

HOUSE OF REPRESENTATIVES STAFF FINAL BILL ANALYSIS

BILL #: HB 1637 Immokalee Water and Sewage District, Collier County

SPONSOR(S): Melo

TIED BILLS: IDEN./SIM. BILLS:

FINAL HOUSE FLOOR ACTION: 118 Y's 0 N's **GOVERNOR'S ACTION:** Approved

SUMMARY ANALYSIS

HB 1637 passed the House on April 15, 2021, and subsequently passed the Senate on April 29, 2021.

The Immokalee Water and Sewer District (District) is an independent special district in Collier County. A seven-member board of commissioners, appointed by the Governor for four-year terms, governs the District. The charter does not specify whether a board member may continue to serve past the expiration of the term until the Governor appoints a successor. Appointments to fill vacancies on the board must be for the unexpired term only.

The bill provides that board members must serve until the Governor appoints the member's successor. The bill also removes obsolete language pertaining to the staggering of terms for the initial board of commissioners.

According to the Economic Impact Statement filed for the bill, the district will incur a minimum cost associated with implementing the bill.

The bill was approved by the Governor on June 29, 2021, ch. 2021-263, L.O.F., and became effective on that date.

I. SUBSTANTIVE INFORMATION

A. EFFECT OF CHANGES:

Present 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.¹ Special districts are created by general law, special act, local ordinance, or by rule of the Governor and Cabinet.² 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.³

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.⁴ An “independent special district” is any district that is not a dependent special district.⁵

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.⁶

Immokalee Water and Sewer District

The Immokalee Water and Sewer District (District) is an independent special district in Collier County created in 1978⁷ and the charter was recodified in 1998 (enabling act).⁸ The District is authorized to operate a water and sewer system.⁹ The District levies special assessments and user fees and does not have ad valorem taxation authority.¹⁰

A seven-member board of commissioners, appointed by the Governor for four-year terms, governs the District.¹¹ The charter does not specify whether a board member may continue to serve until the Governor appoints a successor. Appointments to fill vacancies on the board must be for the unexpired term only.¹²

Effect of the Bill

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

² See ss. 189.031(3), 189.02(1), and 190.005(1), F.S. See, generally, s. 189.012(6), F.S.

³ 2020–2022 *Local Gov’t Formation Manual*, pp. 60-61, at

<https://myfloridahouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Committees&CommitteedId=3117&Session=2021&DocumentType=General+Publications&FileName=2021-2022+Local+Government+Formation+Manual.pdf> (last visited March 5, 2021).

⁴ S. 189.012(2), F.S.

⁵ S. 189.012(3), F.S.

⁶ Art. VII, s. 9(a), Fla. Const.

⁷ Ch. 78-494, Laws of Fla.

⁸ Ch. 98-495, Laws of Fla.

⁹ Ch. 98-495, s. 4 of section 2, Laws of Fla.

¹⁰ Ch. 98-495, s. 9 of section 2, Laws of Fla.

¹¹ Ch. 98-495, s. 5 of section 2, Laws of Fla.

¹² *Id.*

The bill provides that a board member must serve until the Governor appoints the member's successor. The bill also removes obsolete language pertaining to the staggering of terms for the initial board of commissioners.

According to the Economic Impact Statement filed for the bill, the district will incur a minimum cost associated with implementing the bill.

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:

According to the Economic Impact Statement filed for the bill, the district will incur a minimum cost associated with implementing the bill.

2. Expenditures:

None.

C. ECONOMIC IMPACT STATEMENT FILED? Yes ☒ No ☐

D. NOTICE PUBLISHED? Yes ☒ No ☐

IF YES, WHEN? January 30, 2021

WHERE? *Naples Daily News*, a daily newspaper published in Naples, FL.

E. REFERENDUM(S) REQUIRED? Yes ☐ No ☒

IF YES, WHEN?