

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: CS/SB 1976
 SPONSOR: Natural Resources Committee and Senator Aronberg
 SUBJECT: Special Districts
 DATE: April 1, 2003 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Branning</u>	<u>Kiger</u>	<u>NR</u>	<u>Fav/CS</u>
2.	_____	_____	<u>CP</u>	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

This bill requires independent water control districts in certain large-population counties to have their governing boards elected by a vote of the registered voters of the county who are residents of the district instead of on the basis of one-acre/one vote. Such elections shall be nonpartisan, held in conjunction with the general election, and conducted by the supervisor of elections of the county wherein the district is located in accordance with the Florida Election Code.

Amends the territorial boundaries of the Florida Inland Navigation District to include Nassau County.

This bill substantially amends ss. 189.4051, F.S., and 374.982, F.S.

II. Present Situation:

Chapter 189, F.S., provides for the general provisions for special districts. Pursuant to s. 189.403, F.S., a “special district” means a local unit of special purpose, as opposed to general-purpose, government with a limited boundary, created by general law, special, local ordinance, or by rule of the Governor and Cabinet. A “dependent special district” means a special district that meets at least one of the following criteria:

- The membership of its governing body is identical to that of the governing body of a single county or a single municipality.
- All members of its governing body are appointed by the governing body of a single county or a single municipality.

- During their unexpired terms, members of the special district's governing body are subject to removal at will by the governing body of a single county or a single municipality.
- The district has a budget that requires approval through an affirmative vote or can be vetoed by the governing body of a single county or a single municipality.

An "independent special district" means a special district that is not a dependent special district. A district that includes more than one county is an independent special district unless the district lies wholly within the boundaries of a single municipality.

Section 189.402, F.S., provides that it is the specific intent of the Legislature that dependent special districts shall be created at the prerogative of the counties and municipalities and that independent special districts shall only be created by legislative authorization.

An independent special district is governed by a five-member governing board. Many governing boards are elected on a one-acre/one-vote basis. Any independent special district located entirely in a single county may provide for the conduct of district elections by the supervisor of elections for that county. Pursuant to s. 189.4051, F.S., the composition of the board is determined by amount of urban area in the district.

- If urban areas constitute 25 percent or less of the district, one member shall be elected by the qualified electors, and four members on a one-acre/one-vote basis.
- If urban areas constitute 26-50 percent of the district, two members shall be elected by the qualified electors, and three members on a one-acre/one-vote basis.
- If urban areas constitute 51-70 percent of the district, three members shall be elected by the qualified electors, and two members on a one-acre/one-vote basis.
- If urban areas constitute 71-90 percent of the district, four members shall be elected by the qualified electors, and one member on a one-acre/one-vote basis.

If urban areas constitute 91 percent or more of the district, all governing board members shall be elected at large.

Section 374.982, F.S., creates an independent special taxing district known as the "Florida Inland Navigation District." The territorial boundaries of the district include the counties of Duval, St. Johns, Flagler, Volusia, Brevard, St. Lucie, Martin, Indian River, Palm Beach, Broward, and Dade. The Florida Inland Navigation District is governed by a Board of Commissioners composed of 11 members who are qualified electors residing in the district.

Section 374.984, F.S., provides that the Board of Commissioners perform and do all things which shall be requisite and necessary to comply with the requirements and conditions imposed upon a "local interest" by the Congress of the United States in the several acts authorizing and directing the improvement and maintenance of the Intracoastal Waterway from St. Mary's River to the southernmost boundary of Dade County. Those acts include, but are not limited to, the Rivers and Harbors Act approved January 21, 1927, as amended by the River and Harbor Act

approved July 3, 1930; the River and Harbor Act of 1938; and s. 107 of the Federal River and Harbor Act of 1960.

III. Effect of Proposed Changes:

This bill amends s. 189.4051, F.S., to require that the governing board of any single-county independent special district which is designated a water control district pursuant to s. 298.001, F.S., and is not exempt¹ and which is within a county having a population in excess of 1.5 million other than a county as defined in s. 125.011(1), F.S., (home rule counties), shall consist of five members elected by vote of the registered voters of the county who are residents of the district. Such elections shall be nonpartisan, held in conjunction with the general election, and conducted by the supervisor of elections of the county wherein the district is located in accordance with the Florida Election Code. All governing board members elected under this provision shall have a term of 4 years, except for the governing board members elected at the first election, of who three shall be elected for a term of 4 years and two shall be elected for a term of 2 years.

The terms of all governing board members of any special district subject to the provisions of subsection (5) of s. 189.4051, F.S., as created in this act, shall terminate on the day of the general election in 2004 upon the election of their successors.

Pursuant to the provisions of this bill, it appears as though this would affect four water control districts in Broward County — Central Broward Water Control District, Pine Tree Water Control District, Old Plantation Water Control District, and Sunshine Water Control District.

The bill also amends s. 374.982, F.S., to amend the territorial boundaries of the Florida Inland Navigation District to include Nassau County.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

¹ Exempt districts pursuant to s. 189.4051(6), F.S., as amended by this bill, include districts established as single-purpose water control districts, and which continue to act a single-purpose water control districts, pursuant to ch. 298, F.S., or a special act, local ordinance, or judicial decree, or community development districts established pursuant to ch. 190, F.S.

V. Economic Impact and Fiscal Note:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

When the water control districts in Broward County were initially created, the county was largely rural. As the county has grown, the one-acre/one-vote provision no longer seems to be applicable.

The residents of Nassau County will be subject to the taxing authority of the Florida Inland Navigation District. Nassau County will be able benefit from improvements in the waterway as provided by the Florida Inland Navigation District.

C. Government Sector Impact:

This change should have a minimal fiscal impact since the elections are to be held in conjunction with a general election conducted by the supervisor of elections of the county where the district is located. As noted earlier, four water control districts in Broward County would be affected at the present time.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
