

**HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS**

**BILL #:** HB 1433  
**SPONSOR(S):** Machek  
**TIED BILLS:**

Hobe-St. Lucie Conservancy District, Martin County

**IDEN./SIM. BILLS:**

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REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Local Government Council	_____	Smith	Hamby
2) Finance & Tax Committee	_____	_____	_____
3) _____	_____	_____	_____
4) _____	_____	_____	_____
5) _____	_____	_____	_____

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**SUMMARY ANALYSIS**

This bill re-codifies ch. 88-514, L.O.F., relating to the Hobe-St. Lucie Conservancy District (District), an independent special district located in Martin County.

This bill codifies, or reenacts, the previous special act of the district into a single act, as required by s. 189.429, F.S. Reenactment of existing law is permitted by this section, although this reenactment is not to be construed as a grant of additional authority.

The bill deletes outdated language and organizes previously authorized powers of the District. The bill also makes minor, stylistic changes to some of the language of the charter.

The bill contains provisions which do not simply codify existing law, but amend the charter of the District, including authorizing the District to:

- maintain sewer systems for reuse of waste;
- maintain passive parks, recreational facilities, mitigation areas; and
- provide for the preservation of wildlife habitat.

The bill also expands the territorial boundaries of the District, subject to referendum approval of the landowners.

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:

**Provide Limited Government:** This bill expands the boundaries and powers of the District.

#### B. EFFECT OF PROPOSED CHANGES:

##### 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 initially authorized by the 1997 Legislature and is codified in s. 189.429, F.S. and s. 191.015, F.S. The 1998 Legislature subsequently amended both sections of statute. Current law provides for codification of all special district charters by December 1, 2004. The 1998 law allows 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. 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. Additionally, the 2001 Legislature amended s. 189.429, F.S. to provide that reenactment of existing law pursuant to s. 189.429, F.S.: (1) shall not be construed to grant additional authority nor to supersede the authority of an entity; (2) shall continue the application of exceptions to law contained in special acts reenacted pursuant to the section; (3) shall not be construed to modify, amend, or alter any covenants, contracts, or other obligations of any district with respect to bonded indebtedness; and (4) shall not be construed to affect a district's ability to levy and collect taxes, assessments, fees, or charges for the purpose of redeeming or servicing the district's bonded indebtedness.

Since the enactment of ss. 189.429 and 191.015, F.S., 173 special districts have codified their charters.

##### 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 to the department's determination or declaratory statement regarding the status of the district.

##### Hobe-St. Lucie Conservancy District

This bill re-codifies ch. 88-514, L.O.F., relating to the Hobe-St. Lucie Conservancy District (District), an independent special district located in Martin County. The District has three elected board supervisors. The District levies non ad-valorem assessments.

This bill codifies, or reenacts, the previous special act of the district into a single act, as required by s. 189.429, F.S. Reenactment of existing law is permitted by this section, although this reenactment is not to be construed as a grant of additional authority.

The bill deletes outdated language and organizes previously authorized powers of the District. The bill also makes minor, stylistic changes to some of the language of the charter.

## Changes to the Hobe-St. Lucie Conservancy District Charter

There are, however, provisions of this bill which do not simply codify existing law, but amend the charter of the District, including authorizing the District to:

- maintain sewer systems for reuse of waste;
- maintain passive parks, recreational facilities, mitigation areas; and
- provide for the preservation of wildlife habitat.

The bill also expands the territorial boundaries of the District, subject to referendum approval of the landowners.

### Charter of District

In recreating and reenacting the charter for the District, the bill:

- Section 1: Provides for legal boundaries.
- Section 2: Provides for expanding the territorial boundaries of the District; provides for a referendum.
- Section 3: Provides the District's powers and authority to be in accordance with ch. 298, F.S.
- Section 4: Provides for the general powers of the District, including:
- (1) sue and be sued; make contracts; adopt and use a seal; acquire by certain means personal property; convey and dispose of real and personal property; construct, operate, and maintain canals and such; construct, improve, pave, and maintain roadways, and roads; maintain water plants and systems, and sewer systems; fix rates, fees, and charges to be collected from the users; distribute from its water plants water for consumption to users; provide sewer collection and disposal of waste to lands within the District; construct and maintain a system of roads; acquire, construct, and maintain passive parks and recreational facilities, conservation areas, mitigation areas for the storage of water for water control and irrigation purposes and for preservation of wildlife habitat; borrow money and issue negotiable or other bonds or other notes; pledge the taxes, levies, assessments, and revenues to secure such bonds, notes, or obligations, and to sell, discount, negotiate, and dispose of the same; and exercise all powers of the District.
  - (2) plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate and maintain distribution systems and facilities for the following:
    - water supply, sewer, and wastewater management, or any combination thereof, and to construct and operate connecting, intercepting, or outlet sewers and sewer mains and pipes and water mains, conduits, or pipelines in, along, and under any street, alley, highway, or other public place or ways, within or without district boundaries;
    - waste collection, treatment, and disposal or disposal of any effluent, residue, or other byproducts of such system or sewer system, within or without district boundaries; and
    - supply and level of water within and without the district boundaries, including the diversion of waters from one area, lake, pond, river, stream, basin, or water control facility to another; the control and

restriction of the development and use of natural or artificial streams or bodies of water, lakes, or ponds; and the taking of measures determined by the board to be necessary or desirable to prevent or alleviate land erosion.

- Section 5: Provides for the issuance of bonds.
- Section 6: Authorizes the board of supervisors to manage water within the District boundaries by designated area or parts of the District to be called "units"; provides for the implementation of the District water control plan.
- Section 7: Provides all governmental planning, environmental, and land development laws, regulations, and ordinances apply to all development of the land within the District.
- Section 8: Provides the power of the District to condemn property outside the boundaries of the District must be restricted to the acquisition of easements or rights-of-way, including the fee simple title, to accomplish the purposes of the District.

C. SECTION DIRECTORY:

- Section 1:** Provides that the bill constitutes the codification of all special acts relating to the District; provides legislative intent.
- Section 2:** Codifies, reenacts, amends and repeals chapter 88-514, L.O.F.
- Section 3:** Recreates the District and recreates and reenacts the charter of the District.
- Section 4:** Repeals chapter 88-514, L.O.F.
- Section 5:** Provides for severability.
- Section 6:** Provides for the bill to take effect upon becoming law, except as otherwise provided.

**II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS**

A. NOTICE PUBLISHED? Yes  No

IF YES, WHEN? December 30, 2004

WHERE? *Scripps Treasure Coast Newspapers*, Stuart, Martin and St. Lucie Counties, Florida

B. REFERENDUM(S) REQUIRED? Yes  No

IF YES, WHEN? Within 60 days after the effective date of this act.

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

*Referendum*

All landowners, which include the landowners within the current District and the expanded district boundaries, may vote pursuant to a referendum held on a one-acre, one-vote basis. The bill does not require separate approval of both the landowners in the area being annexed and the landowners currently in the District.

*Status Statement*

The bill does not provide that the district is an independent special district pursuant to section 189.404(5), F.S.

### IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

None.