

## HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

**BILL #:** HB 1115 Indian River Farms Water Control District, Indian River County  
**SPONSOR(S):** Grall  
**TIED BILLS:**           **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local, Federal & Veterans Affairs Subcommittee	10 Y, 0 N	Renner	Miller
2) Government Accountability Committee	21 Y, 0 N	Renner	Williamson

### SUMMARY ANALYSIS

The Indian River Farms Water Control District (District) is an independent special district located in Indian River County. The District was created and incorporated by judicial decree of the Fifteenth Circuit, in St. Lucie County, in 1919. The decree gave the District a 99-year lifespan from that date and extends to May 8, 2018. The purpose of the District is to provide drainage and stormwater control for an area comprising of approximately 54,000 acres. Chapter 2006-343, Laws of Florida, codified and reenacted all prior special acts of the District into a single act.

The bill removes the 99-year term limitation of the District originally provided by the decree of the Circuit Court for the Fifteenth Judicial Circuit in St. Lucie County so that the District can continue in existence and authority as provided in ch. 2006-343, Laws of Florida.

The bill does not appear to have a fiscal impact on the state or local governments.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### **Current Situation**

##### Independent 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,<sup>1</sup> special act,<sup>2</sup> local ordinance,<sup>3</sup> or by rule of the Governor and Cabinet.<sup>4</sup> 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.<sup>5</sup>

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.<sup>6</sup> An "independent special district" is any district that is not a dependent special district.<sup>7</sup>

##### Water Control Districts

Chapter 298, F.S., governs the creation and operation of a water control district (WCD).<sup>8</sup> 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>9</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>10</sup>

##### Indian River Farms Water Control District

The Indian River Farms Water Control District (District) is an independent special district located in Indian River County. The District was created and incorporated by judicial decree of the Fifteenth Circuit, in St. Lucie County, in the case "In re: Indian River Farms Drainage District" in 1919.<sup>11</sup> The decree gave the District a 99-year lifespan from that date and extends to May 8, 2018.<sup>12</sup> The purpose of the District is to provide drainage and stormwater control for an area comprising approximately

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<sup>1</sup> Section 189.031(3), F.S.

<sup>2</sup> *Id.*

<sup>3</sup> Section 189.02(1), F.S.

<sup>4</sup> Section 190.005(1), F.S. *See, generally, s. 189.012(6), F.S.*

<sup>5</sup> *2017 – 2018 Local Gov't Formation Manual*, p. 60, at

<http://myfloridahouse.gov/Sections/Committees/committeesdetail.aspx?CommitteeId=2911> (last accessed 1/4/2018).

<sup>6</sup> Section 189.012(2), F.S.

<sup>7</sup> Section 189.012(3), F.S.

<sup>8</sup> 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.

<sup>9</sup> Section 298.22, F.S.

<sup>10</sup> Section 298.22(3), F.S.

<sup>11</sup> Ch. 2006-343, s. 3, Laws of Fla.

<sup>12</sup> *See* Indian River Farms Water Control District, available at <http://www.irfwcd.com/about.html> (last accessed 1/4/2018).

54,000 acres. Chapter 2006-343, Laws of Florida, codified and reenacted all prior special acts of the District into a single act.

### **Effect of Proposed Changes**

The bill removes the 99-year term limitation of the District originally provided by the decree of the Fifteenth Judicial Circuit in St. Lucie County so that the District can continue in existence and authority as provided in ch. 2006-343, Laws of Florida.

#### **B. SECTION DIRECTORY:**

Section 1      Removes the 99-year term limitation of the Indian River Farms Water Control District originally provided by court decree.

Section 2      Provides that the bill takes effect upon becoming a law.

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

A. NOTICE PUBLISHED?    Yes     No

IF YES, WHEN? November 17, 2017

WHERE? *Indian River Press Journal*

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:

The bill neither authorizes nor requires administrative rulemaking by executive branch agencies.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

### **IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

None.