

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:

Troup-Indian town Water Control District (District) was re-codified in chapter 2002-366, L.O.F. The re-codification incorporated the general provisions of chapters 189 and 291, F.S., into the District's charter. The District has all powers, functions, and duties of a water control district for revenue-raising, budget preparation and approval, liens and foreclosure of liens, use of tax deeds and certificates, and contractual agreements. The District is comprised of 13,780.68 acres.

General law under s. 298.11(1), F.S., provides that the board of supervisors be composed of three elected individuals who are owners of land in the district and residents of a county in which the district is located. This has been seen as a two part requirement, requiring both ownership and residency. This requirement prevents corporations from serving on the board of supervisors through an officer of the company, unless the officer meets the qualification independently.¹

Pursuant to Article III, section 11 of the State Constitution, s. 298.76, F.S., provides that there shall be no special or general law of local application granting additional authority, powers, rights, or privileges to any water control district formed under chapter 298, F.S. However, s. 298.76(3), F.S., provides that special or local legislation may be enacted by the Legislature to change the term of office or qualifications of the board of supervisors for a water control district.

HB 923 removes the land ownership and residency requirements of s. 298.11, F.S., from the District's charter. Instead, the bill requires that a member of the board of supervisors for the District be a resident of the State of Florida and a citizen of the United States. This would enable corporate officers who are citizens of the United States and Florida residents to serve on the board of supervisors for the District.

The boundary changes involve adding approximately 960 acres to the Northeast section of the District and deleting approximately 880 acres in the Southwest at the consent of the landowner.² The area being added is currently being taxed by the District, and the area being removed is not taxed by the District.³

C. SECTION DIRECTORY:

Section 1: Section 1 of chapter 2002-366, Laws of Florida, is amended, relating to district boundaries.

Section 2: Subsection (4) of section 2 of section 1 is amended to require members of the board of supervisors to be residents of Florida and citizens of the United States.

Section 3: Provides the effective date of upon becoming a law.

¹ AGO 2000-31

² Martin County Legislation Delegation, Participation Request Form (2006 Legislative Session).

³ Estimated Economic Impact Statement

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? December 30, 2005

WHERE? *Stuart News*, St. Lucie and Martin 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

The impact statement suggests that the property being added in the boundary change is currently paying and will continue to pay taxes, and the property that is being removed has not and will not pay taxes, indicating there will be no economic impact on the individuals, businesses, or governments in the District.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

None

B. RULE-MAKING AUTHORITY:

None

C. DRAFTING ISSUES OR OTHER COMMENTS:

Other Comments:

The boundaries are being changed to correspond with the area that is actually being taxed and serviced by the District. There was a typo made in the legal description in chapter 2002-366, L.O.F., and the proposed changes would correct the problem.⁴

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

None

⁴ E-mail from James Watt of Caldwell & Pacetti, March 2, 2006.