewer District	Ch. 98-495
Joshua Water Control District	Ch. 99-460
Lake Apopka Natural Gas District	Ch. 99-454
Lake Worth Drainage District	Ch. 98-525, as amended by Ch. 99-422
Lee County Bonita Springs Fire Control District	Ch. 98-464
Lee County Hyacinth Control District	Ch. 98-462
Lee County Mosquito Control District	Ch. 98-461
Loxahatchee Groves Water Control District	Ch. 99-425
North Bay Fire Control District	Ch. 98-470
North Naples Fire District	Ch. 99-450
Ocean City-Wright District	Ch. 99-478
Old Plantation Water Control District	Ch. 99-435
Orange County Library District	Ch. 99-486
Panama City-Bay Co. Airport	Ch. 98-527
Ranger Drainage District	Ch. 99-453
South Broward Drainage District	Ch. 98-524
Tindall Hammock Irrigation District	Ch. 98-523
Twelve Oaks Special District	Ch. 99-452
West Coast Inland Navigation District	Ch. 98-526

In 1998, the Environmental Protection Commission in Hillsborough County unsuccessfully attempted to codify its charter. The District is scheduled to codify in 2002. In 1999, there were two unsuccessful codifications. Mid-Bay Bridge Authority's codification bill passed the

Legislature, but was vetoed by the Governor. The Authority was scheduled to codify its charter in 1999. The South Walton Fire District's codification bill died on the House calendar on April 30, 1999. The District is scheduled to codify its charter in 2004.

According to the Schedule of Submissions of Special District Charters and information relating to charters previously codified, there are 94 special districts that should have been codified during the 1999 Session but which were not. There are 56 special districts that are scheduled for codification during the 2000 Legislative Session.

STATUS STATEMENT LANGUAGE

Section 189.404(5), F. S., provides that after October 1, 1997, the charter of any newly created special district shall contain and, as practical, the charter of a preexisting special district shall be amended to contain, a reference to the status of the special district as dependent or independent. When necessary, the status statement shall be amended to conform with the department's determination or declaratory statement regarding the status of the district.

D. SECTION-BY-SECTION ANALYSIS:

Section 1 -- Provides that legislative intent is to produce a single, complete act relating to the South Florida Conservancy District (District), including reference to authority granted under Chs. 189 and 298, F.S.

Section 2 -- Codifies and repeals the following Laws of Florida: Chs. 7975 (1919), 8899 (1921), 11015 (1925), 12115 and 12116 (1927), 13802 (1929), 16177 (1933), 17258 (1935), 20477 (1941), 23625 (1947), 25434 (1949), 26738 (1951), 28355 and 28648 (1953), 30177 and 30273 (1955), 59-867, 61-1403, 61-1404, 69-706, 71-380, 75-378, 81-463, 85-479, and 90-479.

Section 3 -- Provides for reenactment of the South Florida Conservancy District as follows:

Section 1: Classifies District as an independent water control district; refers to Chs. 189 and 298, F.S. as governing authority; clarifies that the district can only amend charter through special legislative act; provides description of boundaries.

Section 2:

(1) Provides that governing body, board of supervisors, is composed of three Florida residents who are also U.S. citizens; grants powers through this act and Chs. 189 and 298, F.S.; provides for compensation through Ch. 298, F.S. and per diem through general law.

(2) Provides for a general manager.

(3), (4), (5), (6), and (7) Explain that Chs. 298, 189, 197, F.S. and this Act provide rules regarding board and District powers and duties, the assessment and collection of non-ad valorem assessments, fees, or service charges, the District's planning requirements and geographic boundaries, and financial disclosure, meeting notices, reporting, public records procedure, and per diem expenses.

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Section 3: Provides that the board may assess and collect reasonable fees; requires board approval prior to connection or use of works of the district, and grants board power to reject or stop use of the works of the district.

Section 4: Grants district property rights, as needed to satisfy public purposes and powers of the board.

Section 5: Refers to state lands as follows:

(1) Provides that lands held within District by the Trustees of the Internal Improvement Trust Fund are subject to taxes, pursuant to this Act; grants trustees power to pay out money received from land sales.

(2) Provides that lands related to agricultural experiment station are subject to taxes, pursuant to this Act and Trustees are authorized to pay out money received from land sales.

Section 5: Provides that bonds issued and sold by the District are tax exempt.

Section 4 -- Repeals the following Laws of Florida: Chs. 7975 (1919), 8899 (1921), 11015 (1925), 12115 and 12116 (1927), 13802 (1929), 16177 (1933), 17258 (1935), 20477 (1941), 23625 (1947), 25434 (1949), 26738 (1951), 28355 and 28648 (1953), 30177 and 30273 (1955), 59-867, 61-1403, 61-1404, 69-706, 71-380, 75-378, 81-463, 85-479, and 90-479.

Section 5 -- Contains a liberal construction clause.

Section 6 -- Contains a severability clause.

Section 7 -- Provides that where this Act conflicts with other act, this Act prevails.

Section 8 -- Provides for effective date upon becoming a law.

III. NOTICE/REFERENDUM AND OTHER REQUIREMENTS:

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

IF YES, WHEN? September 22, 1990

WHERE? The Clewiston News

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

IF YES, WHEN?

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

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

IV. COMMENTS:

A. CONSTITUTIONAL ISSUES:

N/A

B. RULE-MAKING AUTHORITY:

N/A

C. OTHER COMMENTS:

None

V. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

The Committee on Community Affairs adopted two technical amendments on March 30, 2000. The first amendment corrects a numbering error. The second amendment adds references to a previous special act, in two sections of the bill and the title amendment, which were inadvertently omitted. Both of these amendments are currently traveling with the bill.

VI. SIGNATURES:

COMMITTEE ON COMMUNITY AFFAIRS:

Prepared by:

Cindy M. Brown, J.D.

Staff Director:

Joan Highsmith-Smith

AS REVISED BY THE COMMITTEE ON FINANCE & TAXATION:

Prepared by:

Kama D.S. Monroe

Staff Director:

Alan Johansen