

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: CS/HB 619 Fort Pierce Farms Water Control District, St. Lucie County

SPONSOR(S): Community & Military Affairs Subcommittee; Mayfield

TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Community & Military Affairs Subcommittee	12 Y, 0 N, As CS	Read	Hoagland
2) Economic Affairs Committee	15 Y, 0 N	Read	Tinker

SUMMARY ANALYSIS

The Fort Pierce Farms Water Control District (“FPFWCD” or “the District”) is an independent special district in St. Lucie County that is responsible for flood control and protection, water management, and reclamation of lands for approximately 13,000 acres. The District was created by judicial decree in 1919 and was given a corporate lifespan of ninety-nine years.

This bill extends the corporate lifespan of the FPFWCD another ninety-nine years, to December 31, 2111. This will prevent St. Lucie County from having to take over the District’s responsibilities if it was to expire.

The bill is expected to have no financial impact.

The bill has an effective date of upon becoming law but includes a sunset provision that will repeal the extension if a bill is not filed by the first day of the 2013 Regular Legislative Session to codify the District’s charter.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation:

Fort Pierce Farms Water Control District ("FPFWCD" or "the District") is an independent special district in St. Lucie County that is responsible for the drainage infrastructure for approximately 13,000 acres. The District was created by judicial decree in 1919 and was given a corporate lifespan of ninety-nine years. This provision in the District's charter has not been amended; therefore, the District will cease to exist after December 31, 2018.

The District is subject to the provisions of Ch. 298, F.S., which governs water control districts such as FPFWCD. Section 298.305(1), F.S., allows the board of supervisors to levy a non-ad valorem assessment on property owners on a per-acre basis. The FPFWCD is currently funded by a \$25 per acre assessment on landowners within the District.¹

Codification:

The District's charter has been amended numerous times since 1919 but has not been codified. The special acts amending the FPFWCD's charter is as follows: Ch. 9981, L.O.F. (1923); Ch. 10549, L.O.F. (1925); Ch. 12033, L.O.F. (1927); Ch. 16032, L.O.F. (1933); Ch. 25447, L.O.F. (1949); Ch. 65-1226, L.O.F.; Ch. 78-609, L.O.F.; Ch. 82-376, L.O.F.; and Ch. 87-448, L.O.F.

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 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.: shall not be construed to grant additional authority nor to supersede the authority of an entity; shall continue the application of exceptions to law contained in special acts reenacted pursuant to the section; shall not be construed to modify, amend, or alter any covenants, contracts, or other obligations of any district with respect to bonded indebtedness; and 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.

Proposed Changes:

The bill extends the corporate lifetime of the District for another ninety-nine years beginning December 31, 2012. This will ensure that FPFWCD will continue to maintain and manage the drainage infrastructure within the District's boundaries until December 31, 2111. If the corporate life of the District were allowed lapse, St. Lucie County would have to undertake all the responsibilities that are currently provided for by FPFWCD.

The bill has a contingent sunset date which will repeal this act, effective July 1, 2013, if a bill to codify the District's charter is not filed on or before the first day of the 2013 Regular legislative Session. The bill requires the District to submit, at its own expense, a codified charter for Legislative consideration. If a codification bill is not timely filed, the District's current expiration date of December 31, 2018 would be reinstated.

¹ Chapter 87-448, L.O.F.

B. SECTION DIRECTORY:

Section 1: Provides a new expiration date for the District contingent upon the filing of a bill on or before the first day of the 2013 Regular Legislative Session that codifies the District's charter.

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

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN?

October 5, 2011 and December 29, 2011.

WHERE?

Scripps Treasure Coast Newspapers.

B. REFERENDUM(S) REQUIRED? Yes No

C. LOCAL BILL CERTIFICATION FILED? Yes, attached No

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached No

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On February 7, 2012, the Community & Military Affairs Subcommittee adopted one amendment and reported the bill favorably as a committee substitute. The amendment requires:

- the District to submit a draft codified charter; and
- the filing of a bill on or before the first day of the 2013 Regular Legislative Session to codify the charter.

If the bill is not timely filed, this act is repealed effective July 1, 2013. The staff analysis was updated to reflect the committee substitute.