

**HOUSE OF REPRESENTATIVES
FINAL BILL ANALYSIS**

BILL #:	HB 1093	FINAL HOUSE FLOOR ACTION:		
SUBJECT/SHORT TITLE	Loxahatchee Groves Water Control District, Palm Beach County	109	Y's 3	N's
SPONSOR(S):	Willhite	GOVERNOR'S ACTION:		Approved
COMPANION BILLS:	N/A			

SUMMARY ANALYSIS

HB 1093 passed the House on February 21, 2018, and subsequently passed the Senate on March 8, 2018.

The District is an independent special district that provides surface water management, road maintenance, and related services for the Loxahatchee Groves community and a portion of Royal Palm Beach, all in Palm Beach County. Its area covers 12.5 square miles with 29 miles of unpaved roads and 30 miles of canals in Northern Palm Beach County. The District was founded in 1917 and all of its prior special acts have been codified into one special act pursuant to ch. 99-425, L.O.F., as amended.

The bill dissolves the Loxahatchee Groves Water Control District (District) as an independent special district and transfers it to the Town of Loxahatchee Groves (Town) as a dependent special district. The bill repeals all special acts of the District. The District's provisions will become ordinances of the Town.

All assets, liabilities, financial allocations, and written contracts of the District, including all rights, obligations, duties, and relationships now existing by law, easement, permit, or agreement, are unaffected, remain in full force and effect, and will be those of a dependent district of the Town. Additionally, all rights, claims, actions, orders, and contracts of the District and all legal or administrative proceedings involving the District will continue in full force and effect under the jurisdiction of the District as a dependent district.

The terms of office for the current members of the District's Board of Supervisors (Board) will continue until the members of the town council or the Town assume the offices of the Board.

All resolutions and policies of the District will remain in effect until amended, revised, or repealed by the Board to the extent they are not inconsistent with the Town's ordinances. Any other provisions necessary to effect the transition and to provide for the operation of the District as a dependent district must be adopted by ordinance.

According to the Economic Impact Statement, the bill is projected to have no fiscal impact on the state or local government.

The bill was approved by the Governor on March 23, 2018, ch. 2018-175, L.O.F. Sections 3 and 4 became effective on March 23, 2018, and the remainder of the bill will become effective only upon the approval by a majority of those landowners of the District voting in the same manner by which the District's governing body is elected in a referendum to be held no later than October 1, 2018.

I. SUBSTANTIVE INFORMATION

A. EFFECT OF CHANGES:

Current Situation

Special Districts

A "special district" is a unit of local government created for a particular purpose, with jurisdiction to operate within a limited geographic boundary. Special districts are created by general law, special act, local ordinance, or by rule of the Governor and Cabinet.¹ A special district has only those powers expressly provided by, or reasonably implied from, the authority provided in the district's charter. Special districts provide specific municipal services in addition to, or in place of, those provided by a municipality or county.²

A "dependent special district" is a special district where the membership of the governing body is identical to the governing body of a single county or municipality, all members of the governing body are appointed by the governing body of a single county or municipality, members of the district's governing body are removable at will by the governing body of a single county or municipality, or the district's budget is subject to the approval of governing body of a single county or municipality.³ An "independent special district" is any district that is not a dependent special district.⁴

Loxahatchee Groves Water Control District

The Loxahatchee Groves Water Control District (District) is an independent special district that provides surface water management, road maintenance, and related services for the Loxahatchee Groves community⁵ and a portion of Royal Palm Beach. Its area covers 12.5 square miles with 29 miles of paved and unpaved roads and 30 miles of canals in Northern Palm Beach County.⁶ The District was founded in 1917⁷ and all of its prior special acts have been codified into one special act pursuant to ch. 99-425, L.O.F., as amended by chs. 2004-410, 2011-257, 2012-262, 2014-246, and 2014-247, L.O.F.

As a water control district,⁸ the drainage and water control provisions of state law⁹ govern its enabling special acts and authority.¹⁰ The District has the full power and authority to construct, complete, operate, maintain, repair, and replace any and all works and improvements necessary to execute the water control plan adopted by the District.¹¹ The District may build and construct any other works and improvements deemed necessary to preserve and maintain the works in or out of the District. The District also may acquire, construct, operate, maintain, use, purchase, sell, lease, convey, or transfer

¹ Section 189.012(6), F.S.

² *2017 – 2018 Local Gov't Formation Manual*, p. 64, available at

<http://myfloridahouse.gov/Sections/Committees/committeesdetail.aspx?CommitteeId=2911> (last accessed 1/3/2018).

³ Section 189.012(2), F.S.

⁴ Section 189.012(3), F.S.

⁵ There are more than 1,200 homes in the District with an estimated population of 3,500. Loxahatchee Groves Water Control District, About Us, available at http://www.lgwcd.org/Pages/LoxahatcheeWCD_About/index (last accessed 1/20/2018).

⁶ *Id.*

⁷ *Id.*

⁸ All special districts operating under ch. 298, F.S., and formerly known as "drainage districts" or "water management districts" are now officially called water control districts. Section 298.001, F.S.

⁹ Chapter 298, F.S.

¹⁰ See ch. 298, F.S., and chs. 99-425, 2004-410, 2011-257, 2012-262, 2014-246, and 2014-247, Laws of Fla.

¹¹ Section 298.22, F.S.

real or personal property, including pumping stations, pumping machinery, motive equipment, electric lines, and all appurtenant or auxiliary machines, devices, or equipment.¹²

The District is governed by a board of supervisors, the five members of which are elected by a system incorporating a popular election and elections by the District's landowners.¹³ Seat 1 is a nonpartisan office, candidates for which must qualify with the Palm Beach County Supervisor of Elections. Seat 1 is elected by qualified voters of the District and serves a three-year term. Seats 2, 3, 4, and 5 are elected by the landowners of the District at the annual landowner's meeting. The terms of office for these seats are for three years each.¹⁴

Town of Loxahatchee Groves

The Town of Loxahatchee Groves (Town) was created and established by ch. 2006-328, Laws of Florida. Its boundaries are established within the District¹⁵ and the Town comprises approximately 8,148 acres. The Town has a council-manager form of government consisting of a five-member town council (Town Council) elected at large who are vested with all legislative and charter powers of the Town, unless otherwise provided by the charter.¹⁶ Each council member serves three-year terms.¹⁷

Effect of the Bill

The bill dissolves the District as an independent special district and transfers it to the Town as a dependent special district. The bill repeals all special acts of the District, the provisions of which will become ordinances of the Town. The drainage and water control provisions of ch. 298, F.S., will continue to be applicable to the District to the extent they are not inconsistent with this act.

All assets, liabilities, financial allocations, and written contracts of the District, including all rights, obligations, duties, and relationships now existing by law, easement, permit, or agreement, are unaffected, remain in full force and effect, and will be those of a dependent district of the Town. Additionally, all rights, claims, actions, orders, and contracts of the District and all legal or administrative proceedings involving the District will continue in full force and effect under the jurisdiction of the District as a dependent district of the Town.

The terms of office for the current members of the District's Board of Supervisors (Board) will continue until the members of the Town Council assume the offices of the Board.

All resolutions and policies of the District will remain in effect until amended, revised, or repealed by the Board to the extent they are not inconsistent with the Town's ordinances. Any other provisions necessary to effect the transition and to provide for the operation of the District as a dependent district of the Town must be adopted by ordinance.

The bill provides the legal description of the boundaries of the District.

The bill takes effect only upon its approval by a majority of those landowners of the District voting in the same manner by which the District's governing body is elected. The referendum must occur no later than October 1, 2018. Sections 3 and 4 of the bill take effect upon becoming a law.

¹² Section 298.22(3), F.S.

¹³ See s. 189.04, F.S.; The District held a referendum on June 27, 2011, to change from a one-acre/one-vote to a popularly elected system. The resulting popular election/land owner election was enacted in ch. 2012-262, Laws of Fla.

¹⁴ Ch. 2012-262, s. 1, Laws of Fla.

¹⁵ Ch. 2006-328, s. 1, Laws of Fla.

¹⁶ Ch. 2006-328, s. 2, Laws of Fla.

¹⁷ Ch. 2006-328, s. 3, Laws of Fla.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. ECONOMIC IMPACT STATEMENT FILED? Yes No

D. NOTICE PUBLISHED? Yes No

IF YES, WHEN? October 26, 2017

WHERE? *Palm Beach Post*

E. REFERENDUM(S) REQUIRED? Yes No

IF YES, WHEN? No later than October 1, 2018