HOUSE OF REPRESENTATIVES STAFF FINAL BILL ANALYSIS

BILL #:   HB 945   Jupiter Inlet District, Palm Beach County
SPONSOR(S): Snyder
TIED BILLS: **IDEN./SIM. BILLS:**

FINAL HOUSE FLOOR ACTION: 116 **Y's**   0 **N's**   **GOVERNOR'S ACTION:** Approved

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SUMMARY ANALYSIS

HB 945 passed the House on April 27, 2023, and subsequently passed the Senate on May 4, 2023.

The Jupiter Inlet District (District) is an independent special district in Palm Beach County created in 1921. The charter of the District was most recently codified in 2000. The District is organized and exists for the purpose of deepening and maintaining the Loxahatchee River and Jupiter Inlet for the benefit of the public.

The bill codifies the charter of the Jupiter Inlet District and makes the following revisions to the District's charter:
- Provides for more defined powers for the District;
- Reduces the maximum millage rate that may be levied by the District from 3 mills to 1.5 mills;
- Increase the monthly compensation of the members of the District's board from $200 to $500; and
- Clarifies the role of the District in permitting certain improvements.

According to the Economic Impact Statement, the bill is not expected to have a fiscal impact in Fiscal Years 2023-24 and 2024-25.

The bill was approved by the Governor on June 22, 2023, ch. 2023-331, 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.[1] Special districts are created by general law,[2] special act,[3] local ordinance,[4] or rule of the Governor and Cabinet.[5] A special district has only those powers expressly provided by, or reasonably implied from, the authority provided in the district's charter.[6] Special districts provide specific municipal services in addition to, or in place of, those provided by a municipality or county.[7]

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.[8] An "independent special district" is any district that is not a dependent special district.[9]

The charter of a newly-created district must state whether it is dependent or independent.[10] 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.[11]

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.[12]

Special districts may enter into interlocal agreements with one or more other local governmental units.[13] 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.[14]

Codification

Codification is the process of bringing a special district's charter up-to-date by consolidating it in one place. After a special district is created, special acts often amend or alter the special district's charter

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[1] *See Halifax Hospital Medical Center v. State of Fla., et al.*, 278 So. 3d 545, 547 (Fla. 2019).
[2] S. 189.031(3), F.S.
[3] *Id.*
[4] S. 189.02(1), F.S.
[5] S. 190.005(1), F.S. *See*, generally, s. 189.012(6), F.S.
[6] *Halifax Hosp. Med. Center, supra* at 548.
[7] *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 Apr. 13, 2023).
[8] S. 189.012(2), F.S.
[9] S. 189.012(3), F.S.
[10] S. 189.031(5), F.S.
[11] S. 189.031(3), F.S.
[12] Art. VII, s. 9(a), Fla. Const.
[13] S. 163.01(2), (3)(b), F.S.
[14] S. 163.10(4), F.S.

provisions. To ascertain the current status of a special district's charter, it is necessary to research all amendments or changes made to the charter since its inception or original passage by the Legislature. Codification of special district charters allows readers to more easily determine the current charter of a district.

Each district must submit to the Legislature a draft codified charter so that its special acts may be codified into a single act for reenactment by the Legislature if there is more than one special act for the district.[15] Any codified act relating to a district, which act is submitted to the Legislature for reenactment, must provide for the repeal of all prior special acts relating to the district. The codified act must be filed with the Department of Economic Opportunity.[16] The reenactment of existing law must not be construed as a grant of additional authority nor to supersede the authority of any entity pursuant to law.[17]

The reenactment of existing law does not modify, amend, or alter any covenants, contracts, or other obligations of any district with respect to bonded indebtedness. or affect the ability of any district to levy and collect taxes, assessments, fees, or charges for the purpose of redeeming or servicing bonded indebtedness of the district.[18]

Jupiter Inlet District

The Jupiter Inlet District (District) is an independent special district created in 1921.[19] The charter of the District was most recently codified in 2000.[20] The District was created for the purpose of deepening and maintaining the Loxahatchee River and Jupiter Inlet for the benefit of the public.[21] The District is responsible for bypassing sand that migrates into the inlet system from downdrift beaches through projects that are permitted through the United States Army Corps of Engineers and the Department of Environmental Protection (DEP).[22]

The District is governed by a board consisting of five commissioners who must be residents and electors of the District.[23] Commissioners are elected to four-year terms and may serve until their successors are elected and qualified. The administrative duties of the board of commissioners include the planning, financing, and coordinating the works of the district, including budgeting, obtaining sources of financing, as well as carrying out the constructing, repairing, restoring, and maintaining of the works of the district.[24] Members of the board receive compensation of $200 per month and receive per diem and travel expenses as authorized by general law.[25]

For Fiscal Year (FY) 2021-2022, the District had an annual operating budget of $5,739,407.[26] The District is funded through grant funding for projects and an ad valorem tax levy.[27] The District's ad valorem tax levy for FY 2022-2023 is .0818 mills.[28]

Effect of the Bill

The bill codifies the charter of the District and revises language concerning the purpose of the District to more clearly reflect current practices. The bill revises the powers of the District by replacing a

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[15] S. 189.019(1), F.S.
[16] *Id.*
[17] S. 189.019(2), F.S.
[18] S. 189.019(3), F.S.
[19] Ch. 8910, Laws of Fla (1921).
[20] Ch. 2000-412, Laws of Fla.
[21] Ch. 2000-412, s. 3(a), Laws of Fla.
[22] Jupiter Inlet District, *Jupiter Inlet District*, https://www.jupiterinletdistrict.org/jupiter-inlet-district (last visited Apr. 13, 2023).
[23] Ch. 2000-412, s. 3(e), Laws of Fla.
[24] Ch. 2000-412, Section 3(g), Laws of Fla.
[25] Chs. 2000-412, s. 3(f) and 2002-354, Laws of Fla.
[26] Jupiter Inlet District, *2022 Final Budget*, *available at* https://www.jupiterinletdistrict.org/jupiter-inlet-district (last visited Apr. 13, 2023).
[27] *Id.*
[28] Palm Beach County Property Appraiser, *2022 Final Millage Rates*,
https://www.pbcgov.org/papa/pdf/taxroll/2022_Final_Millage_Rates.pdf (last visited Apr. 13, 2023).

general grant of authority to carry out the purposes of the charter with more detailed descriptions of activities the District may engage, including:

- Acquisition of lands, easements, riparian right, and railway rights-of-way necessary for the purposes of the District;
- Deepening, constructing, reconfiguring, and maintaining channels and bottoms of the Loxahatchee River and Jupiter Inlet, including seaward approaches and any waterway, natural stream, or body of water;
- Constructing and maintaining canals, ditches, revetments, jetties, sediment basins, navigational channels, and navigational aids;
- Conducting dredging and shoreline preservation;
- Carrying out environmental protection, enhancement, and restoration;
- Constructing bridges and roadways over or across levees, embankments, highways, or railroads or over any canal or waterway in the District;
- Constructing and maintaining docks, wharves, buildings, or other improvements;
- Charging and collecting fees for the use of any wharves, docks, buildings, or other structures or improvements owned by the District; and
- Using and disposing of any properties acquired by the District.

The bill maintains the District's power to levy ad valorem taxes, but reduces the maximum millage from 3 mills to 1.5 mills.

The bill provides for an organizational structure for the District's board, provides that vacancies may be filled by the Governor for the remainder of the unexpired term, and increases the compensation of board members to $500 per month.

The bill revises the District's role in reviewing permit applications submitted to DEP for projects on waters of the District. The bill removes a requirement that DEP provide a written notice to the District and instead allows the notice to be written or transmitted via electronic means. The bill also clarifies that the role of the District in the permitting process is to review applications and provide feedback, but that the final decision-making authority rests with DEP.

The bill repeals the prior special acts relating to Jupiter Inlet District.

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:

According to the Economic Impact Statement, the bill is not expected to have a fiscal impact in FYs 2023-24 and 2024-25. However, the bill provides for a compensation increase for members of the district's board.

C. ECONOMIC IMPACT STATEMENT FILED?   Yes [X]   No []

D. NOTICE PUBLISHED?   Yes [X]   No []

    IF YES, WHEN?   January 18, 2023.

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

E. REFERENDUM(S) REQUIRED?   Yes []   No [X]

    IF YES, WHEN?