

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: CS/CS/HB 901 Acme Improvement District and Pine Tree Water Control District, Palm Beach County
SPONSOR(S): Government Accountability Committee; Local, Federal & Veterans Affairs Subcommittee; Willhite
TIED BILLS: IDEN./SIM. **BILLS:** SB 322

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local, Federal & Veterans Affairs Subcommittee	11 Y, 0 N, As CS	Renner	Miller
2) Government Accountability Committee	18 Y, 0 N, As CS	Renner	Williamson

SUMMARY ANALYSIS

The Acme Improvement District (Acme) was created in 1953 as an independent special district with the responsibility of building and maintaining the drainage infrastructure within the district's boundaries. In 1995, the Legislature incorporated the Village of Wellington. Acme was subsequently designated as a dependent special district of the village. In addition to providing and maintaining the district's drainage infrastructure, Acme is authorized to construct and maintain roads and parks and provide utilities within its boundaries.

The Pine Tree Water Control District (PTWCD) is an independent special district comprised of approximately 4,022 acres in Palm Beach County, Florida. The PTWCD was created by a circuit court decree on May 17, 1971, and Chapter 2009-270, Laws of Florida, codified the PTWCD charter. The PTWCD was created to construct, improve, pave and maintain streets, roadways, and roads necessary and convenient to provide access to and efficient development of areas made suitable and available for cultivation, agricultural, settlement, and other beneficial use and development as a result of the drainage, irrigation, and reclamation operations of the PTWCD.

The Flying Cow Ranch is currently undeveloped property under single ownership with no residents on the property. Fifty acres lies within Acme and 100 acres lies within the PTWCD.

The bill transfers that portion of the Flying Cow Ranch property within Acme and places it in the jurisdiction of the PTWCD to facilitate the development of the Flying Cow Ranch property. The bill also amends the charters of Acme and PTWCD to state the new boundaries of each district as a result of the parcel move.

According to the Economic Impact Statement, the bill is projected to result in no net new expenditures or revenues. The loss of assessments by Acme would appear to be offset by Acme's reduced area of service responsibility. The concurrent increase in assessments to the PTWCD would appear to be offset by PTWCD's increased area of service responsibility.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present 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 the governing body of a single county or municipality.³

An “independent special district” is characterized by having a governing board comprised of members, which are not identical in membership to, nor all appointed by, nor any removable at will by, the governing body of a single county or municipality, and the district budget cannot be affirmed or vetoed by the governing body of a single county or municipality.⁴ Additionally, a district that includes more than one county is an independent special district unless the district lies wholly within the boundaries of a single municipality.

Chapter 298, F.S., governs the creation and operation of a water control district (WCD).⁵ A WCD 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 that district.⁶ 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.⁷ 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.⁸

¹ Section 189.012(6), F.S.

² *2017-2018 Local Gov’t Formation Manual* at pg. 64, available at <http://www.myfloridahouse.gov/Sections/Committees/committeesdetail.aspx?CommitteeId=2911> (last accessed 12/13/2017).

³ Section 189.012(2), F.S.

⁴ Section 189.012(3), F.S.

⁵ 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.

⁶ Section 298.22, F.S.

⁷ Section 298.22(3), F.S.

⁸ Section 298.76(5), F.S.

Acme Improvement District

The Acme Improvement District (Acme) was created in 1953 as an independent special district with the responsibility of building and maintaining the drainage infrastructure within the district's boundaries.⁹ In 1995, the Legislature incorporated the Village of Wellington.¹⁰ Acme was subsequently designated as a dependent special district of the village.¹¹ In addition to providing and maintaining the district's drainage infrastructure, Acme is authorized to construct and maintain roads and parks and provide utilities within its boundaries.¹²

Pine Tree Water Control District

The Pine Tree Water Control District (PTWCD) is an independent special district comprised of approximately 4,022 acres of land in Palm Beach County, Florida. The PTWCD was created by a circuit court decree on May 17, 1971, and Chapter 2009-270, Laws of Florida, codified the PTWCD charter. The PTWCD was created to construct, improve, pave, and maintain streets, roadways, and roads necessary and convenient to provide access to and efficient development of areas made suitable and available for cultivation, agricultural, settlement, and other beneficial use and development as a result of the drainage, irrigation, and reclamation operations of the PTWCD.

Flying Cow Ranch

The Flying Cow Ranch is currently undeveloped property under single ownership with no residents on the property. Fifty acres lies within Acme and 100 acres lies within the PTWCD.

Effect of the Bill

The bill transfers that portion of the Flying Cow Ranch property within Acme and places it in the jurisdiction of the PTWCD to facilitate the development of the Flying Cow Ranch property. The bill also amends the charters of Acme and the PTWCD to state the new boundaries of each district as a result of the parcel move.

B. SECTION DIRECTORY:

Section 1. Transferring the Flying Cow Ranch property from the Acme Improvement District to the Pine Tree Water Control District and providing new boundaries for each district

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

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? November 3, 2017

WHERE? *Palm Beach Post*, Palm Beach County

B. REFERENDUM(S) REQUIRED? Yes No

IF YES, WHEN?

⁹ Ch. 28557 (1953), Laws of Fla.

¹⁰ Ch. 95-496, Laws of Fla.

¹¹ Ch. 2003-330, s. 3, Laws of Fla.

¹² Ch. 2003-330, s. 3 (3), Laws of Fla.

C. LOCAL BILL CERTIFICATION FILED? Yes, attached [X] No []

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached [X] 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

On January 24, 2018, the Local, Federal & Veterans Affairs Subcommittee adopted one amendment and reported the bill favorably as a committee substitute. The amendment amends the charters of the Acme Improvement District and the Pine Tree Water Control District to state the new boundaries of each District as a result of the parcel move.

On February 8, 2018, the Government Accountability Committee adopted one amendment and reported the bill favorably as a committee substitute. The amendment was technical and corrected language in the Acme Improvement District boundary description.

This analysis is drafted to the committee substitute as approved by the Government Accountability Committee.

Attachment A

