

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 675 CS

Scripps Florida Funding Corporation

**SPONSOR(S):** Machek

**TIED BILLS:**

**IDEN./SIM. BILLS:** SB 1572

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REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Economic Development, Trade &amp; Banking Committee</u>	<u>10 Y, 2 N</u>	<u>Carlson</u>	<u>Carlson</u>
2) <u>Utilities &amp; Telecommunications Committee</u>	<u>11 Y, 0 N, w/CS</u>	<u>Cater</u>	<u>Holt</u>
3) <u>Local Government Council</u>	<u>8 Y, 0 N, w/CS</u>	<u>Smith</u>	<u>Hamby</u>
4) <u>Commerce Council</u>	<u></u>	<u></u>	<u></u>
5) <u></u>	<u></u>	<u></u>	<u></u>

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### SUMMARY ANALYSIS

Section 4 of ch. 2003-420, L.O.F., provides that the county in which the state-of-the-art biomedical research institute and campus established under s. 366.955, F.S.<sup>1</sup>, are to be located has the exclusive right, which may be assigned in whole or in part by the county's governing body, to provide water and wastewater service to facilities of such projects.

HB 675 w/CS amends s. 4 of ch. 2003-420, L.O.F., to remove the provision providing that the county (Palm Beach County) has the exclusive right, which right may be assigned in whole or in part by the governing body of the county in its sole discretion, to provide water and wastewater services to projects deemed necessary by the governing body of the county. As amended the law provides that the county has the right to provide water and wastewater services to such projects. The bill also provides that in the construction of the water and wastewater systems for the corporation, the local government or utility service provider shall not use provisions of ch. 73 or 74, F.S., or any other applicable law, to acquire by eminent domain the property of any other governmental entity in order to provide water and wastewater service to the facility.

The bill does not appear to have a fiscal impact.

This act shall take effect upon becoming law.

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<sup>1</sup> This section creates the Scripps Florida Funding Corporation

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. HOUSE PRINCIPLES ANALYSIS:

The bill does not appear to implicate any House Principles.

#### B. EFFECT OF PROPOSED CHANGES:

##### Present Situation

Chapter 2003-420, L.O.F., created the Scripps Florida Funding Corporation, Inc., to facilitate the establishment and operation of a state-of-the-art biomedical research institution and campus in Florida by the Scripps Research Institute. That facility is currently planned for Palm Beach County.

Section 4 of ch. 2003-420, L.O.F., gave the county in which the biomedical research institution and campus are to be located the exclusive right to provide water and wastewater services to these projects to the extent deemed necessary by the governing body of the county. The law authorized the county to plan, acquire, construct, reconstruct, enlarge or extend, operate, and maintain water and wastewater systems and facilities within or without the boundaries of such projects for the provision of water and wastewater services.

##### Proposed Changes

The bill amends s. 4 of ch. 2003-420, L.O.F., to remove the provision providing that the county (Palm Beach County) has the exclusive right, which right may be assigned in whole or in part by the governing body of the county in its sole discretion, to provide water and wastewater services to projects deemed necessary by the governing body of the county. As amended the law provides that the county has the right to provide water and wastewater services to such projects. The bill also provides that in the construction of the water and wastewater systems for the corporation, the local government or utility service provider shall not use provisions of ch. 73 or 74, F.S., or any other applicable law, to acquire by eminent domain the property of any other governmental entity in order to provide water and wastewater service to the facility.

#### C. SECTION DIRECTORY:

Section 1. Amends s. 4 of ch. 2003-420, L.O.F., relating to the water and wastewater utilities for the biomedical research institution and campus established under s. 288.955, F.S.

Section 2. This act shall take effect upon becoming law.

### II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

#### A. FISCAL IMPACT ON STATE GOVERNMENT:

##### 1. Revenues:

The bill does not appear to have a fiscal impact on state government revenues.

##### 2. Expenditures:

The bill does not appear to have a fiscal impact on state government expenditures.

**B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

1. Revenues:

The bill does not appear to have a fiscal impact on local government revenues.

2. Expenditures:

The bill does not appear to have a fiscal impact on local government expenditures.

**C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

None.

**D. FISCAL COMMENTS:**

None.

**III. COMMENTS**

**A. CONSTITUTIONAL ISSUES:**

1. Applicability of Municipality/County Mandates Provision:

The bill does not require a municipality or county to expend funds or to take any action requiring the expenditure of funds. The bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate. The bill does not reduce the percentage of state tax shared with municipalities or counties.

2. Other:

None.

**B. RULE-MAKING AUTHORITY:**

None.

**C. DRAFTING ISSUES OR OTHER COMMENTS:**

None.

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

On April 6, 2005, the Utilities & Telecommunications Committee adopted a strike-all amendment. This amendment deleted the original bill, which allowed the facility to select its own water and wastewater service provider and repealed section 4 of ch. 2003-420, L.O.F. The language which was inserted amends section 4 of ch. 2003-420, L.O.F., to provide that a local government or utility service provider shall not use the provisions of chs. 73 or 74, F.S. or other applicable law, to acquire by eminent domain the property of any other government entity in order to provide water and wastewater service to the facility.

On April 20, 2005, the Local Government Council adopted two amendments. The first amendment corrected the charter law section number referenced in the bill. The second amendment removes the provision providing that the county (Palm Beach County) has the exclusive right, which right may be assigned in whole or in part by the governing body of the county in its sole discretion, to provide water and wastewater services to projects deemed necessary by the governing body of the county. As amended the law provides that the county has the right to provide water and wastewater services to such projects. The bill, as amended, was reported favorably with committee substitute.