

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: HB 1203 CS

Acme Improvement District, Palm Beach County

SPONSOR(S): Vana

TIED BILLS:

IDEN./SIM. BILLS:

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Local Government Council</u>	<u>7 Y, 0 N, w/CS</u>	<u>Smith</u>	<u>Hamby</u>
2) <u>Water & Natural Resources Committee</u>	<u></u>	<u>Winker</u>	<u>Lotspeich</u>
3) <u></u>	<u></u>	<u></u>	<u></u>
4) <u></u>	<u></u>	<u></u>	<u></u>
5) <u></u>	<u></u>	<u></u>	<u></u>

SUMMARY ANALYSIS

This bill provides for the extension of the Acme Improvement District (District) boundaries. This bill removes and deletes the lands described from the boundary lines of the Lake Worth Drainage District. This bill provides for a referendum.

According to the Economic Impact Statement, no fiscal impacts are anticipated for either fiscal year 2005-06 or 2006-07.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

The bill does not appear to implicate any of the House Principles.

B. EFFECT OF PROPOSED CHANGES:

Acme Improvement District

The Acme Drainage District, in Palm Beach County, was created by the Legislature in 1953, pursuant to and under Chapter ch. 298, F.S., as a Special District to provide drainage for agricultural land. The purpose of the District is for reclaiming and draining lands within its boundaries and to protect the lands from the effects of water by constructing canals, ditches, pumping plants, and other drainage works and improvements. The name of the District was changed to the Acme Improvement District in 1975, by ch. 75-470, L.O.F.

The District is comprised of a total area of about 30 square miles. In 1995, the community of Wellington, located in the District, was incorporated as a Village. The District provides a number of water related urban services for about 29,000 residents.

Lake Worth Drainage District

The Lake Worth Drainage District was created in 1915 and currently exists and operates under ch. 98-525, Laws of Florida. The District is a "Special Taxing District", created at the request of the land owners to provide services for drainage and irrigation. Such services include canal construction, maintenance, and operation. The district is governed by a board of five elected Supervisors. The district encompasses about 208 square miles.

Chapter 298, Florida Statutes

Chapter 298, F.S., contains provisions governing the creation and operation of water control districts.

Creation of Water Control Districts

Section 298.01, F.S., restricts the creation of new water control districts to special acts of the Legislature (independent water control districts) and under the provisions of s. 125.01, F.S., (dependent water control districts). Districts created by circuit court decree prior to July 1, 1980, are authorized to operate under the authority provided by chapter 298, F.S.

District Boundary Modification

Section 298.301(1), F.S., states for any district that was created or whose authorities or boundaries have been amended by special act, *lands may be added to or deleted only through legislative modification of the special act*. For those districts existing solely by judicial decree, lands may be added to or deleted from such districts by decree of the circuit court of the county in which the majority of the land within the district is located. (*emphasis added*)

Effects of Proposed Changes

This bill provides for the extension of the Acme Improvement District (District) boundaries. This bill removes and deletes the lands described in the bill (subsection 2 of section 1) from the boundary lines of the Lake Worth Drainage District. This bill provides for a referendum.

This bill increases Acme Improvement District's tax base by approximately 337 acres.

C. SECTION DIRECTORY:

- Section 1.** Provides for the extension of District boundaries.
- Section 2.** Removes and deletes the lands described in (subsection 2 of section 1) from the boundary lines of the Lake Worth Drainage District.
- Section 3.** Provides that the act is effective only upon approval by a majority vote of qualified electors residing within the described area (subsection 2 of section 1) and those registered voters residing within the existing territorial limits of the District voting in a referendum held on or before December 30, 2006.

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? December 15, 2004

WHERE? *The Palm Beach Post*, West Palm Beach, Palm Beach 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

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Other Comments

The Local Government Council received a letter from Eleanor B. Halperin, Esq., the manager of the Lake Worth Drainage District, which states that it received the De-Annexation Petition and that it has no objection to the property being de-annexed from the District and annexed into the Acme Improvement District. The Board of Supervisors unanimously approved the request for de-annexation on August 11, 2004 by Resolution No. 04-02. In addition, according to Committee staff, the property owners have no objection being moved from the jurisdiction of the Lake Worth Drainage District to the Acme Improvement District.

Chapter 2000-419, L.O.F., with similar provisions to HB 1203, but involving another portion of property, was passed on June 5, 2000 and did not require a referendum.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

The Council on Local Government adopted a strike-all amendment on March 23, 2005. The strike-all amendment:

- provides for annexation of a specified area;
- transfers land from the Lake Worth Drainage District to the District; and
- requires a referendum.

The bill, as amended, was reported favorably with committee substitute.