

**HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS**

**BILL #:** HB 897                      Homosassa Special Water District  
**SPONSOR(S):** Dean  
**TIED BILLS:** None.                      **IDEN./SIM. BILLS:** None.

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REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Local Affairs (Sub)</u>	<u>8 Y, 0 N</u>	<u>Smith-Boggis</u>	<u>Highsmith-Smith</u>
2) <u>Local Government &amp; Veterans' Affairs</u>	_____	_____	_____
3) _____	_____	_____	_____
4) _____	_____	_____	_____
5) _____	_____	_____	_____

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**SUMMARY ANALYSIS**

This bill codifies all prior special acts relating to the Homosassa Special Water District (District) in Citrus County into a single act and repeals all prior special acts relating to the district's charter.

The bill amends the charter to correct district boundaries; conforms the district's powers, functions, and duties with general law; update the election procedures in the manner prescribed for holding general elections and designate seats to be held by the commissioners; and provide for reimbursement of expenses incurred by the commissioners pursuant to chapter 112, F.S. The bill does not change the district's current authority to levy and collect 3 mills of ad valorem tax on real and tangible personal property.

No fiscal impacts are anticipated for either fiscal year 2003-04 or 2004-05 according to the Economic Impact Statement.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. DOES THE BILL:

- |                                      |                              |                             |   |
|--------------------------------------|------------------------------|-----------------------------|---|
| 1. Reduce government?                | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. Lower taxes?                      | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. Expand individual freedom?        | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. Empower families?                 | 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. EFFECT OF PROPOSED CHANGES:

##### Effect of Proposed Changes

This bill codifies all prior special acts relating to the Homosassa Special Water District in Citrus County into a single act and repeals all prior special acts relating to the district's charter.

The bill amends the charter to correct district boundaries; conforms the district's powers, functions, and duties with general law; update the election procedures in the manner prescribed for holding general elections and designate seats to be held by the commissioners; and provide for reimbursement of expenses incurred by the commissioners pursuant to chapter 112, F.S. The bill does not change the district's current authority to levy and collect 3 mills of ad valorem tax on real and tangible personal property.

##### Present Situation

The Homosassa Special Water District in Citrus County was created by Chapter 24429 (1947), L.O.F. The district is authorized to acquire by either or both construction or purchase, and to maintain, improve, enhance, repair, extend, enlarge, reconstruct, own, operate, manage and control, a public water supply and distribution system for the purpose of supplying water in the district for public, domestic, industrial and fire protection purposes.

The charter currently provides for five commissioners with four year term limits. The commissioners are compensated for their services in an amount not to exceed \$200 dollars per month, but may not be increased more than \$200 per month per commissioner without the prior approval of a majority of the qualified electors of the district voting in a referendum called for such purposes. Currently, the board of commissioners is elected by the one-person/one-vote method. The board has the power to levy and assess an ad valorem tax on all the taxable real and tangible personal property in the district at a rate not exceeding 3 mills per year. The charter currently provides for special assessment procedures.

##### Codification

Codification is the process of bringing a special act up-to-date. After a special district is created, special acts often amend or alter the special district's charter 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 is important because it allows readers to more easily determine the current charter of a district.

Codification of special district charters was initially authorized by the 1997 Legislature and is codified in section 189.429, F.S. and s. 191.015, F.S. The 1998 Legislature subsequently amended both sections of statute. Current law provides for codification of all special district charters by December 1, 2004. The 1998 law allows 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. Any codified act relating to a special district must provide for the repeal of all prior special acts of the Legislature relating to the district. Additionally, the 2001 Legislature amended section 189.429, Florida Statutes to provide that reenactment of existing law pursuant to section 189.429: (1) shall not be construed to grant additional authority nor to supercede the authority of an entity; (2) shall continue the application of exceptions to law contained in special acts reenacted pursuant to the section; (3) shall not be construed to modify, amend, or alter any covenants, contracts, or other obligations of any district with respect to bonded indebtedness; and (4) shall not be construed to affect a district's ability to levy and collect taxes, assessments, fees, or charges for the purpose of redeeming or servicing the district's bonded indebtedness.

Since the enactment of sections 189.429 and 191.015, F.S., 122 special districts have codified their charters.

### **Status Statement Language**

Section 189.404(5), F.S., 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 to the Department of Community Affairs' determination or declaratory statement regarding the status of the district.

#### **C. SECTION DIRECTORY:**

**Section 1.** Provides that this act is the district's charter codification required under section 189.429, Florida Statutes; provides Legislative intent; preserves all district authority.

**Section 2.** Codifies, reenacts, amends, and repeals chapters 24429 (1947), 25726 (1949), 59-1177, 63-1222, 70-630, 73-431, 76-346, 76-347, 77-528, 79-440, 80-475, 80-476, 81-360, 82-279, 83-386, 84-410, 85-399, 86-456, 88-463, 88-484, 88-533, 89-436, 89-464, 89-499, 90-418, 90-419, 92-241, 92-337, and 96-525, Laws of Florida.

**Section 3.** Re-creates and reenacts the Homosassa Special Water District charter as follows:

Section 1. Provides for the creation, jurisdiction, and purpose of the district; describes the district's boundaries.

Section 2. Provides for the powers, functions, and duties of the district.

Section 3. Provides the board of the district be the governing body of the district; provides for a five member board of commissioners; provides four year term limits; provides for the election of the board members; provides new seat designation and that elected members of the board be residents of the district; provides for vacancies; provides for new procedures for conducting district elections; provides for special elections; provides for compensation of the board of commissioners; provides for resignations of commissioners; provides for meetings; provides for a quorum; and provides for reports, budgets, and audits.

Section 4. Provides for the organization of the board of commissioners.

Section 5. Authorizes the district to issue general obligation bonds.

- Section 6. Authorizes the district to issue revenue bonds.
- Section 7. Authorizes by resolution(s) the issuance of bonds.
- Section 8. Maintains that the commissioners are currently authorized to levy and assess ad valorem taxes; provides for the payment of bonds.
- Section 9. Maintains board's authority to levy and assess ad valorem taxes on real and tangible personal property in the district for administrative costs, and general expenditures.
- Section 10. Provides for construction costs.
- Section 11. Provides for special assessments for construction, reconstruction, repair, or maintenance of improvements.
- Section 12. Provides district is exempt from taxation and assessments.
- Section 4.** Provides for the liberal construction of act.
- Section 5.** Provides for the severability of any invalid or unenforceable provisions.
- Section 6.** Repeals chapters 24429 (1947), 25726 (1949), 59-1177, 63-1222, 70-630, 73-431, 76-346, 76-347, 77-528, 79-440, 80-475, 80-476, 81-360, 82-279, 83-386, 84-410, 85-399, 86-456, 88-463, 88-484, 88-533, 89-436, 89-464, 89-499, 90-418, 90-419, 92-241, 92-337, and 96-525, Laws of Florida.
- Section 7.** Provides an effective date of upon becoming law.

## II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

- A. NOTICE PUBLISHED? Yes  No   
 IF YES, WHEN? January 17, 2003  
 WHERE? Citrus County Chronicle, Crystal River, Citrus County, Florida
- B. REFERENDUM(S) REQUIRED? Yes  No   
 IF YES, WHEN?
- C. LOCAL BILL CERTIFICATION FILED? Yes, attached  No
- D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached  No

## III. COMMENTS

- A. CONSTITUTIONAL ISSUES: Not Applicable.
- B. RULE-MAKING AUTHORITY: Not Applicable.
- C. DRAFTING ISSUES OR OTHER COMMENTS:

### Drafting Issues

Denise Lyn, Esq., with the law firm of Lyn & Phipps, representing the district stated “there is a scrivener’s error in prior legislation relating to the Homosassa Special Water District. Specifically, chapter 90-419, L.O.F., included an incorrect legal description for the district’s boundaries. “

### **Supremacy Clause**

Many local bills contain language providing that in the event of a conflict of the provisions of the local bill with the provisions of any other general or local law, the provisions of the act being considered controls to the extent of the conflict(s). This is referred to as a “supremacy” clause. This language does not allow interested persons or Members of the Legislature knowledge of the specific laws containing potential conflicts. Unless those specific laws in conflict are identified, it is suggested that the “supremacy” clause be removed from the bill.

### **IV. AMENDMENT/COMMITTEE SUBSTITUTE CHANGES**

The sponsor of the bill offered two amendments. The first amendment corrects the legal boundaries of the district. The second amendment removes the supremacy clause. The Subcommittee on Local Affairs recommended the two amendments on April 2, 2003.