

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: HB 547
SPONSOR(S): Kreegel
TIED BILLS:

East County Water Control District, Lee and Hendry Counties

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>7 Y, 0 N</u>	<u>Monroe</u>	<u>Diez-Arguelles</u>
3) _____	_____	_____	_____
4) _____	_____	_____	_____
5) _____	_____	_____	_____

SUMMARY ANALYSIS

House Bill 547 amends the boundaries to East County Water Control District (District), an independent special district in Lee and Hendry Counties, to include two undeveloped parcels of land owned by separate entities. This bill also corrects a scrivener's error.

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:

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

B. EFFECT OF PROPOSED CHANGES:

The District was created by judicial decree of the twelfth circuit court in 1958. This decree was ratified by the Legislature in 1963 by ch. 63-1549, L.O.F. This special act provided that the District was created under ch. 298, F.S. The District encompasses over 63,000 acres of land and approximately 311 miles of canals. The District is authorized to levy annual installment and maintenance taxes. The collection and enforcement of taxes levied by the District are provided for in the same manner as county taxes. The District's authorization includes the authority to sell land for unpaid and delinquent taxes and the issuance and sale of tax certificates for unpaid taxes.

This bill amends the boundaries of the District to add approximately 63 acres of land (less than 0.1% of the total District), composed of two undeveloped parcels of land owned by two landowners who have consented to inclusion of their property into the District. This bill also corrects a scrivener's error.

C. SECTION DIRECTORY:

Section 1: Subsection (2) of section 1 of section 3 of chapter 2000-423, Laws of Florida, is amended, relating to district creation and boundaries.

Section 2: Provides effective date of upon becoming a law.

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? October 12, 2005

WHERE? *News-Press*, Fort Myers, Lee, Charlotte, Collier, Glades and Hendry 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

Although the EIS states the bill will have no fiscal impact, the district's attorney states the district will benefit from inclusion of the parcels as it will receive additional revenues from the added parcels.

III. COMMENTS

A. CONSTITUTIONAL ISSUES: None.

B. RULE-MAKING AUTHORITY: None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Other Comments

Mr. M. Christopher Lyon, Esq., with the law firm of Lewis, Longman & Walker, P.A., representing the District, sent the following statement relating to the boundaries of the district:

This bill proposes to add to the District approximately 63 acres of land, owned by two landowners who approached the District and have consented to inclusion. Additionally, the two parcels are District enclaves, as they are located inside the District's current boundaries but excluded from the District. These parcels to be added already receive the benefit of the services provided by the District, without contributing to the expense of these improvements. If included, the parcels will receive additional benefit from the District in the form of drainage improvements to the land. The District and its residents will also benefit from inclusion of the parcels as they will receive additional revenues from the added parcels.¹

The district attorney has submitted a letter from the District clarifying the parcels of land to be added to the District. The district attorney also submitted consent agreements between the landowners and the District for the two parcels to be included.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

None.

¹ See Memorandum from M. Christopher Lyon (January 24, 2006) (on file with House of Representatives, Local Government Council).