

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: HB 857 CS Pal-Mar Water Control District, Palm Beach and Martin Counties
SPONSOR(S): Machek
TIED BILLS: None. **IDEN./SIM. BILLS:** None.

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Local Government Council	6 Y, 0 N, w/CS	Smith	Hamby
2) Finance & Tax Committee	6 Y, 0 N	Monroe	Diez-Arguelles
3) _____	_____	_____	_____
4) _____	_____	_____	_____
5) _____	_____	_____	_____

SUMMARY ANALYSIS

The Pal-Mar Water Control District (District) is an independent water control district located in Palm Beach and Martin Counties. The District was created by circuit count decree in 1968, and the charter has been amended by subsequent special acts.

This bill codifies, or reenacts, all prior special acts 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.

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:

This bill codifies the charter of the Pal-Mar Water Control District in Palm Beach and Martin Counties, in compliance with the requirements of ss. 189.404(5), 189.429, and 191.015, F.S. There are no substantial changes to the districts charter.

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.

Pal-Mar Water Control District

The District is an independent ch. 298, F.S., water control district located in Palm Beach and Martin Counties. The District was created by circuit court decree in 1968, and the charter has been amended by subsequent special acts.

Charter of the District

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

- Section 1. Provides for the creation of the District and for its boundaries.
- Section 2. Provides for a five member board of supervisors: one supervisor must be either a member of the Board of County Commissioners of Palm Beach County or a landowner within the district appointed by the Board of County Commissioners of Palm Beach County, one supervisor must be either a member of the Board of County Commissioners of Martin County or a landowner within the district appointed by the Board of County Commissioners of Martin County, three supervisors must be selected by the landowners in accordance with s. 298.11, F.S.; provides the appointed supervisors of the District will serve 1-year terms of office beginning the second Wednesday in June of each year or until such time as a successor has been selected; provides any supervisor appointed by the Board of County Commissioners of Palm Beach County or the Board of County Commissioners of Martin County may be removed by the appointing board for dishonesty, incompetency, or failure to perform the duties imposed on that supervisor by ch. 298, F.S.
- Section 3. Authorizes the board of supervisors to plan, construct, and maintain different water control systems by units of development within the District, with different assessment areas according to the benefits received, to most equitably provide for assessments according to benefits, based upon the plans and recommendations of the chief engineer for the District; prohibits the board of supervisors from planning, constructing, and maintaining different water control systems by units of development within the District unless the owners of a majority of the acres within the unit to be developed express their desire, in writing or by referendum or by certified letter, to have the water control system developed.

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 chapters 82-356, and 85-483, L.O.F.
- Section 3.** Recreates the District and recreates and reenacts the charter of the District.
- Section 4.** Repeals chapters 82-356 and 85-483, L.O.F.
- Section 5.** Provides for the repeal of any section or provision of this act if it is held unconstitutional.
- Section 6.** Provides effective date of upon becoming a law.

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? November 26, 2004; December 20, 2004

WHERE? *The Palm Beach Post*, West Palm Beach, Palm Beach County, Florida; *Scripps Treasure Coast Newspaper*, Stuart, Martin and St. Lucie Counties, 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

The Local Government Council adopted one amendment on March 16, 2005. The amendment declares the district an independent special district pursuant to s. 189.404(5), F.S.