

STORAGE NAME: h1079a.lgva.doc

DATE: February 21, 2002

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
LOCAL GOVERNMENT & VETERANS AFFAIRS
ANALYSIS – LOCAL LEGISLATION**

BILL #: HB 1079

RELATING TO: Everglades Agricultural Area District

SPONSOR(S): Representative Machek

TIED BILL(S): None

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

- (1) LOCAL GOVERNMENT & VETERANS AFFAIRS (SGC) YEAS 9 NAYS 0
- (2) NATURAL RESOURCES & ENVIRONMENTAL PROTECTION (RIC)
- (3) COUNCIL FOR SMARTER GOVERNMENT
- (4)
- (5)

I. SUMMARY:

THIS DOCUMENT IS NOT INTENDED TO BE USED FOR THE PURPOSE OF CONSTRUING STATUTES, OR TO BE CONSTRUED AS AFFECTING, DEFINING, LIMITING, CONTROLLING, SPECIFYING, CLARIFYING, OR MODIFYING ANY LEGISLATION OR STATUTE.

The bill codifies all prior special acts relating to the Everglades Agricultural Area Environmental Protection District into a single act. This bill removes obsolete and duplicative provisions and makes other changes that do not appear to alter the effect of existing law pertaining to the District. The bill does not appear to amend the District's boundaries. The District has five voting members and an ex officio, nonvoting member on the board of supervisors. The board of supervisors hold office for a term of 4 years. Every acre of assessable land within the district represents one share, or vote. The district is not currently authorized to levy ad-valorem taxes.

No fiscal impacts are anticipated according to the Economic Impact Statement (EIS).

On February 21, 2002, the Committee on Local Government & Veterans Affairs considered HB 1079, adopted three amendments, and passed the bill. The amendments, which are traveling with the bill, are explained in this bill analysis. (See section V. "AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:").

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 Everglades Agricultural Area Environmental Protection District (District) was created by chapter 89-423, Laws of Florida. The District was created to conduct scientific research on environmental matters related to air and water and land management practices. The District has five voting members and an ex officio, nonvoting member on the board of supervisors. The board of supervisors hold office for a term of 4 years. Every acre of assessable land within the district represents one share, or vote. The district is not currently authorized to levy ad-valorem taxes.

Codification

Codification is the process of bringing a special act up-to-date. After a special district is created, special acts often amend or alter the special district's charter provisions. To ascertain the current status of a special district's charter, it is necessary to research all amendments or changes made to the charter since its inception or original passage by the Legislature. Codification of special district charters is important because it allows readers to more easily determine the current charter of a district.

Codification of special district charters was authorized by the 1997 Legislature when it amended chapter 189, Florida Statutes, to provide for codification of all special district charters either by December 1, 2001, or when any act relating to such district is introduced to the Legislature, whichever occurs first. Section 189.429, Florida Statutes (1997), also required that no changes be made to a district's charter, as it existed on October 1, 1997. However, the 1998 Legislature amended section 189.429, Florida Statutes, to: (1) extend the codification deadline to December 1, 2004; (2) allow 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; (3) remove the prohibition of substantive amendments in a district's codification bill; and (4) remove 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. Any codified act relating to a special district must provide for the repeal of all prior special acts of the Legislature relating to the district.

Schedule of Submittals of Special Districts' Charters

- | | |
|---|--------------------------|
| Special Districts with less than 2 special acts | 1999 Legislative Session |
| Special Districts with 3 - 4 special acts | 2000 Legislative Session |

Special Districts with 5 - 7 special acts	2001 Legislative Session
Special Districts with 8 - 12 special acts	2002 Legislative Session
Special Districts with more than 12 special acts	2003 Legislative Session
Special Fire Control Districts	2004 Legislative Session

Since the enactment of sections 189.429 and 191.015, Florida Statutes, 110 special districts have codified their charters. A list of those special districts that have codified pursuant to sections 189.429 and 191.015, Florida Statutes, is available at the office of the Committee on Local Government and Veterans Affairs, Florida House of Representatives.

Status Statement Language

Section 189.404(5), Florida Statutes, 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 to the department's determination or declaratory statement regarding the status of the district.

C. EFFECT OF PROPOSED CHANGES:

The bill codifies all prior special acts relating to the Everglades Agricultural Area Environmental Protection District into a single act. This bill removes obsolete and duplicative provisions and makes other changes that do not appear to alter the effect of existing law pertaining to the District. The bill does not appear to amend the District's boundaries. The District has five voting members and an ex officio, nonvoting member on the board of supervisors. The board of supervisors hold office for a term of 4 years. Every acre of assessable land within the district represents one share, or vote.

Currently, the district manager prepares the budget on or before May 1, the bill provides the district manager prepare the budget on or before June 1.

The bill removes the provision of dissolution of the district.

D. SECTION-BY-SECTION ANALYSIS:

Section 1. Provides that this act is the codification required under section 189.429, F.S; states the Legislative intent for the act; preserves all District authority.

Section 2. Amends, codifies, reenacts, and repeals special acts relating to the District's charter.

Section 3. Provides for the re-creation of the District and the re-creation and reenactment of the charter for the District and the following provisions.

Section 1. Provides the status and boundaries of the District.

Section 2. States definitions.

Section 3. Reenacts provisions regarding the election of the five voting members and an ex officio, nonvoting member governing board; reenacts provisions regarding membership; reenacts provisions regarding publication of notice of meetings; reenacts provisions regarding meetings of landowners; reenacts provisions regarding oath of

office; reenacts provisions regarding quorum; reenacts provisions regarding organization of the governing board members; reenacts provisions regarding record keeping; reenacts provisions regarding compensation of board members.

Section 4. Reenacts provisions regarding the general duties of the Board of Supervisors; reenacts the provisions regarding the district manager.

Section 5. Provides that the district manager, on or before June 1, prepare a proposed budget for the ensuing fiscal year for the board members' approval; provides for reports and reviews.

Section 6. Reenacts provisions regarding the general powers of the district.

Section 7. Reenacts provisions regarding special assessments of up to \$10 per acre; reenacts provisions regarding annual levies of such special assessments.

Section 8. Reenacts provisions regarding short-term borrowing.

Section 9. Ratifies prior acts and proceedings taken by, for, and on behalf of the District.

Section 10. Provides for liberal construction of the act.

Section 4. Provides for the severability of any invalid provision.

Section 5. Provides controlling law in the event of conflict.

Section 6. Repeals chapters 89-423 and 90-423, Laws of Florida.

Section 7. Provides an effective date of upon becoming law.

III. NOTICE/REFERENDUM AND OTHER REQUIREMENTS:

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? September 25, 2001; November 8, 2001; and November 7, 2001

WHERE? The Palm Beach Post in West Palm Beach, Palm Beach County, Florida; Glades County Democrat in Moore Haven, Glades County, Florida; and The Clewiston News in Clewiston, Hendry 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:

A. CONSTITUTIONAL ISSUES:

None.

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B. RULE-MAKING AUTHORITY:

None.

C. OTHER COMMENTS:

None.

V. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

The Committee on Local Government & Veterans Affairs adopted three amendments at its meeting on February 21, 2002. The first amendment corrects the boundaries of the District. The second amendment removes a referendum and all references to it that appeared in the enabling act. The third amendment removes obsolete language from the bill.

VI. SIGNATURES:

COMMITTEE ON LOCAL GOVERNMENT & VETERANS AFFAIRS:

Prepared by:

Staff Director:

Terri S. Boggis

Joan Highsmith-Smith