

## HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

**BILL #:** HB 869 Ranger Drainage District, Orange County

**SPONSOR(S):** Plasencia

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

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local, Federal & Veterans Affairs Subcommittee	14 Y, 0 N	Darden	Miller
2) Natural Resources & Public Lands Subcommittee	12 Y, 1 N	Gregory	Shugar
3) Government Accountability Committee			

### SUMMARY ANALYSIS

The Ranger Drainage District (District) is independent special district in eastern Orange County created by a decree of the Ninth Judicial Circuit in 1970. A three-member board elected on a one-acre, one-vote basis governs the District while exercising all powers set forth in Chapter 298, F.S.

The District is comprised of approximately 10,000 acres of land along the Econlockhatchee River (river). The lands east of the river comprise approximately 7,000 acres, primarily residential. In this area, the District provides all works and improvements necessary to execute the water control plan and levies assessments to provide services. The lands west of the river are generally for institutional and commercial uses, with site development controlled directly by the St. Johns River Water Management District. The lands west of the river currently are neither taxed nor serviced by the District.

The bill removes all lands west of the Econlockhatchee River from the District.

The bill shall take effect upon becoming a law.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED 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,<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>

Special districts do not possess "home rule" powers and may impose only those taxes, assessments, or fees authorized by special or general law. The special act creating an independent special district may provide for funding from a variety of sources while prohibiting others. For example, ad valorem tax authority is not mandatory for a special district.<sup>8</sup>

Chapter 298, F.S., governs the creation and operation of a water control district (WCD).<sup>9</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>10</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>11</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>12</sup>

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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. 21, at

<http://myfloridahouse.gov/Sections/Committees/committeesdetail.aspx?CommitteeId=2911> (last accessed Dec. 18, 2017).

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

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

<sup>8</sup> Art. VII, s. 9(a), Fla. Const.

<sup>9</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>10</sup> Section 298.22, F.S.

<sup>11</sup> Section 298.22(3), F.S.

<sup>12</sup> Section 298.76(5), F.S.

## Ranger Drainage District

The Ranger Drainage District (District) is an independent special district in eastern Orange County, southeast of Orlando.<sup>13</sup> The District was created by a decree of the Ninth Judicial Circuit in 1970.<sup>14</sup> A three-member board elected on a one-acre, one-vote basis governs the District.<sup>15</sup> The board of the District is authorized to exercise all powers set forth in Chapter 298, F.S.<sup>16</sup> The board is also authorized to provide services to parcels adjoining the district with consent of the landowner, to allow fishing in district-owned canals, and to sponsor events “intended to foster community spirit,” including a fishing tournament for children of the community.<sup>17</sup>

The District is comprised of approximately 10,000 acres of land along the Econlockhatchee River (river).<sup>18</sup> The lands to the east of the river, approximately 7,000 acres, are primarily zoned for residential use. Lands to the west of the river are generally zoned into large-scale institutional, utility, commercial, and conservation tracts. When the district was created in 1970, these lands were intended to be developed as residential and mixed-use development.<sup>19</sup> Developers continued to pay capital improvement taxes on these properties until the District’s bonds were retired in 1994, but obtained authorization for site development directly from the St. Johns River Water Management District.<sup>20</sup> The lands west of the river currently are not taxed to fund District services since the District has no water control facilities in the area.<sup>21</sup>

### Effect of Proposed Changes

The bill revises the boundaries of the district to remove all lands west of the Econlockhatchee River. This will reduce the size of the district by approximately 3,000 acres.

#### B. SECTION DIRECTORY:

Section 1: Amends ch. 99-453, Laws of Fla., removing lands west of the Econlockhatchee River from the Ranger Drainage District.

Section 2: Provides that the bill shall take effect upon becoming a law.

## II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes  No

IF YES, WHEN? September 5, 2017

WHERE? *Orlando Sentinel*, a daily newspaper of general circulation published in Orange County, Florida.

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<sup>13</sup> See Ranger Drainage District, *Third Amended Water Control Plan*, January 2008, at 67, available at [https://docs.wixstatic.com/ugd/f79a5a\\_90c3d17f56a24be9a9e4fe3846dd912c.pdf](https://docs.wixstatic.com/ugd/f79a5a_90c3d17f56a24be9a9e4fe3846dd912c.pdf) (map of the district in relation to city of Orlando).

<sup>14</sup> Ch. 99-453, s. 3, Laws of Fla. Prior to July 1, 1980, drainage districts could be created by order of the circuit court with jurisdiction over the majority of the land being made part of the district, on petition of the land owners. See s. 298.01, F.S.

<sup>15</sup> Ch. 99-453, s. 7(5), Laws of Fla. Landowners owning less than one acre are entitled one vote, while landowners owning more than one acre are entitled to one additional vote for each acre owned beyond the first.

<sup>16</sup> Ch. 99-453, s. 7(1), Laws of Fla.

<sup>17</sup> Ch. 99-453, s. 5, Laws of Fla.

<sup>18</sup> Ranger Drainage District, *Third Amended Water Control Plan*, *supra* note 9, at 7.

<sup>19</sup> *Id.*

<sup>20</sup> *Id.*

<sup>21</sup> *Id.*

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.