

## HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

**BILL #:** HB 1221 Barron Water Control District, Glades and Hendry Counties

**SPONSOR(S):** Hudson

**TIED BILLS:**           **IDEN./SIM. BILLS:** SB 1358

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local Government Affairs Subcommittee	11 Y, 0 N	Monroe	Miller
2) Local & Federal Affairs Committee	15 Y, 0 N	Monroe	Kiner

### SUMMARY ANALYSIS

The Barron Water Control District was created to serve Glades and Hendry Counties on May 8, 1975. The District's Charter was recodified in 2001 by Chapter 2001-301, Laws of Fla., which included the provisions of both Chapters 84-436 and 2000-416, Laws of Fla. That recodification also extended the life span of the district until midnight September 30, 2020.

This bill would remove the automatic repeal of the District from its Charter allowing the District to continue to exist and levy special assessments indefinitely.

This bill shall take effect upon becoming law.

# FULL ANALYSIS

## I. SUBSTANTIVE ANALYSIS

### A. EFFECT OF PROPOSED CHANGES:

The Barron Water Control District was created to serve Glades and Hendry Counties under the terms of a circuit court order entered on May 8, 1975.<sup>1</sup> The District has continuously provided water management service to the citizens of Glades and Henry Counties for nearly 41 years.

The District's charter was recodified in 2001 by ch. 2001-301, Laws of Fla., which included the provisions of both chs. 84-436 and 2000-416, Laws of Fla. That recodification also extended the life span of the district. When originally formed the district was authorized for 30 years. Chapter 2001-301, Laws of Fla, extended the district's life span for an additional 15 years, providing that:

The Barron Water Control District of Glades and Hendry Counties shall cease to exist at midnight September 30, 2020.<sup>2</sup>

#### Water Control Districts

Chapter 298, F.S., governs the creation and operation of a water control district (WCD). A WCD has the authority and responsibility to construct, complete, operate, maintain, repair, and replace any and all works and improvements necessary to execute the water control plan adopted by that district.<sup>3</sup> A WCD may build and construct any other works and improvements deemed necessary to preserve and maintain the works in or out of the district. A WCD also may acquire, construct, operate, maintain, use, purchase, sell, lease, convey, or transfer real or personal property, including pumping stations, pumping machinery, motive equipment, electric lines, and all appurtenant or auxiliary machines, devices, or equipment.<sup>4</sup>

Current law generally prohibits any special laws or general laws of local application that grant additional authority, powers, rights, or privileges to a WCD formed pursuant to ch. 298, F.S.<sup>5</sup> However, the prohibition does not apply to such laws if the law:

- Amends an existing special act providing for the levy of an annual maintenance tax of a district;
- Extends the corporate life of a district;
- Consolidates adjacent districts; or
- Authorizes the construction or maintenance of roads for agricultural purposes.

Further, current law expressly does not prohibit special laws or general laws of local application that:

- Change the method of voting for a board of supervisors for any WCD;<sup>6</sup>
- Change the term of office or qualifications for WCD board members;<sup>7</sup> and
- Change the governing authority or governing board of any WCD.<sup>8</sup>

Any special or local law the Legislature enacts pertaining to a WCD prevails on the WCD and has the same force and effect as if it were part of ch. 298, F.S., at the time the WCD was created and organized.<sup>9</sup>

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<sup>1</sup> See "Order Granting Petition for the Formation of a Water Management District," entered on May 8, 1975 in the case "In Re: Barron Water Management District," Case No. 72-197, Circuit Court of the 20<sup>th</sup> Judicial Circuit in and for Hendry County. Prior to July 1, 1980, water control districts could be created by order granting a petition of the landowners to the circuit court with jurisdiction over the majority of the land to be contained in the proposed district. See, s. 298.01, F.S., and historical note.

<sup>2</sup> Ch. 2001-301, Section 3(a) of Section 3, Laws of Fla.

<sup>3</sup> Section 298.22, F.S.

<sup>4</sup> Section 298.22(3), F.S.

<sup>5</sup> Section 298.76(1), F.S.

<sup>6</sup> Section 298.76(2), F.S.

<sup>7</sup> Section 298.76(3), F.S.

<sup>8</sup> Section 298.76(4), F.S.

<sup>9</sup> Section 298.76(5), F.S.

## Special Assessments

The primary funding source for water control districts is special assessments, which must provide a special benefit to the property which is being assessed and that assessment must be proportionate to the benefit received by the property.<sup>10</sup>

The Barron Water Control District levies its special assessment on a per acre basis, based on four different categories of land. This is the primary funding source for the District's 2015-2016 budget of \$1,348,201. For the 2015-2016 budget year the rates of assessment were:

- Urban rate, \$67.94; which was levied on 4,665.05 acres,
- Urban grove, \$33.97; which was levied on 507.11 acres,
- Irrigated units, \$25.35; which was levied on 14,426.77 acres, and,
- Drainage units, \$5.26; which was levied on 7,083.91 acres.<sup>11</sup>

## Proposed Changes

This bill repeals s. 3(a) of s. 3 of ch. 2001-301, Laws of Fla., which contains the language abolishing the Barron Water Control District on September 30, 2020. This would allow the District to continue to exist and levy special assessments indefinitely.

### B. SECTION DIRECTORY:

#### **Section 1 -**

Repeals s. 3(a) of s. 3 of ch. 2001-301, Laws of Fla., which contains the language abolishing the Barron Water Control District on September 30, 2020.

#### **Section 2 -**

Provides that this bill shall take effect upon becoming law.

## **II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS**

A. NOTICE PUBLISHED? Yes  No

IF YES, WHEN? October 8, 2015

WHERE? The Clewiston News

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:

<sup>10</sup> City of Boca Raton v. State, 595 So.2d 25 (Fla 1992).

<sup>11</sup> From the Barron Water Control District's website which can be accessed at: <http://bwcd.net/about/> (Last accessed 01/12/2016)

None.

**B. RULE-MAKING AUTHORITY:**

The bill does not provide authority or require implementation by administrative agency rulemaking.

**C. DRAFTING ISSUES OR OTHER COMMENTS:**

None.

**IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**