

## HOUSE OF REPRESENTATIVES STAFF FINAL BILL ANALYSIS

**BILL #:** HB 943 ACME Improvement District and Pine Tree Water Control District, Palm Beach County

**SPONSOR(S):** Waldron

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

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**FINAL HOUSE FLOOR ACTION:** 113 Y's 0 N's **GOVERNOR'S ACTION:** Approved

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### SUMMARY ANALYSIS

HB 943 passed the House on March 31, 2023, and subsequently passed the Senate on April 4, 2023.

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 rule of the Governor and Cabinet. A "dependent special district" is a special district subject to significant control by the governing body of a single county or municipality.

The Acme Improvement District (AID) is a dependent special district of the Village of Wellington originally created as an independent special district by special act in 1953. The district was made a dependent district of the Village of Wellington as part of that municipality's incorporation process in 1995. AID was established for the purpose of reclaiming and draining lands from the effects of water by means of construction and maintenance of canals and other improvements and making the lands within the district available for settlement and agriculture.

The Pine Tree Water Control District is an independent special district created by a circuit court decree in 1971. The charter of the district was recodified in 2009. The Pine Tree Water Control District was created for similar purposes to AID.

The bill transfers lands commonly known as Wellington Preserve at the Marjory Stoneman Douglas Everglades Habitat and the Moncada Property from the Pine Tree Water Control District to AID. The purpose of the transfer of territory is to facilitate the incorporation of the Moncada Property into the existing Wellington Preserve at the Marjory Stoneman Douglas Everglades Habitat, and to preserve public resources by allowing the Village of Wellington to direct financial resources to developing the area for the benefit of the public.

According to the economic impact statement, the bill is not expected to have a fiscal impact.

The bill was approved by the Governor on June 23, 2023, ch. 2023-330, L.O.F., and became effective on that date.

## I. SUBSTANTIVE INFORMATION

### A. EFFECT OF CHANGES:

#### Background

##### 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.<sup>1</sup> Special districts are created by general law,<sup>2</sup> special act,<sup>3</sup> local ordinance,<sup>4</sup> or rule of the Governor and Cabinet.<sup>5</sup> A special district has only those powers expressly provided by, or reasonably implied from, the authority provided in the district’s charter.<sup>6</sup> Special districts provide specific municipal services in addition to, or in place of, those provided by a municipality or county.<sup>7</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 the governing body of a single county or municipality.<sup>8</sup> An “independent special district” is any district that is not a dependent special district.<sup>9</sup>

The charter of a newly-created district must state whether it is dependent or independent.<sup>10</sup> Charters of independent special districts must address and include a list of required provisions, including the purpose of the district, its geographical boundaries, taxing authority, bond authority, and selection procedures for the members of its governing body.<sup>11</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>12</sup>

Special districts may enter into interlocal agreements with one or more other local governmental units.<sup>13</sup> Under such an agreement, the special district may exercise jointly with the other participating local governments those powers, privileges, or authorities which they have in common and each may exercise separately.<sup>14</sup>

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<sup>1</sup> See *Halifax Hospital Medical Center v. State of Fla., et al.*, 278 So. 3d 545, 547 (Fla. 2019).

<sup>2</sup> S. 189.031(3), F.S.

<sup>3</sup> *Id.*

<sup>4</sup> S. 189.02(1), F.S.

<sup>5</sup> S. 190.005(1), F.S. See, generally, s. 189.012(6), F.S.

<sup>6</sup> *Halifax Hosp. Med. Center, supra* at 548.

<sup>7</sup> *Local Gov’t Formation Manual* at p. 58, available at

<https://myfloridahouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Committees&CommitteeId=3227&Session=2023&DocumentType=General+Publications&FileName=2022+Local+Government+Formation+Manual.pdf> (last visited Jan. 25, 2023).

<sup>8</sup> S. 189.012(2), F.S.

<sup>9</sup> S. 189.012(3), F.S.

<sup>10</sup> S. 189.031(5), F.S.

<sup>11</sup> S. 189.031(3), F.S.

<sup>12</sup> Art. VII, s. 9(a), Fla. Const.

<sup>13</sup> S. 163.01(2), (3)(b), F.S.

<sup>14</sup> S. 163.10(4), F.S.

## Acme Improvement District (AID)

The AID is a dependent special district of the Village of Wellington originally created as an independent special district by special act in 1953.<sup>15</sup> The district was made a dependent district of the Village of Wellington as part of its incorporation process.<sup>16</sup> The charter of the district was subsequently codified in 2003.<sup>17</sup> AID was established for the purpose of reclaiming and draining lands from the effects of water by means of construction and maintenance of canals and other improvements and making the lands within the district available for settlement and agriculture.<sup>18</sup> AID's service area covers over 32 square miles in unincorporated Palm Beach County.<sup>19</sup> In addition to drainage, water, and wastewater services, the district maintains equestrian trails and is responsible for overseeing and maintaining the Wellington Environmental Preserve at Marjory Stoneman Douglas Everglades Habitat, the Birkdale Preserve, and Big Blue Preserve.

## Pine Tree Water Control District

The Pine Tree Water Control District is an independent special district created by circuit court decree in 1971.<sup>20</sup> The charter of the district was recodified in 2009.<sup>21</sup> The district was created to reclaim, drain and protect the lands from the effects of water by means of the construction of maintenance canals and other drainage works and improvements and eventual settlement and agriculture.<sup>22</sup> The district contains 4,022 taxable acres of property.<sup>23</sup>

### **Effect of the Bill**

The bill transfers lands commonly known as Wellington Preserve at the Marjory Stoneman Douglas Everglades Habitat and the Moncada Property from the Pine Tree Water Control District to the AID.

The purpose of the transfer of territory is to facilitate the incorporation of the Moncada Property into the existing Wellington Preserve at the Marjory Stoneman Douglas Everglades Habitat, and to preserve public resources by allowing the Village of Wellington to direct financial resources to developing the area for the benefit of the public. The addition of the Moncada property to Wellington Preserve will add 45 acres to the preserve.

## **II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

### **A. FISCAL IMPACT ON STATE GOVERNMENT:**

#### **1. Revenues:**

None.

#### **2. Expenditures:**

None.

### **B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

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<sup>15</sup> See Ch. 28557 (1953), Laws of Fla.

<sup>16</sup> Ch. 95-496, s. 10(g), Laws of Fla.

<sup>17</sup> Ch. 2003-330, Laws of Fla.

<sup>18</sup> Ch. 2003-330, s. 3(1), Laws of Fla.

<sup>19</sup> Acme Improvement District, *What is the Acme Improvement District?*, <https://acme.wellingtonfl.gov/what-is-the-acme-improvement-district> (last visited Mar. 11, 2023).

<sup>20</sup> Pine Tree Water Control District, *General Information*, <https://ptwcd.org/general-information/> (last visited Mar. 11, 2023).

<sup>21</sup> Ch. 2009-270, Laws of Fla.

<sup>22</sup> Ch. 2009-270, s. 3(1), Laws of Fla.

<sup>23</sup> Pine Tree Water Control District, *General Information*, <https://ptwcd.org/general-information/> (last visited Mar. 11, 2023).

1. Revenues:

None.

2. Expenditures:

According to the economic impact statement, the bill is not expected to have a fiscal impact.

C. ECONOMIC IMPACT STATEMENT FILED? Yes  No

D. NOTICE PUBLISHED? Yes  No

IF YES, WHEN? January 19, 2023.

WHERE? *The Palm Beach Post*, a daily newspaper of general circulation published in Palm Beach County, Florida.

E. REFERENDUM(S) REQUIRED? Yes  No

IF YES, WHEN?