

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: HB 855 South Indian River Water Control District, Palm Beach County

SPONSOR(S): Rooney, Jr.

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

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local & Federal Affairs Committee	17 Y, 0 N	Dougherty	Rojas
2) Economic Affairs Committee	14 Y, 0 N	Tecler	Creamer

SUMMARY ANALYSIS

The South Indian River Water Control District manages drainage systems and road maintenance in specified areas of Palm Beach County. This bill authorizes the Board of Supervisors of the South Indian River Water Control District to construct improvements upon real and personal property for recreational purposes on specified land within the District.

A water control district is a water management or drainage district created by a special act (or, formerly, by circuit court decree). Each district is governed by a board of supervisors, tasked with carrying out their district's water control plan. A water control plan is a comprehensive document that describes the operations and water management improvements of the district as authorized by law. Chapter 298, F.S., enumerates the powers of water control districts' board of supervisors. These powers include the authority to build and construct any improvements necessary to execute the water control plan.

No fiscal impacts are anticipated according to the Economic Impact Statement.

This bill has an effective date of upon becoming law.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

History of Water Control Districts

Water control districts have a long history in Florida. As early as the 1830s, the Legislature passed a special act authorizing landowners to construct drainage ditches across adjacent lands to discharge excess water. Following the passage of several special acts creating drainage districts, the Legislature passed the state's first general drainage law, the General Drainage Act of 1913, to establish one procedure for creating drainage districts – through circuit court decree – and to provide general law provisions governing the operation of these districts.

Between 1913 and 1972, the General Drainage Act remained virtually unchanged. In 1972 and 1979, the Legislature amended the act to change the name of these districts to water management districts and then to water control districts. In neither year did the Legislature enact a major reform of the act, although the 1979 act did repeal provisions authorizing the creation of water control districts by circuit court decree.

Today, ch. 298, F.S., contains provisions governing drainage and water control, including the creation and operation of water control districts and the powers of their boards of supervisors.

Powers of Board of Supervisors

Section 298.22, F.S., grants the board full authority to construct, complete, operate, maintain, repair, and replace any and all works and improvements necessary to execute the water control plan. This section enumerates certain related powers held by the board of supervisors, including in s. 298.22(a), F.S., the authority to build and construct works and improvements needed to preserve and maintain the works in or out of the district.

Limitation on Special or Local Legislation

Section 298.76, F.S., provides that there shall be no special law or general law of local application granting additional authority, powers, rights, or privileges to any water control district formed pursuant to ch. 298, F.S., with certain enumerated exceptions not relevant here.

South Indian River Water Control District

Chapter 2001-213, L.O.F., provides the charter for the South Indian River Water Control District. As per s. 12 of s. 3 of ch. 2001-313, L.O.F., as amended by ch. 2003-332, L.O.F., the Board of Supervisors of the South Indian River Water Control District is authorized, among other things, to hold, control, acquire by donation or purchase, and maintain real and personal property for recreational purposes on specified land within the District. However, the charter does not specifically grant the authority to construct improvements upon such property.

Effect of Proposed Changes

This bill amends the charter of the South Indian River Water Control District, ch. 2001-313, L.O.F., specifically authorizing the Board of Supervisors of the South Indian River Water Control District to construct improvements upon the real and personal property held, controlled, and maintained for recreational purposes on specified land within the District.

Section 298.22, F.S., grants the board of supervisors of the district full power and authority to construct, complete, operate, maintain, repair, and replace any works or improvements necessary. According to s. 298.22(3), F.S., this authority includes any improvements needed to preserve and maintain the works in or out of the district. Thus, this bill does not violate s. 298.76, F.S., which prohibits granting any water control district additional authority, power, rights, or privileges by either special law or general law of

local application. This bill does not grant an additional authority. Therefore, the proposed charter amendment authorizing the board to construct improvements upon real and personal property conforms with general law.

B. SECTION DIRECTORY:

Section 1: Amends s. 12 of s. 3 of ch. 2001-313, L.O.F., as amended by ch. 2003-332, L.O.F., relating to the authority to fund engineering studies, road improvements, and recreational lands.

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

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? January 18, 2013

WHERE? *The Palm Beach Post*, a daily and Sunday newspaper published in Palm Beach 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:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES