

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based only on the provisions contained in the legislation as of the latest date listed below.)

Date: March 19, 1998 Revised: _____

Subject: Water Control Districts

	<u>Analyst</u>	<u>Staff Director</u>	<u>Reference</u>	<u>Action</u>
1.	<u>Green</u>	<u>Voigt</u>	<u>NR</u>	<u>Favorable/CS</u>
2.	_____	_____	<u>CA</u>	_____
3.	_____	_____	<u>WM</u>	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____

I. Summary:

The bill deletes the definition of “water control district” and revises the definition of the term “water control plan.” Provides for landowner vote of fractional acreage. Amends quorum requirements. Provides for the appointment of a supervisor. Eliminates surety bond requirements for district engineers. Provides criteria for awarding construction contracts. Prohibits water control districts from condemning or acquiring land based on the commissioner’s report assessing benefits and damages. Revises requirements for the development and amendment of district water control plans. Revises use of the district engineer’s annual report. Provides for the determination of benefits and damages. Revises notice and report requirements. Provides that the approval of a district water control plan and assessments is final unless court action is brought within 30 days after approval. Amends a statutory cross-reference. Revises notice requirements. Provides that district bonds may be payable from assessments on more than one unit. Repeals the districts’ discretion to assess a parcel of land less than 1 acre as a full acre.

This bill amends the following sections of the Florida Statutes: 298.005, 298.11, 298.12, 298.16, 298.22, 298.225, 298.26, 298.301, 298.329, and 298.353.

This bill repeals s. 298.337, Florida Statutes.

II. Present Situation:

Originally established primarily to serve the needs related to agriculture, water control districts now have greater responsibilities resulting from increases in urban growth and population. These responsibilities have grown to include stormwater drainage and other, related concerns. Today, there are nearly 100 water control districts in the state of Florida.

Chapter 94-240, L.O.F., created the Water Management District Review Commission and directed the commission to perform a comprehensive review of Florida's 5 water management districts. The commission's report, "Bridge Over Troubled Water: Recommendations of the Water Management District Review Commission," recommended certain changes regarding water control districts. Chapter 298, F.S., the law governing the creation and authorization of these districts, had not been revised in the past 40 years.

In 1997, the Legislature substantially revised provisions of chapter 298, F.S. Oversight for these districts was moved from the Department of Environmental Protection to the water management districts and the Governor. The water control districts must meet certain minimum specified criteria by the year 2000. New facilities or modifications to existing facilities described in the water control plan or plan amendment must be consistent with those portions of the district water management plans of the jurisdictional water management district which have been implemented by rule. The water control plan or plan amendment must be reviewed by the jurisdictional water management district for consistency with the district water management plan. The water control district must review the water control plan every 5 years. The revisions also provided the following: guidelines for the adoption of the water control plan and notice requirements, the levy of non-ad valorem assessments to operate and maintain the district works and activities, the issuance of bonds in certain circumstances, and penalties and enforcement of delinquent assessments.

Following the substantive revisions passed by the 1997 Legislature, various districts, during the implementation of these revisions, noted several sections in chapter 298, F.S., that require minor amendments to be more effective.

III. Effect of Proposed Changes:

Section 1. Deletes the definition of "water control district" in s. 298.005, F.S., and amends the definition of "water control plan."

Section 2. Amends s. 298.11, F.S., to entitle landowners to one additional vote for any fraction of an acre greater than ½ acre. Provides that owners and proxy holders of district acreage who are present at a duly noticed landowner's meeting constitute a quorum for the purposes of an election.

Section 3. Amends s. 298.12, F.S., to remove the requirement that the Governor appoint the supervisor "in like manner as prescribed in s. 298.11, F.S." This provision allows the Governor to continue to appoint a supervisor, upon failure of the landowners to elect such a supervisor, but removes the written notice requirement.

Section 4. Eliminates the surety bond requirement for district engineers in s. 298.16, F.S.

Section 5. Amends s. 298.22, F.S., to provide criteria for awarding contracts for construction of district facilities. Provides that land or property, within or without a district and not acquired

or condemned by the court, may be acquired or condemned for the use of the district following the procedure set forth in chapter 73, F.S., but not based on the report of the commissioners assessing benefits and damages.

Section 6. Revises requirements for the development and amendment of district water control plans in s. 298.225, F.S. As a result of this provision, a water control plan will no longer be required to have the following: copies of any agreements between the water control district and other governmental entities, the engineer's report prepared for plan adoption or revision, or the water control district's budget and revenue sources for the current year. A district's water control plan, however, may contain information from a district's facilities plan prepared pursuant to s. 189.415, F.S. which satisfies any of the other listed requirements for a plan. This section also requires the board of supervisors to submit the proposed plan or amendment to the jurisdictional water management district for review. The water management district must review the proposed plan or amendment within 90 days after receipt for consistency with applicable water resource plans and policies and recommend any proposed changes to the board.

Section 7. Amends s. 298.26, F.S., to revise the use of the district engineer's annual report, prohibiting its use as a plan for draining and reclaiming lands or as part of the water control plan.

Section 8. Amends s. 298.301, F.S., to provide for the determination of benefits and damages that will accrue to each subdivision of land (according to ownership) from carrying out and putting into effect the proposed plan or plan amendment. Revises notice and report requirements. Provides that the approval of a district water control plan and assessments is final unless an action for relief is brought in a court of competent jurisdiction within 30 days after approval.

Section 9. Corrects a statutory cross-reference in s. 298.329, F.S.

Section 10. Revises notice requirements in s. 298.353, F.S. This provision requires notices, where water control plans are applicable to one or more units, to owners of land within the affected unit or municipalities within whose boundaries unit lands are located. Provides that district bonds may be payable from assessments on more than one unit.

Section 11. Repeals s. 298.337, F.S., granting the water control districts discretion on whether to assess a parcel of land less than 1 acre as a full acre.

Section 12. Provides an effective date.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.