

STORAGE NAME: h1559a.ca

DATE: April 5, 2000

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
COMMUNITY AFFAIRS
ANALYSIS - LOCAL LEGISLATION**

BILL #: HB 1559

RELATING TO: Seminole Water Control District

SPONSOR(S): Representative A. Greene

TIED BILL(S): None

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) COMMUNITY AFFAIRS (PRC) YEAS 10 NAYS 0
 - (2) FINANCE & TAXATION (FRC)
 - (3)
 - (4)
 - (5)
-

I. SUMMARY:

The bill codifies all prior special acts relating to the Seminole Water Control District in Palm Beach County into a single act and repeals all prior special acts relating to the District's charter.

The bill changes the name of the District from the "Seminole Water Control District" shall henceforth be known as the "Seminole Improvement District."

The bill clarifies and expands the District's purposes including the provision of public infrastructure and services; the assessment, levy, and collection of ad valorem taxes subject to referendum approval; the assessment of non-ad valorem assessments and fees; the issuance of bonds; the maintenance and operation of District facilities and services; and all other services consistent with applicable general law.

No fiscal impacts are anticipated for either fiscal year 2000-01 or 2001-02 according to the Economic Impact Statement.

See Part VI, AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES section, for the effect of the amendment, adopted by the Committee on Community Affairs, traveling with the bill. The amendment changes the residency requirements for the board of supervisors to require that supervisors be residents of the state and citizens of the United States.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|------------------------------|-----------------------------|---|
| 1. <u>Less Government</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. <u>Lower Taxes</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

B. PRESENT SITUATION:

The Seminole Water Control District was created in 1970, chapter 70-854, Laws of Florida, with the purpose of reclaiming, draining, irrigating, providing water control, and developing the lands of the District through drainage, irrigation, water control projects, and other improvements designed to make the land available and inhabitable for settlement, agriculture, and for the public convenience, welfare, utility, and benefit.

Codification

Codification is the process of bringing up-to-date a special act. Special acts are not codified and, after the Legislature passes the initial enabling act, special acts continuously amend or alter previously enacted special acts. To ascertain the current status of any special act, it is necessary to research all amendments or changes made to the act since its inception or original passage by the Legislature. Codification of special district charters is important because it allows readers to go to one special act to determine the current charter of a district, instead of two, ten, twenty, or sometimes more special acts.

Codification of special districts' charters was authorized by the 1997 Legislature when it amended chapter 189, Florida Statutes. The 1997 Legislature amended chapter 189, Florida Statutes, to provide for codification of all special districts' charters either by December 1, 2001, or when any act relating to such district is introduced to the Legislature, whichever occurs first. In addition, section 189.429, Florida Statutes, requires that no changes be made to a district's charter as it exists on October 1, 1997, in the codifying legislation and that all prior Legislative acts relating to the district be repealed.

The 1998 Legislature further amended section 189.429, Florida Statutes, by (1) extending the deadline to codify to December 1, 2004, (2) allowing for the adoption of the codification schedule provided for in an October 3, 1997 memorandum issued by the Chair of the Committee on Community Affairs, (3) removing the prohibition of substantive amendments in a district's codification bill, and (4) removing the requirement that a codified charter must be submitted prior to the introduction of any act relating to the charter or prior to the scheduled deadline.

**SCHEDULE OF SUBMITTALS OF SPECIAL
DISTRICTS' CHARTERS**

Special Districts with 2 special acts (45 districts)	1999 Legislative Session
Special Districts with 3 or 4 special acts (63 districts)	2000 Legislative Session
Special Districts with 5, 6 or 7 special acts (53 districts)	2001 Legislative Session
Special Districts with 8, 9, 10, 11 or 12 special acts (56 districts)	2002 Legislative Session
Special Districts with 13 or more (54 districts)	2003 Legislative Session
Special Fire Control Districts (47 districts)	2004 Legislative Session

Since the enactment of sections 189.429 and 191.015, Florida Statutes, 36 special districts have codified their charters. Following is a list of special districts which have codified pursuant to sections 189.429 and 191.015, Florida Statutes, and the corresponding Laws of Florida:

Alachua County Library District	Ch. 98-502
Anastasia Mosquito Control District	Ch. 99-449
Baker County Hospital District	Ch. 99-431
Carrollwood Recreation District	Ch. 98-475, as amended by Ch. 99-418
Cedar Key Water & Sewer District	Ch. 98-473
Central Broward Water Control District	Ch. 98-501
Charlotte County Airport Authority	Ch. 98-508
Citrus County Hospital Board	Ch. 99-442
Citrus County Mosquito Control District	Ch. 99-432
County Line Drainage District	Ch. 99-417
East Charlotte Drainage District	Ch. 99-439
Flagler Estates Road & Water District	Ch. 98-529
Florosa Fire Control District	Ch. 99-479

Hillsboro Inlet District	Ch. 99-433
Immokalee Water & Sewer District	Ch. 98-495
Joshua Water Control District	Ch. 99-460
Lake Apopka Natural Gas District	Ch. 99-454
Lake Worth Drainage District	Ch. 98-525, as amended by Ch. 99-422
Lee County Bonita Springs Fire Control District	Ch. 98-464
Lee County Hyacinth Control District	Ch. 98-462
Lee County Mosquito Control District	Ch. 98-461
Loxahatchee Groves Water Control District	Ch. 99-425
North Bay Fire Control District	Ch. 98-470
North Naples Fire District	Ch. 99-450
Ocean City-Wright District	Ch. 99-478
Old Plantation Water Control District	Ch. 99-435
Orange County Library District	Ch. 99-486
Panama City-Bay Co. Airport	Ch. 98-527
Ranger Drainage District	Ch. 99-453
South Broward Drainage District	Ch. 98-524
Tindall Hammock Irrigation District	Ch. 98-523
Twelve Oaks Special District	Ch. 99-452
West Coast Inland Navigation District	Ch. 98-526

In 1998, the Environmental Protection Commission in Hillsborough County unsuccessfully attempted to codify its charter. The District is scheduled to codify in 2002. In 1999, there were two unsuccessful codifications. Mid-Bay Bridge Authority's codification bill passed the Legislature, but was vetoed by the Governor. The Authority was scheduled to codify its charter in 1999. The South Walton Fire District's codification bill died on the House calendar on April 30, 1999. The District is scheduled to codify its charter in 2004.

According to the Schedule of Submissions of Special District Charters and information relating to charters previously codified, there are 94 special districts that should have been codified during the 1999 session but which were not. There are 56 special districts that are scheduled for codification during the 2000 Legislative Session.

Status Statement Language

Section 189.404(5), Florida Statutes, provides that after October 1, 1997, the charter of any newly created special district shall contain and, as practical, the charter of a preexisting special district shall be amended to contain, a reference to the status of the special district as dependent or independent. When necessary, the status statement shall be amended to conform with the department's determination or declaratory statement regarding the status of the district.

History of Water Control Districts

Water control districts have a long history in Florida. As early as the 1830s, the Legislature passed a special act authorizing landowners to construct drainage ditches across adjacent lands to discharge excess water. Following the passage of several special acts creating drainage districts, the Legislature passed the state's first general drainage law, the General Drainage Act of 1913, to establish one procedure for creating drainage districts--through circuit court decree--and to provide general law provisions governing the operation of these districts.

Between 1913 and 1972, the General Drainage Act remained virtually unchanged. In 1972 and 1979, the Legislature amended the act to change the name of these districts to water management districts and then to water control districts. In neither year did the Legislature enact a major reform of the act, although the 1979 act did repeal provisions authorizing the creation of water control districts by circuit court decree.

Chapter 298, Florida Statutes

Chapter 298, Florida Statutes, contains provisions governing the creation and operation of water control districts. Some of these provisions are briefly described below.

Creation of Water Control Districts

Section 298.01, Florida Statutes, restricts the creation of new water control districts to special acts of the Legislature (independent water control districts) and under the provisions of section 125.01, Florida Statutes (dependent water control districts). Districts created by circuit court decree prior to July 1, 1980, are authorized to operate under the authority provided by chapter 298, Florida Statutes.

Election of Board of Supervisors

Upon the formation of a water control district, the circuit court where the majority of the land is located has jurisdiction within the boundaries of the district. Once a district is organized, the clerk of the circuit court with jurisdiction over the district must announce the first landowners' meeting in a newspaper. At the first meeting, the landowners are required to elect a three-member board of supervisors. Supervisors serve 3-year rotating terms, with one supervisor elected each year at a required annual meeting. To qualify as a supervisor, a person must own property in the district and be a resident of the county in which the district is located. In the event a quorum is not present, the Department of Environmental Protection (DEP) is required to fill the vacant seat.

One-Acre One-Vote

Section 298.11, Florida Statutes, provides for every acre of land within a district to represent one share, or vote. Each landowner within a district is entitled to one vote per acre of land they own. Landowners owning less than one acre are entitled to one vote. The section allows proxy voting by landowners as well.

Role of the Circuit Courts

As noted, once a water control district is formed, the circuit court of the county where the majority of the land is located has exclusive jurisdiction within the boundaries of the district. Circuit courts serve several functions in the creation and governance of water control districts. After a board of supervisors adopts a plan of reclamation, it must petition the circuit court to appoint three commissioners to appraise the lands that will be acquired to implement the plan of reclamation. A circuit court may require the report on assessment of benefits and damages to be amended and it must condemn lands described in the report that are needed to construct the district's works. In the event a circuit court determines that the value of land within the district has changed and additional conditions are met, the court is required to appoint three commissioners to readjust the original report on the assessments of benefits and damages.

Revenue Sources

The primary funding source for water control district activities is special assessments. Once a circuit court has issued its decree on the report on assessments of benefits and damages, a board of supervisors may levy a tax on the land that will be benefited by the works. This tax must be apportioned to, and levied on, each tract of land in said district in proportion to the benefits assessed, and not in excess thereof, as provided for in section 298.50, Florida Statutes. A board of supervisors is authorized to issue bonds, not to exceed 90 percent of the total amount of assessments levied. A board of supervisors also may levy an annual maintenance tax on each tract of land in the district to maintain and preserve the district's works once they are completed. This tax also must be apportioned on the basis of the net benefits accruing to the individual parcels.

Limitation on Special Acts

Paragraph (21) of Subsection 11(a), Article III of the State Constitution, prohibits special laws or general laws of local application pertaining to any subject when prohibited by general law passed by a three-fifths vote of the membership of each house. Furthermore, such law may be amended or repealed by like vote.

Section 298.76, Florida Statutes, was adopted pursuant to this authority. The section provides there shall be no special law or general law of local application granting additional authority, powers, rights, or privileges to any water control district formed pursuant to this chapter. However, this subsection does not prohibit special or local legislation that:

- (a) Amends an existing special act which provides for the levy of an annual maintenance tax of a district;
- (b) Extends the corporate life of a district;
- (c) Consolidates adjacent districts; or

- (d) Authorizes the construction or maintenance of roads for agricultural purposes as outlined in this chapter.

The section also authorizes special or local laws:

- (a) Changing the method of voting for a board of supervisors for any water control district;
- (b) Providing a change in the term of office of the board of supervisors and changing the qualifications of the board of supervisors of any water control district; and
- (c) Changing the governing authority or governing board of any water control district.

Finally, the section provides that any special or local laws enacted by the Legislature pertaining to any water control district shall prevail as to that district and shall have the same force and effect as though it had been a part of this chapter or any section thereof at the time the district was created and organized.

C. EFFECT OF PROPOSED CHANGES:

The bill codifies chapters 70-854 and 88-504, Laws of Florida, relating to the Seminole Water Control District (District) into a single act and repeals all prior special acts relating to the District's charter.

The bill removes obsolete language which was preempted by applicable general law chapters and inserts applicable chapter language.

The bill does not modify the boundaries of the District.

The bill changes the name of the District from the "Seminole Water Control District" shall henceforth be known as the "Seminole Improvement District."

The bill clarifies and expands the District's purposes including the provision of public infrastructure and services; the assessment, levy, and collection of ad valorem taxes subject to referendum approval; the assessment of non-ad valorem assessments and fees; the issuance of bonds; the maintenance and operation of District facilities and services; and all other services consistent with applicable general law.

The bill adds, as a component of roads: parkways, bridges, landscaping, irrigation, bicycle and jogging paths, street lighting, traffic signals, road striping, and all other customary elements of a modern road system.

The bill allows the District to operate and maintain systems and facilities for providing transportation throughout the District including private or contract carriers, buses, vehicles, railroads, and other transportation facilities.

The bill allows the District to operate and maintain parking facilities.

The bill gives the District the power to levy ad valorem taxes, non-ad valorem assessments, rates, fees, rentals, fares, or other charges and provides the power to provide for the discontinuance of service and reasonable penalties for any user or property that become delinquent and require collection.

The bill authorizes the District to provide public safety, but not police power, although the District may contract for an increased level of service.

The bill permits the District to provide systems and facilities for *fire prevention and control and emergency medical services*.

The bill allows the District to finance, fund, plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate and maintain *additional systems and facilities for school buildings and related structures* which may be leased, sold, or donated to the school district for use in the educational system.

The bill continues to permit Supervisors of the Board who are not residents of the District or of the State of Florida and may or may not be owners of land or property within said District.

D. SECTION-BY-SECTION ANALYSIS:

Section 1: Amends, codifies, reenacts, and repeals special acts relating to the District's charter.

Section 2: Provides for the recreation of the District and the charter for the District and the following provisions.

Section 1: Provides that the Seminole Water Control District shall henceforth be known as the Seminole Improvement District.

Section 2: Provides that this act is the codification required under section 189.429, Florida Statutes (1998). States Legislative intent for the act.

Section 3: Provides purposes for creating the District including all purposes consistent with chapters 189 and 298, Florida Statutes and other applicable general law; provides that the District is an independent improvement district and sets forth the boundaries of the District.

Section 4: Provides that the provisions of chapter 298, Florida Statutes, is applicable to the District and that the District shall have all of the powers and authorities conferred therein.

Section 5: Provides for the powers of the district and for compliance with county plans and regulations.

Subparagraph (1) provides for the powers of the district.

Paragraph (a) provides the power to sue and be sued.

Paragraph (b) provides the power to acquire real and personal property both within and without the District and to convey and dispose of such property.

Paragraph (c) provides the power to construct, operate, and maintain canals, ditches, drains, levees, lakes, ponds, and other works for water management and control purposes.

Paragraph (d) provides the power to acquire, purchase, operate, and maintain pumps, plants, and pumping systems.

Paragraph (e) provides the power to construct, operate, and maintain irrigation works, machinery, and plants.

Paragraph (f) provides the power to construct improve, pave, and maintain roadways and roads including parkways, bridges, landscaping, irrigation, bicycle and jogging paths, street lighting, traffic signals, road striping, and all other customary elements of a modern road system.

Paragraph (g) provides the power to finance, fund, plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate and maintain systems and facilities for providing transportation throughout the District including private or contract carriers, buses, vehicles, railroads, and other transportation facilities.

Paragraph (h) provides the power to finance, fund, plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate and maintain parking facilities.

Paragraph (i) provides the power to finance, fund, plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate and maintain parks.

Paragraph (j) provides the power to finance, fund, plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate and maintain water plants and systems.

Paragraph (k) provides the power to finance, fund, plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate and maintain sewer systems.

Paragraph (l) provides the power to levy ad valorem taxes, non-ad valorem assessments, rates, fees, rentals, fares, or other charges.

Paragraph (m) provides the power to provide for the discontinuance of service and reasonable penalties for any user or property that become delinquent and require collection

Paragraph (n) provides the power to enter into agreements for the furnishing of facilities and service.

Paragraph (o) provides the power to enter into impact fee credit agreements with local general purpose governments.

Paragraph (p) provides the power to construct and maintain facilities for and take measures to control mosquitos and other arthropods.

Paragraph (q) provides the power to finance, fund, plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate and maintain additional systems and facilities for conservation areas, mitigation areas, and wildlife habitat.

Paragraph (r) provides the power to borrow money and issue negotiable bonds.

Paragraph (s) provides the power to provide public safety, but not police power, although the District may contract for an increased level of service.

Paragraph (t) provides the power to provide systems and facilities for fire prevention and control and emergency medical services.

Paragraph (u) provides the power to finance, fund, plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate and maintain additional systems and facilities for school buildings and related structures which may be leased, sold, or donated to the school district for use in the educational system;

Paragraph (v) provides the power to establish and create such departments, committees, boards, or other agencies, as the Board may deem necessary.

Paragraph (w) provides the power to exercise all other powers necessary, convenient, or proper in connection with any of the powers or duties stated in this act; provides that the powers and duties shall be exercised through a Board of Supervisors. The Board shall have the power to make employment decisions and fix their compensation. The Board shall also have the power to determine and fix their compensation and duties; provides that the Board shall have all of the powers provided for in chapter 298, Florida Statutes.

Subsection (2) provides that the development, operation, or maintenance of any District facilities shall comply with the adopted comprehensive plan for Palm Beach County and any adopted land development regulations or specialized plans adopted thereunder which apply within the geographic boundaries of the District.

Section 6: Provides for the existence, organization, powers, duties, and terms of office for the Board of Supervisors.

Subsection (1) provides for the creation of the Board of Supervisors of the District which is the governing body; provides that the Board shall consist of three persons who shall hold office for the term of three years.

Subsection (2) provides that each year during the month of June, a Supervisor shall be elected by the landowners of the District to take the place of the retiring Supervisor; provides that all vacancies or expirations shall be filled as required by this act and chapter 298, Florida Statutes; provides that the Supervisors need not be residents of the District or of the State of Florida and may or may not be owners of land or property within said District; provides that the remaining Supervisors may fill vacancies until the next annual meeting of the landowners; provides for the election of officers of the Board; provides that the Board shall adopt a seal; provides that the Board shall report at each annual meeting all work undertaken or completed during the preceding year and the status of the finances of the District.

Subsection (3) provides that all Supervisors shall hold office until their successor shall be elected and qualified; provides that any election authorized or required by this act shall be held as soon as practicable if not able to be held when scheduled.

Section 7: Provides that each Supervisor shall be paid for his or her services a per-diem of \$25.00 for each day actually engaged in work pertaining to the District; provides for the payment of travel and related expenses.

Section 8: Provides that each year during the month of June, a meeting of landowners shall be held for the purpose of electing a Supervisor to take the place of the

retiring Supervisor and hearing reports of the Board; provides that elections shall be conducted pursuant to the provisions of chapter 298, Florida Statutes.

Section 9: Provides for the levy of ad valorem taxes and non-ad valorem assessments

Subsection (1) provides that the Board, subject to referendum, shall have the power to levy and assess an ad valorem tax on real and tangible personal property in the District; provides that the total amount of such ad valorem taxes levied in any year shall not exceed ten mills and shall be in addition to county and municipal ad valorem taxes.

Subsection (2) provides that no residential or related urban development shall be authorized or undertaken pursuant to this act until a referendum is conducted; such referendum shall be conducted within two years after the effective date of this act.

Subsection (3) provides that non-ad valorem assessments for the construction, operation, or maintenance of District facilities, services, and operations shall be assessed, levied, and collected pursuant to chapters 298, 170, or 197, Florida Statutes.

Subsection (4) provides that all taxes and assessments provided for in this act shall constitute a lien of equal dignity with the liens for county taxes upon all the lands against which such taxes shall be levied.

Subsection (5) provides that the Property Appraiser, Tax Collector, and Clerk of the Circuit Court of Palm Beach County shall be entitled to compensation for services performed in connection with taxes and assessments of said District as provided by general law.

Subsection (6) provides that in levying and assessing all assessments, each tract or parcel of land less than one acre in an area shall be assessed as a full acre and each tract or parcel of land more than one acre which contains a fraction of an acre shall be assessed to the nearest whole number.

Section 10: Provides that all taxes and assessments provided for in this act shall be and become delinquent and bear penalties on the amount of said taxes in the same manner as county taxes.

Section 11: Provides that the collection and enforcement of all taxes and assessment levied by said District shall be at the same time and in like manner as county taxes, and the provisions of the Florida Statutes relating to the sale of lands for unpaid and delinquent county taxes, the issuance, the sale, and delivery of tax certificates for such unpaid and delinquent county taxes and the redemption thereof, the issuance of tax deeds to individuals, and all other procedures in connection therewith are applicable to the District.

Section 12: Subsection (1) provides for the issuance of revenue bonds, assessment bonds, and bond anticipation notes.

Paragraph (a) provides that in addition to the other powers provided, the District shall have the power, pursuant to chapter 298, Florida Statutes, and applicable general law, and after the issuance of bonds has been authorized, to borrow money for the purposes for which the bonds are to be issued.

Paragraph (b) provides that pursuant to chapter 298, Florida Statutes, the District shall have the power to issue assessment bonds and revenue bonds, without limitation as to amount for the purpose of financing those systems and facilities provided for in section 5.

Paragraph (c) provides that any issue of bonds may be secured by a trust agreement by and between the District and a corporate trustee or trustees.

Paragraph (d) provides that bonds of each issue shall be dated, shall bear interest, shall be tax exempt or taxable for federal income tax purposes, shall mature, and may be made redeemable before maturity.

Paragraph (e) provides that the District shall have the power to issue bonds for the purpose of refunding any outstanding bonds of the District.

Subsection (2) provides for general obligation bonds.

Paragraph (a) provides that the District shall have the power to issue general obligation bonds not in excess of thirty-five percent of the assessed value of the taxable property within the District; provides for referendum.

Paragraph (b) provides that the District may pledge its full faith and credit for the payment of the principal and interest on such general obligation bonds and for any reserve funds provided therefor; provides that ad valorem taxes may be pledged.

Paragraph (c) provides that if the board determines to issue general obligation bonds for more than one project, the approval of the issuance of the bonds for each and all such projects may be submitted to the elector on one and the same ballot; provides that the failure of the electorate to approve the issuance of bonds for any one or more capital projects shall not defeat the approval of bonds for any capital project which has been approved by the voters.

Paragraph (d) provides that in arriving at the amount of general obligation bonds permitted to be outstanding at any one time, there shall not be any general obligation bonds which are secured by special assessments or water and sewer revenues.

Section 13: Provides for minimum charter requirements.

Subsection (1) provides that the District is organized and exists for all purposes set forth in this act and chapter 298, Florida Statutes.

Subsection (2) provides that the powers, functions, and duties of the District regarding ad valorem taxation, bond issuance, other revenue-raising capabilities, budget preparation and approval, liens and foreclosure of liens, use of tax deeds and tax certificates as appropriate for non-ad valorem assessments, and contractual agreements shall be as set forth in chapters 170, 189, 298, Florida Statutes, or any other applicable general or special law.

Subsection (3) provides that the District was created by special act of the Legislature in accordance with chapter 298, Florida Statutes.

Subsection (4) provides that the District's charter may only be amended by special act.

Subsection (5) provides that, in accordance with chapter 189 and section 298.11, Florida Statutes, the District shall be governed by a three-member board, elected on a one-acre, one-vote basis by the landowners in the District; provides that the membership and organization of the board shall be as set forth in the act and chapter 298, Florida Statutes.

Subsection (6) provides that compensation of board members shall be governed by this act and chapter 298, Florida Statutes.

Subsection (7) provides that the administrative duties of the Board of Supervisors shall be as set forth in the act and chapter 298, Florida Statutes.

Subsection (8) provides that the requirements for financial disclosure, meeting notices, reporting, public records maintenance, and per-diem expenses for officers and employees shall be as set forth in chapters 112, 189, 286, and 298, Florida Statutes.

Subsection (9) provides that the procedures and requirements governing the issuance of bonds, notes, and other evidence of indebtedness by the District shall be as set forth in chapter 298, Florida Statutes, and applicable general laws.

Subsection (10) provides that the procedures for conducting District elections and for qualification of electors shall be pursuant to this act and chapters 189 and 298, Florida Statutes.

Subsection (11) provides that the District may be financed by any method established in this act, chapter 298, Florida Statutes, and applicable general law.

Subsection (12) provides that the methods for collecting non-ad valorem assessments, fees, or service charges shall be as set forth in chapters 197 and 298, Florida Statutes, and other applicable general laws.

Subsection (13) provides that the District's planning requirements shall be as set forth in this act.

Subsection (14) provides that the District's geographic boundary limitations shall be as set forth in this act.

Section 3: Provides that Chapters 70-854 and 88-504, Laws of Florida, are repealed.

Section 4: Provides for severability.

Section 5: Provides that this act shall control in the case of conflict with another act.

Section 6: Provides that this act shall take effect upon becoming law.

III. **NOTICE/REFERENDUM AND OTHER REQUIREMENTS:**

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

IF YES, WHEN? September 23, 1999

WHERE? Palm Beach Daily Business Review in West Palm Beach, Palm Beach County

STORAGE NAME: h1559a.ca

DATE: April 5, 2000

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

IF YES, WHEN?

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

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached [X] No []

IV. COMMENTS:

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

None.

C. OTHER COMMENTS:

A comparison of the powers and board composition of two other districts which converted from water control districts to improvement districts follows:

The Coral Springs Improvement District and North Springs Improvement District, chapters 70-617 and 71-580, Laws of Florida, respectively, include the power: to contract and be contracted with; to sue and be sued; to adopt and use a seal; to acquire by purchase, gift, devise, eminent domain or otherwise real or personal property; to adopt a plan of reclamation; to establish, construct, operate, and maintain a system of main and lateral canals and other drainage devices; to connect these projects with roads and bridges; to acquire and maintain appropriate sites for storage and maintenance of the equipment of the District; to acquire and maintain and construct a suitable building to house the office and records of the District; to clean out, straighten, widen, open up or change the course and flow, alter or deepen any canal ditch, drain, river, water course, or natural stream; to acquire, purchase, operate, and maintain pumps, plants, and pumping systems for drainage purposes; to construct, operate, and maintain irrigation works and machinery; to regulate and set forth the drainage requirements and conditions to be met for plats to be entitled to record on any land within the District; to borrow money and issue bonds, certificates, warrants, notes, or other evidence of indebtedness; to build and construct any other works and improvements deemed necessary to preserve and maintain the works in or out of the District; to construct any works and improvements across, through, or over any public right-of-way, highway, grade, fill, or cut in or out of the District; to hold, control, and acquire any easement, reservation, or dedication; to condemn or acquire any land or property within the District necessary; to assess and impose upon all of the lands in the District an ad valorem tax, an annual drainage tax, and a maintenance tax; to impose and foreclose special assessments; to prohibit, regulate, and restrict all structures, materials, or things which come upon, come into, connect to or be a part of any facility owned or operated by the District; to administer and provide for the enforcement of all the provisions of their respective act; to cooperate with or contract with other drainage districts or governmental agencies as may be necessary; to employ engineers, attorneys, agents, employees, and representatives as the board of supervisors may from time to time determine necessary; to exercise all the powers necessary, convenient, incidental, or proper in connection with their respective act; to construct,

improve, and maintain roadways and roads necessary and convenient to provide access to and efficient development of areas made suitable and available for cultivation, settlement, urban subdivision, homesites, and other beneficial development; to make use of any public easements, dedications to public use, platted reservations for public purposes, or any reservation for drainage purposes within the boundaries of the District; to lease as lessor or lessee any projects, facilities, or property of the type that the District is authorized to undertake; to regulate the supply and level of water within the District; to divert waters from one area, lake, pond, river, stream, basin, or drainage or flood control facility to any other area; to regulate, control, and restrict the development and use of natural or artificial streams or bodies of water; to take all measures necessary or desirable to prevent or alleviate land erosion; to own, acquire, construct, reconstruct, equip, operate, maintain, extend and improve water systems and sewer systems; to regulate the use of sewers and the supply of water within the District and to prohibit or regulate the use and maintenance of outhouses, privies, septic tanks, or other sanitary structures or other sanitary structures or appliances; to prescribe methods of pretreatment of wastes not amenable to treatment with domestic sewage before accepting such wastes for treatment and to refuse to accept such wastes for treatment when not sufficiently pretreated; to prescribe penalties for the refusal of any person or corporation to pretreat such wastes; to sell or otherwise dispose of effluent, sludge, or other by-products; to construct and operate connecting, intercepting, or outlet sewers and sewer mains and pipes and water mains, conduits, or pipelines in, along, or under any street, alleys, highways, or other public places or ways within or without the District; to own, acquire, construct, operate, and maintain parks, playgrounds, picnic grounds, camping facilities, and water recreation facilities within or without the District; to issue general obligation bonds, revenue bonds, assessment bonds or any other bonds or obligations authorized by this act or any other law to pay all or part of the cost of the acquisition, construction, reconstruction, extension, repair, improvement, maintenance, or operation of any project or combination of projects, to provide for any facility, service or other activity of the District and to provide for the retirement or refunding of any bonds or obligations of the District; to exercise any and all other powers conferred upon drainage districts by chapter 298, Florida Statutes.

Both the Coral Springs Improvement District and North Springs Improvement District, chapters 70-617 and 71-580, Laws of Florida, respectively, require that all members of the board shall be landowners within the District and residents of Florida. *A majority of the members of the board shall be residents of Broward County.*

V. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

One amendment was adopted by the Committee on Community Affairs on April 5, 2000. The amendment changes the residency requirements for the board of supervisors to require that supervisors be residents of the state and citizens of the United States.

VI. SIGNATURES:

COMMITTEE ON COMMITTEE ON COMMUNITY AFFAIRS:

Prepared by:

Staff Director:

Kyle V. Mitchell

Joan Highsmith-Smith