

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: HB 1053

Melbourne-Tillman Water Control District, Brevard County

SPONSOR(S): Workman

TIED BILLS:

IDEN./SIM. BILLS:

	REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1)	Military & Local Affairs Policy Committee		Fudge	Hoagland
2)	Finance & Tax Council			
3)	Economic Development & Community Affairs Policy Council			
4)				
5)				

SUMMARY ANALYSIS

The Melbourne-Tillman Water Control District was created in 1986 by ch. 86-417, L.O.F. Subsequent amendments followed and were codified by ch. 2001-336, L.O.F. The district was created as a dependent special district to “secure, operate, and maintain an adequate, dependable surface water management system” within the district’s boundaries.

The bill amends the boundaries of the district and is effective upon becoming law.

HOUSE PRINCIPLES

Members are encouraged to evaluate proposed legislation in light of the following guiding principles of the House of Representatives

- Balance the state budget.
- Create a legal and regulatory environment that fosters economic growth and job creation.
- Lower the tax burden on families and businesses.
- Reverse or restrain the growth of government.
- Promote public safety.
- Promote educational accountability, excellence, and choice.
- Foster respect for the family and for innocent human life.
- Protect Florida's natural beauty.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

The Melbourne-Tillman Water Control District was created in 1986 by ch. 86-417, L.O.F. Subsequent amendments followed¹ and were codified by ch. 2001-336, L.O.F. The district was created as a dependent special district to “secure, operate, and maintain an adequate, dependable surface water management system” within the district’s boundaries.² The district is governed by a seven member board of directors, comprised of three members appointed by the Brevard County Board of County Commissioners, three members appointed by the City of Palm Bay City Council, and one member appointed by the City of West Melbourne City Council.³

The district is funded by a non ad valorem user fee applied to each parcel within the district’s boundary. The fee is based on an approved rate (approved annually by the district’s board and by the Brevard county commission) applied to parcel acreage and land use category as designed by the Brevard county property appraiser. For example, under the current user fee rates, a typical single-family residential lot pays \$19.13 per year - \$19.13 per acre or portion thereof on residential classifications.

District Boundary Modification

Section 298.301, F.S., provides that when a water control district is created, or its authorities or boundaries amended, by special act, lands may be added to or deleted only through legislative modification of the special act.

Effect of Proposed Changes

The bill amends the boundaries of the district by adding two subdivisions: Preserve at Heritage Oaks (41.8 acres±) and Eastwood at Heritage Oaks (39.5 acres±). These subdivisions were accepted into the district for drainage at the request of the developer, RJP Development, on the condition that the developer submits a request to the Legislature to include this area in the district’s boundaries. At that time, in 2004, the area was undeveloped. The deed restriction associated with properties within these two subdivisions explains that the “compensation [due to the district] shall be deemed a common operating expense of the [Homeowners] Association and included within its annual assessments unless

¹ Chapters 90-401, 91-341, 92-239, and 94-424, L.O.F.

² Section 3, s. 1, ch. 2001-336, L.O.F.

³ Section 3, s. 2(8), ch 2001-336, L.O.F.

and until the Subdivision is include[d] within the boundaries of [the district] and assessments are thereafter made against the individual lots and owners in the Subdivision by the [district], (which assessments may be made and collected for [the district] through the offices of the Brevard County Property Appraiser and Tax Collector).”

B. SECTION DIRECTORY:

Section 1: Amends district boundary.

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

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? On January 14th, 2010.

WHERE? In *Florida Today*, a newspaper in Brevard 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:

In *Hillsborough County v. Tampa Port Authority*,⁴ the court held that the 1970 expansion of the territorial boundaries of the Port District did not create a new district requiring a voter ratification referendum. The 1970 act only expanded territory, not authority.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES

⁴ 563 So.2d 1108, 1110 (Fla. 2d DCA 1990).