

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: HB 923
SPONSOR(S): Machek
TIED BILLS:

Troup-Indiantown Water Control District, Martin County

IDEN./SIM. BILLS:

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Local Government Council</u>	<u>8 Y, 0 N</u>	<u>DiVagno</u>	<u>Hamby</u>
2) <u>Water & Natural Resources Committee</u>	<u>9 Y, 0 N</u>	<u>Winker</u>	<u>Lotspeich</u>
3) _____	_____	_____	_____
4) _____	_____	_____	_____
5) _____	_____	_____	_____

SUMMARY ANALYSIS

This bill amends the charter of the Troup-Indiantown Water Control District (District), an independent special district located in Martin County, Florida. The bill amends the legal boundaries of the District to correct an error in the District's charter.

The bill also creates an exception to general law by changing the residency requirements of individuals who sit on the board of supervisors. Under current law, a supervisor must be a resident of a county in which the district is located and own land in the district. The bill changes the requirement so that a supervisor must be a resident of the State of Florida and a citizen of the United States.

The bill would take effect upon becoming law.

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

House Rule 5.5(b) states that a local bill that provides an exemption from general law may not be placed on the Special Order Calendar in any section reserved for the expedited consideration of local bills. This bill may create such an exemption.

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:

Present Situation

Troup-Indiantown 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.

Section 298.11(1), F.S., provides that the board of supervisors for a district 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.

Effect of Proposed Changes

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

C. SECTION DIRECTORY:

Section 1: Amends Section 1 of chapter 2002-366, Laws of Florida; changes the Troup-Indiantown Water Control District's boundaries.

Section 2: Amends Subsection (4) of section 2 of section 1 of chapter 2002-366, Laws of Florida; requires members of the board of supervisors of the Troup-Indiantown Water Control District to be residents of Florida and citizens of the United States.

¹ Florida Attorney General Opinion 2000-31

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

³ Estimated Economic Impact Statement

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

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 economic impact statement suggests that the property being added in the District's 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:

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.