

**HOUSE OF REPRESENTATIVES
FINAL BILL ANALYSIS**

BILL #: HB 855

FINAL HOUSE FLOOR ACTION:

SPONSOR(S): Rooney

114 Y's 0 N's

COMPANION N/A
BILLS:

GOVERNOR'S ACTION: Vetoed

SUMMARY ANALYSIS

HB 855 passed the House on April 26, 2013, and subsequently passed the Senate on April 30, 2013.

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.

This bill has no fiscal impact on state or local government.

The effective date of this bill was upon becoming law; however, this bill was vetoed by the Governor on July 2, 2013.

I. SUBSTANTIVE INFORMATION

A. EFFECT OF CHANGES:

Present Situation

Powers of Water Control Districts' 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.

South Indian River Water Control District

Chapter 2001-213, L.O.F., provides the charter for the South Indian River Water Control District (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 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 Changes

This bill amends the charter of District, ch. 2001-313, L.O.F., specifically authorizing the board of supervisors 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 the full power and authority to construct, complete, operate, maintain, repair, and replace any works or improvements necessary. As this authority includes any improvements needed to preserve and maintain the works in or out of the District pursuant to s. 298.22(3), F.S., this bill does not grant any additional authority to the District. Therefore, the proposed charter amendment authorizing the board to construct improvements upon real and personal property conforms with general law.

The bill is effective 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 No

D. ECONOMIC IMPACT STATEMENT FILED? Yes [X] No []