

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: HB 1203 CS
SPONSOR(S): Poppell
TIED BILLS:

St. Johns Water Control District, Indian River County
IDEN./SIM. BILLS:

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Local Government Council</u>	<u>8 Y, 0 N</u>	<u>Smith</u>	<u>Hamby</u>
2) <u>Finance & Tax Committee</u>	<u>8 Y, 0 N, w/CS</u>	<u>Monroe</u>	<u>Diez-Arguelles</u>
3) _____	_____	_____	_____
4) _____	_____	_____	_____
5) _____	_____	_____	_____

SUMMARY ANALYSIS

The St. Johns Water Control District (District) is an independent district located in Indian River County. The District was created in 1962 through circuit court decree and derives its statutory authority from s. 298, F.S. The District imposes maintenance taxes and has the power to issue bonds.

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.

The bill deletes outdated language and organizes previously authorized powers of the District.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 deletes specified provisions relating to the District board and officers and general and special powers of the District. The bill provides for the District's powers and authority to be in accordance with chapter 298, F.S.

According to the Economic Impact Statement, no fiscal impacts are anticipated for either fiscal year 2006-07 or 2007-08.

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:

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 the 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., 201 special districts (including local bills that were vetoed or filed and did not pass the Legislature) have codified their charters.

Although the deadline for submission of a codified charter by all special districts was prior to the 2005 Legislative session, all special districts have not complied with this requirement, and proposed codification bills for other special districts have not been enacted by the Legislature or have been vetoed by the Governor. As a result, additional proposed codification bills are anticipated.

St. Johns Water Control District

The St. Johns Water Control District (District) is an independent district located in Indian River County. The District was created in 1962 through circuit court decree and derives its statutory authority from ch. 298, F.S. The District imposes maintenance taxes and has the power to issue bonds.

Changes to the St. Johns Water Control District Charter

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.

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 deletes specified provisions relating to the District board and officers and general and special powers of the District. The bill provides for the District's powers and authority to be in accordance with chapter 298, F.S.

Charter of District

This bill recreates and reenacts the District's charter as follows:

- Section 1: Provides for boundaries of the District.¹
- Section 2: Declares the provisions of s. 298, F.S., to be applicable to the District.²
- Section 3: Provides for taxes to be levied and apportioned as provided by s. 298, F.S., and to be collected during each year at the same time that county taxes are due and collected in Indian River County.³
- Section 4: Provides for apportionment of maintenance tax pursuant to s. 298.54, F.S.⁴
- Section 5: Provides for collection and enforcement of all taxes levied to coincide with collection of county taxes.⁵
- Section 6: Provides for taxes to become delinquent in the same manner as county taxes.⁶
- Section 7: Provides for the salaries and services of the County Property Appraiser and the County Tax Collector.⁷
- Section 8: Provides for tax liens.⁸
- Section 9: Authorizes the Board of Supervisors to issue bonds pursuant to s. 298, F.S.⁹
- Section 10: Authorizes the issuance of warrants, negotiable notes, or other evidences of indebtedness.¹⁰
- Section 11: Excludes the District from the application of bond provisions in s. 298.73, F.S.¹¹
- Section 12: Provides for the powers and duties of the Board of Supervisors regarding bond issuance.¹²
- Section 13: Provides for the powers and duties of the Board of Supervisors regarding the payment of expenses and recurring services and costs from maintenance taxes.¹³

¹ See ch. 65-812, L.O.F. § 1, ch. 69-1162, L.O.F. § 1.

² See ch. 65-812, L.O.F. § 2.

³ See ch. 65-812, L.O.F. § 3.

⁴ See ch. 65-812, L.O.F. § 4.

⁵ See ch. 65-812, L.O.F. § 5.

⁶ See ch. 65-812, L.O.F. § 6.

⁷ See ch. 65-812, L.O.F. § 7.

⁸ See ch. 65-812, L.O.F. § 8.

⁹ See *generally* ch. 65-812, L.O.F. §§ 13 and 14.

¹⁰ See ch. 65-812, L.O.F. § 10.

¹¹ See ch. 65-812, L.O.F. § 12.

¹² See ch. 65-812, L.O.F. § 13.

¹³ See ch. 65-812, L.O.F. § 14.

- Section 14: Grants the District the right to protect against surface waters.¹⁴
- Section 15: Provides for compensation of the Board of Supervisors.¹⁵
- Section 16: Prohibits any person, firm, or corporation from connecting or maintaining a connection of any farm ditch with any of the canals, ditches, laterals, or waterways, constructed, controlled, or maintained by the District; provides penalty.
- Section 17: Authorizes the District to construct, install, and maintain locks, dams, and other works and facilities in the canals, ditches, and drains within the District.
- Section 18: Authorizes the District to grant permits allowing any access over, under, or across its lands.
- Section 19: Provides severability.

C. SECTION DIRECTORY:

- Section 1: Provides that the reenactment of existing law in this bill may not be construed as a grant of additional authority; provides legislative intent.
- Section 2: Codifies, reenacts, amends and repeals chapters 65-812 and 69-1162, L.O.F.
- Section 3: Recreates and reenacts the charter of the District.
- Section 4: Repeals chapters 65-812 and 69-1162, L.O.F.
- Section 5: Provides an effective date of upon becoming law.

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? November 7, 2005.

WHERE? *Scripps Treasure Coast Newspapers*, Vero Beach, Indian River 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:

¹⁴ See ch. 65-812, L.O.F. § 15.

¹⁵ See ch. 65-812, L.O.F. § 16.

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

HB 1423 (2005 Legislative Session), relating to the St. Johns Water Control District, Indian River County, was vetoed by the Governor on June 20, 2005. According to the veto letter, the bill expanded the district's powers by allowing the district to levy fines against those who pollute the district's canals and those who violate Florida law, the federal Clean Water Act, and the federal National Pollutant Discharge Elimination System.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

On March 31, 2006, the Committee on Finance and Tax adopted one amendment to this bill. Specifically, it added the term "property appraiser" in two locations in Section 7. As a part of this codification, section 7 of the charter is being amended to replace the outdated term "tax assessor" with the term "property appraiser". Due to a scrivener's error the term "property appraiser" did not appear in two locations in section 7 where the term "tax assessor" was removed.