

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: HB 1093 Loxahatchee Groves Water Control District, Palm Beach County
SPONSOR(S): Willhite
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local, Federal & Veterans Affairs Subcommittee	12 Y, 0 N	Renner	Miller
2) Natural Resources & Public Lands Subcommittee	11 Y, 0 N	Moore	Shugar
3) Government Accountability Committee			

SUMMARY ANALYSIS

The Loxahatchee Groves Water Control District (District) is an independent special district that provides surface water management, road maintenance, and related services for the Loxahatchee Groves community and a portion of Royal Palm Beach. Its area covers 12.5 square miles with 29 miles of unpaved roads and 30 miles of canals in Northern Palm Beach County. The District was founded in 1917 and all of its prior special acts have been codified into one special act pursuant to ch. 99-425, L.O.F., as amended by: ch. 2004-410, L.O.F.; ch. 2011-257, L.O.F.; ch. 2012-262, L.O.F.; ch. 2014-246, L.O.F.; and ch. 2014-247, L.O.F.

The bill dissolves the District as an independent special district and transfers it to the Town of Loxahatchee Groves (Town) as a dependent special district. The bill repeals all special acts of the District. The District's provisions will become ordinances of the Town.

All assets, liabilities, financial allocations and written contracts of the District, including all rights, obligations, duties and relationships now existing by law, easement, permit, or agreement, are unaffected and remain in full force and effect and will be those of a dependent district of the Town. Additionally, all rights, claims, actions, orders, and all contracts of the District and all legal or administrative proceedings involving the District will continue in full force and effect under the jurisdiction of the District as a dependent district.

The terms of office for the current members of the District's Board of Supervisors (Board) will continue until the members of the Town Council or the Town assume the offices of the Board.

All resolutions and policies of the District will remain in effect until amended, revised, or repealed by the Board to the extent they are not inconsistent with the Town's ordinances. Any other provisions necessary to effect the transition and to provide for the operation of the District as a dependent district must be adopted by ordinance.

The bill takes effect only upon its approval by a majority of those landowners of the District voting in the same manner by which the District's governing body is elected. The referendum must occur no later than October 1, 2018. Sections 3 and 4 of the bill take effect upon becoming law.

The Economic Impact Statement submitted with the bill states that it is projected to have no fiscal impact.

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,¹ special act,² local ordinance,³ or by rule of the Governor and Cabinet.⁴ 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.⁵

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.⁶ An "independent special district" is any district that is not a dependent special district.⁷

Loxahatchee Groves Water Control District

The Loxahatchee Groves Water Control District (District) is an independent special district that provides surface water management, road maintenance, and related services for the Loxahatchee Groves community⁸ and a portion of Royal Palm Beach. Its area covers 12.5 square miles with 29 miles of paved and unpaved roads and 30 miles of canals in Northern Palm Beach County.⁹ The District was founded in 1917¹⁰ and all of its prior special acts have been codified into one special act pursuant to ch. 99-425, L.O.F., as amended by: ch. 2004-410, L.O.F.; ch. 2011-257, L.O.F.; ch. 2012-262, L.O.F.; ch. 2014-246, L.O.F.; and ch. 2014-247, L.O.F.

As a water control district,¹¹ the drainage and water control provisions of state law¹² govern its enabling special acts and authority.¹³ The District 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 the District.¹⁴ The District may build and construct any other works and improvements deemed necessary to preserve and maintain the works in or out of the District. The

¹ Section 189.031(3), F.S.

² *Id.*

³ Section 189.02(1), F.S.

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

⁵ 2017 – 2018 *Local Gov't Formation Manual*, p. 64, at

<http://myfloridahouse.gov/Sections/Committees/committeesdetail.aspx?CommitteeId=2911> (last accessed 1/3/2018).

⁶ Section 189.012(2), F.S.

⁷ Section 189.012(3), F.S.

⁸ There are more than 1,200 homes in the District with an estimated population of 3,500. Loxahatchee Groves Water Control District, About Us, available at http://www.lgwcd.org/Pages/LoxahatcheeWCD_About/index (last accessed 1/20/2018).

⁹ *Id.*

¹⁰ *Id.*

¹¹ 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.

¹² Chapter 298, F.S.

¹³ *See* ch. 298, F.S., and chs. 99-425, 2004-410, 2011-257, 2012-262, 2014-246, and 2014-247, Laws of Fla.

¹⁴ Section 298.22, F.S.

District 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.¹⁵

The District is governed by a board of supervisors, the five members of which are elected by a system incorporating a popular election and elections by the District's landowners.¹⁶ Seat 1 is a nonpartisan office, candidates for which must qualify with the Palm Beach County Supervisor of Elections. Seat 1 is elected by qualified voters of the District and serves a three-year term. Seats 2, 3, 4, and 5 are elected by the landowners of the District at the annual landowner's meeting. The terms of office for these seats are for three years each.¹⁷

Town of Loxahatchee Groves

The Town of Loxahatchee Groves (Town) was created and established by ch. 2006-328, Laws of Florida. Its boundaries are established within the District¹⁸ and the Town comprises approximately 8,148 acres. The Town has a council-manager form of government consisting of a five-member town council (Town Council) elected at large who are vested with all legislative and charter powers of the Town, unless otherwise provided by the charter.¹⁹ Each council member serves three-year terms.²⁰

Effect of Proposed Changes

The bill dissolves the District as an independent special district and transfers it to the Town as a dependent special district. The bill repeals all special acts of the District. The District's provisions will become ordinances of the Town. The drainage and water control provisions of ch. 298, F.S., will continue to be applicable to the District, so long as they are not inconsistent with this act.

All assets, liabilities, financial allocations and written contracts of the District, including all rights, obligations, duties and relationships now existing by law, easement, permit, or agreement, are unaffected and remain in full force and effect and will be those of a dependent district of the Town. Additionally, all rights, claims, actions, orders, and all contracts of the District and all legal or administrative proceedings involving the District will continue in full force and effect under the jurisdiction of the District as a dependent district of the Town.

The terms of office for the current members of the District's Board of Supervisors (Board) will continue until the members of the Town Council assume the offices of the Board.

All resolutions and policies of the District will remain in effect until amended, revised, or repealed by the Board to the extent they are not inconsistent with the Town's ordinances. Any other provisions necessary to effect the transition and to provide for the operation of the District as a dependent district of the Town must be adopted by ordinance.

The bill provides the legal description of the boundaries of the District.

B. SECTION DIRECTORY:

Section 1 Provides that the Loxahatchee Groves Water Control District, an independent special district, will become a dependent special district of the Town of Loxahatchee Groves;

¹⁵ Section 298.22(3), F.S.

¹⁶ See s. 189.04, F.S.; The District held a referendum on June 27, 2011, to change from a one-acre/one-vote to a popularly-elected system. The resulting popular election/land owner election was enacted in ch. 2012-262, Laws of Fla.

¹⁷ Ch. 2012-262, s. 1, Laws of Fla.

¹⁸ Ch. 2006-328, s. 1, Laws of Fla.

¹⁹ Ch. 2006-328, s. 2, Laws of Fla.

²⁰ Ch. 2006-328, s. 3, Laws of Fla.

provides for boundaries; provides that members of the town council will assume the offices of the board of supervisors of the district.

Section 2 Provides for the dissolution of the Loxahatchee Groves Water Control District as an independent special district.

Section 3 Requires a referendum on or before October 1, 2018.

Section 4 Provides the act takes effect upon approval by a majority of qualified electors voting in a referendum. Provides section 3 and 4 take effect upon becoming law.

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? October 26, 2017

WHERE? *Palm Beach Post*

B. REFERENDUM(S) REQUIRED? Yes No

IF YES, WHEN? October 1, 2018

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 provides rulemaking authority nor requires implementation by executive branch rulemaking.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None.