

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

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

B. EFFECT OF PROPOSED CHANGES:

Background

Codification is the process of compiling, updating, and systematically arranging the special acts that comprise a special district's charter. After a special district's charter is created by special act of the Legislature, the original charter provisions may be amended by subsequent special acts. However, special act amendments are not automatically incorporated into one special act charter. Therefore, in order to ascertain the current status of a special district's charter, it is necessary to locate all special acts amending a district's original charter. This can often be a difficult and time-consuming process for persons interested in determining the current status of a district's charter. Codification of special district charters is important because it permits readers to easily locate and identify the current charter of a district.

Codification of special district charters was initially authorized by the 1997 Legislature in ss. 189.429¹ and 191.015², F.S., both of which were amended in 1998. The laws provide for codification of all special district charters by December 1, 2004.³ Any codified act relating to a special district must provide for the repeal of all prior special acts relating to the district. The 2001 Legislature amended s. 189.429, F.S., to provide that reenactment of existing law: (1) shall not be construed to grant additional authority nor 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.

To date, 173 special districts have codified their charters.

Hastings Drainage District

The Hastings Drainage District (District) is an independent special district located in Putnam County and St. Johns County. It was created by the legislature in 1919 and its charter has been subsequently amended.

Currently, the District is divided into 12 different geographically distinct zones. Up until 1989, each zone had a different tax rate imposed on a per acre basis. Chapter 89-514, L.O.F, replaced the separate tax rates by a maximum rate of \$20 per acre per year in all zones.

Changes to the Charter

There are provisions of this bill which do not simply codify existing law, but amend the charter of the Board:

These changes are as follows:

¹ Chapter 189, F.S., is known as the "Uniform Special District Accountability Act".

² Chapter 191, F.S., is known as the "Independent Special Fire Control District Act".

³ The 1998 amendment allows for the adoption of the codification schedule provided for in an October 3, 1997, memorandum issued by the Chair of the House Committee on Community Affairs.

- The names of the current members of the District Board of Supervisors are incorporated into the charter replacing the names of the three previous members.
- The charter is restructured; several more sections are added to better organize the provisions of the charter.
- The bill amends the charter to allow the District to retain a right-of-way that would allow for the normal flow of water through a specified geographic area within the district whose boundaries are outlined in the bill.

Charter of the District

- Section 1: Declares the purpose of the District – draining, reclaiming, and maintaining the lands of the District and protecting the lands from the effects of waters for agricultural and sanitary purposes, and for the public convenience, utility, welfare, and benefit.
- Section 2: Outlines the boundaries of areas where the District retains the rights with respect to specific rights-of-way.
- Section 3: Presents the boundaries of the District and the land within the District into specified zones.
- Section 4: Provides a governing board for the District to be called the Board of Supervisors of Hastings Drainage District (Board). Composition of the Board is as follows:
- Three members;
 - Residents of St. Johns or Putnam Counties, and owners of land or stockholders in corporations owning land within the District;
 - Provides for the selection of a supervisor at the annual meeting of the landowners to be held on the third Tuesday in October.
- Section 5: Provides for the election of a president of the Board.
- Section 6: Requires the maintenance of a book of recorded minutes of all meetings, proceedings, certificates, bonds given by all employees, and all corporate acts.
- Section 7: Provides the Board with all the powers of a body corporate, which include the powers to sue and be sued, to make contracts, to adopt and use a common seal, to hold, buy, and convey such personal and real property that may be necessary for the purposes of the District.
- Section 8: Requires the Board to report to the landowners, at the annual meeting, any work that has been done, either by engineers or otherwise.
- Section 9: Provides reimbursement of travel expenses for Board members pursuant to s. 112.061, F.S. Board members are to receive no compensation for their services unless the landowners at the annual meeting determine to pay compensation.
- Section 10: Authorizes the Board to appoint a district engineer and compensate that individual a reasonable salary. Requires the engineer to make a report, in writing, to describe the progress made and activities undertaken in furtherance of the water control plan to the Board once every 12 months or as directed by the Board.

- Section 11: Requires the Board to appoint some competent person, bank, or trust company as treasurer of the District. Also requires the Board to audit or have audited the books of the District's treasurer at least once every year.
- Section 12: Requires the Board to employ an attorney to act for the District and advise the Board.
- Section 13: Grants the Board the power to construct, complete, operate, maintain, repair, and replace any and all works and improvements necessary to execute the District's water control plan, including all of the powers conferred on the District by sections 298.22 and 298.23, F.S.
- Section 14: For purposes of levying and imposing taxes and assessments, the territory within the District is divided into zones as referenced in Section 3 of the bill.
- Section 15: Authorizes the Board to levy an annual tax not to exceed \$20 per acre per year. This tax May vary from zone to zone but shall be uniform within a zone.
- Section 16: Requires the Board to prepare a list of all lands included in the District, showing the zone and tax, and provide this list to the tax assessors of Putnam County and St. Johns County, who will enter annually upon the county tax rolls the District's levy.
- Section 17: Provides that when a drainage tax is not paid, the tax will be treated like all other unpaid county taxes and be included in the tax certificates.
- Section 18: Declares taxes levied by the District to be a lien on the lands as of the 1st day of January of each year in which the taxes are assessed.
- Section 19: Grants the District all the power and authority available through ch. 298, F.S.

C. SECTION DIRECTORY:

- Section 1: Provide legislative intent to codify pursuant to s. 189.429, F.S.
- Section 2: Codifies, reenacts, amends, and repeals chs. 7969 (1919), 8880 (1921), 10671 (1925), 13654 (1929), 15616 (1931), 17978 (1937), 27310 (1951), 28382 (1953), 81-481, 88-511, and 89-514, L.O.F.
- Section 3: Recreates and reacts the charter of the District.
- Section 4: Repeals chs. 7969 (1919), 8880 (1921), 10671 (1925), 13654 (1929), 15616 (1931), 17978 (1937), 27310 (1951), 28382 (1953), 81-481, 88-511, and 89-514, L.O.F.
- Section 5: Provides severability.
- Section 6: Provides for the act to take effect upon becoming a law.

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? February 2, 2005

WHERE? The St. Augustine Record, St. Augustine, St. Johns 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:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

None.