

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: HB 721 CS Pine Tree Water Control District, Palm Beach County
SPONSOR(S): Vana
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Local Government Council	7 Y, 0 N, w/CS	Dominguez	Hamby
2) Finance & Tax Committee			
3)			
4)			
5)			

SUMMARY ANALYSIS

HB 721 changes the Pine Tree Water Control District (District), Palm Beach County, from an independent special district into a dependent special district of the Village of Wellington (Village). The bill provides for the appropriate transfer of duties, responsibilities, and obligations currently held by the independent special district to the Village.

The bill also provides for all existing special acts of the District to become ordinances of the Village. To the extent not inconsistent with Village ordinances, all resolutions and policies of the District are to remain in effect until amended, revised, or repealed by the Wellington Village Council. The bill provides that additional provisions necessary to effect the transition and provide for the operation of the District shall be adopted by ordinance.

The bill calls for the termination of the District’s Board of Supervisors and puts in its place, as a governing body, the Village Council.

This bill requires a referendum of the electors of the Pine Tree Water Control District on the question of whether the District should become a dependent district of the Village of Wellington. Moreover, the bill provides for this act to take effect only upon approval of the referendum.

The attached Economic Impact Statement indicates that there is no economic impact beyond the costs associated with their previous annexation into the Village and the existing interlocal agreement for Village management services.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provides Limited Government: The bill converts an independent water control district into a dependent special district of the Village of Wellington.

B. EFFECT OF PROPOSED CHANGES:

Background

Chapter 298, F.S – Drainage and Water Control

Chapter 298, F.S., contains provisions governing the creation and operation of water control districts. Districts created by circuit court decree prior to July 1, 1980, are authorized to operate under the authority provided by ch. 298, F.S. However, on and after that date, no water control district may be created except as prescribed by s. 125.01, F.S., or a special act of the legislature.

The primary funding source for water control district activities is a special assessment. The assessment of a particular parcel must represent a fair, proportional part of the total cost and maintenance of the improvement. A board of supervisors also is authorized to issue bonds and taxes.

Pine Tree Water Control District

The Pine Tree Water Control District (District), Palm Beach County, is an independent special district created by a circuit court decree dated May 17, 1971. The District's statutory authority, as stated above, is derived from ch. 298, F.S. There are two special acts relating to the District¹.

The District does not have ad valorem tax authority and uses a special assessment in order execute its duties and related activities.

Village of Wellington

The Village of Wellington currently encompasses approximately 43 square miles in the west-central portion of Palm Beach County. In December of 1995, the Acme Improvement District incorporated as the Village of Wellington (Village) and held its first elections for council members in March 1996. It is currently home to 50,000 residents.

Current Situation

Recently, the Village annexed the property that is the District and entered into an interlocal management agreement where the District is staffed by the Village.

The governing bodies of both the Village and the District have agreed that the management of the offices of the District would be more efficiently administered if the Village council acted as the District Board of Supervisors.

Proposed Changes

This bill changes the District's status from an independent special district into a dependent special district of the Village. The District's two special acts become ordinances of the Village and any additional provisional changes that may be required to operate the district are to be adopted by ordinance. All existing resolutions and policies of the District, not in conflict with Village ordinances, are to remain in effect until amended, revised, or repealed by the Village council.

The bill states that the assets, liabilities, and written contracts, including all rights, obligations, duties, and relationships now existing by law or agreement will be unaffected by the transfer and will become those of the dependent special district. This transfer will also leave in full force and effect all claims, actions, orders, and legal or administrative proceedings under the jurisdiction of the dependent special district.

The bill terminates the terms of office of the Board of Supervisors of the District at 7:00 P.M. on the effective date of the act (July 1, 2005). The bill establishes in place of the Board of Supervisors the Village Council of Wellington to handle the functioning and administration of the District.

This bill requires a referendum of the electors of the Pine Tree Water Control District on the question of whether the District should become a dependent district of the Village of Wellington. Moreover, the bill provides for this act to take effect only upon approval of the referendum.

C. SECTION DIRECTORY:

Section 1:

- Changes the Pine Tree Water Control District from an independent special district to a dependent special district of the Village of Wellington.
- Provides for all special acts of the District to become ordinances of the Village.
 - (1) Declares all assets, liabilities, and written contracts of the District unaffected by the change from an independent special district to a dependent special district. Provides all rights, obligations, duties, and relationships currently held by the District are to be retained as those belonging to a dependent special district of the Village.

Provides for all claims, actions, orders, contracts and all legal and administrative proceedings of the District to continue in full force and effect under the jurisdiction of the dependent special district.
 - (2) Calls for the termination of the Board of Supervisors of the District at 7:00PM on the effective date of this bill; replaces the Board of Supervisors with the Village Council of Wellington; provides for the council to assume the duties and responsibilities of the Board of Supervisors.
 - (3) Declares that all resolutions and policies created by the Pine Tree Water Control District are to remain in effect until amended, revised, or repealed by the Village Council of Wellington.
 - (4) Grants the Council the authority to create additional provisions, via ordinance, which may be necessary to effect the transition from independent district to dependent district or to provide for the operation of the District.

Section 2: Requires a referendum of the electors of the Pine Tree Water Control District on the question of whether the district should become a dependent district of the Village of Wellington.

Section 3: Provides for this act to take effect only upon approval of the referendum required in Section 2. Provides for Section 2 and 3 of this bill to take effect upon becoming a law.

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? December 13, 2004

WHERE? The Palm Beach Post, West Palm Beach, Palm Beach County, Florida

B. REFERENDUM(S) REQUIRED? Yes No

C. LOCAL BILL CERTIFICATION FILED? Yes, attached No

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached No

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

B. RULE-MAKING AUTHORITY:

C. DRAFTING ISSUES OR OTHER COMMENTS:

An amendment may be necessary to repeal all special acts relating to the District.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

At its March 9, 2005 meeting, the Local Government Council approved one amendment to this bill. The amendment calls for a referendum of the electors of the district on the question of whether the Pine Tree Water Control District should become a dependent district of the Village of Wellington.

The referendum is to be held on or before December 1, 2006.

The amendment provides for this act to take effect only if a majority of those qualified electors of the District approve the referendum question. Moreover, the amendment provides for Sections 2 and 3 of this bill to take effect upon becoming a law.