

STORAGE NAME: h1117z.ca
DATE: August 10, 1999

****FINAL ACTION****
****SEE FINAL ACTION STATUS SECTION****

**HOUSE OF REPRESENTATIVES
AS REVISED BY THE COMMITTEE ON
COMMUNITY AFFAIRS
FINAL ANALYSIS - LOCAL LEGISLATION**

BILL #: HB 1117
RELATING TO: Devil's Garden Water Control District in Hendry County
SPONSOR(S): Representative Spratt
COMPANION BILL(S): 1ST ENG/SB 2708 (s)

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

- (1) COMMUNITY AFFAIRS YEAS 6 NAYS 0
- (2) GOVERNMENTAL OPERATIONS YEAS 5 NAYS 0
- (3) FINANCE & TAXATION (W/D)
- (4)
- (5)

I. FINAL ACTION STATUS:

HB 1117 was prefiled in the House on March 1, 1999. The bill was then referred to the Committees on Community Affairs, Governmental Operations, and Finance & Taxation. On March 22, 1999, the Committee on Community Affairs unanimously approved the bill after the adoption of four amendments. The bill was unanimously approved by the Committee on Governmental Operations on April 8, 1999. On April 21, 1999, the bill was withdrawn from the Committee on Finance & Taxation, and placed on the House Calendar. HB 1117 died on the House Calendar on April 30, 1999.

However, its companion bill, SB 2708, became law on June 8, 1999, as ch. 99-436, Laws of Florida. SB 2708 was passed by the Senate on April 21, 1999 by a vote of 39 YEAS and 0 NAYS. On April 27, 1999, the House passed the bill after the adoption of four amendments which conformed the Senate Bill to HB 1117, by a vote of 116 YEAS and 0 NAYS. The bill was returned to the Senate and the Senate concurred with the amendments on April 29, 1999. The bill passed by a vote of 39 YEAS and 0 NAYS.

II. SUMMARY:

This bill removes land from the boundaries of the District.

The bill eliminates Devil's Garden Water Control District's canal maintenance obligations for the lands being deannexed.

The bill provides that property within the District receive an equal benefit and shall be equally assessed.

III. SUBSTANTIVE ANALYSIS:

A. PRESENT SITUATION:

The Devil's Garden Water Control District (District) in Hendry County was created pursuant to Chapter 298, Florida Statutes, by Circuit Court Decree of the 20th Judicial Circuit on May 4, 1971.

B. EFFECT OF PROPOSED CHANGES:

The bill removes land from the District's boundaries and reduces the boundaries to reflect the deannexation. The bill eliminates the District's canal maintenance obligations for the lands being deannexed. In addition, the bill eliminates the obligation to pay the District's assessments on the deannexed property.

The bill provides that property within the District receive an equal benefit and shall be equally assessed.

C. LAWS OF FLORIDA/FLORIDA STATUTES AFFECTED:

Chapter 87-473, Laws of Florida

D. APPLICATION OF PRINCIPLES:

1. Less Government:

a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

No.

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

Yes. The District's obligation to provide services is reduced due to the deannexed property being removed from the District's boundaries.

(3) any entitlement to a government service or benefit?

Yes. By removing the deannexed property from the District's boundaries, the property will no longer be serviced by the District.

b. If an agency or program is eliminated or reduced:

An agency or program is not eliminated or reduced.

(1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

N/A

(2) what is the cost of such responsibility at the new level/agency?

N/A

(3) how is the new agency accountable to the people governed?

N/A

2. Lower Taxes:

- a. Does the bill increase anyone's taxes?
No.
- b. Does the bill require or authorize an increase in any fees?
No.
- c. Does the bill reduce total taxes, both rates and revenues?
No.
- d. Does the bill reduce total fees, both rates and revenues?
No.
- e. Does the bill authorize any fee or tax increase by any local government?
No.

3. Personal Responsibility:

- a. Does the bill reduce or eliminate an entitlement to government services or subsidy?
No.
- b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?
No.

4. Individual Freedom:

- a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?
No.
- b. Does the bill prohibit, or create new government interference with, any presently lawful activity?
No.

5. Family Empowerment:

- a. If the bill purports to provide services to families or children:
The bill does not purport to provide services to families or children.
 - (1) Who evaluates the family's needs?
N/A
 - (2) Who makes the decisions?
N/A

(3) Are private alternatives permitted?

N/A

(4) Are families required to participate in a program?

N/A

(5) Are families penalized for not participating in a program?

N/A

b. Does the bill directly affect the legal rights and obligations between family members?

No.

c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

The bill does not create or change a program providing services to families or children.

(1) parents and guardians?

N/A

(2) service providers?

N/A

(3) government employees/agencies?

N/A

E. SECTION-BY-SECTION ANALYSIS:

Section 1: Describes the boundaries of the District.

Section 2: Declares that property within the District receive equal benefits; Provides that all lands within the District shall be taxed equally.

Section 3: Provides effective date of upon becoming law.

IV. NOTICE/REFERENDUM AND OTHER REQUIREMENTS:

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

IF YES, WHEN? January 13, 1999

WHERE? The Clewiston News; Clewiston, Hendry County

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

IF YES, WHEN?

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

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

V. COMMENTS:

The land being deannexed from the District is approximately 2000 acres of environmentally sensitive land which was privately owned by Alico, Inc. The property was sold and conveyed to the State of Florida after Alico entered into negotiations with the South Florida Water Management District, on behalf of the Trustees of the Internal Improvement Trust Fund, the Division of Forestry and the Florida Game and Fresh Water Fish Commission. The removal of the lands from the District was a condition of the Contract for the sale of the land. The reasoning behind the removal is that without the deannexation, the District's assessments will continue to be levied. The District's Board of Supervisors has passed a resolution in support of the deannexation. (Please see attached resolution.) In addition, the South Florida Water Management District supports the removal of the property from the District's boundaries.

The removal of the land does not affect current assessment levels. Currently, there are only two landowners within the District in addition to the State of Florida (Trustees). By removing the now public land from the District, the District's maintenance obligations regarding the canals will cease. Thus, the District's costs will decrease due to fewer canals to maintain. Although the District is losing property which it currently assesses, the District is offsetting the lost revenue by the decrease in canal maintenance costs.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

On March 22, 1999, the Committee on Community Affairs adopted four technical amendments regarding the description of the District's boundaries. The amendments do not change the boundaries of the District, rather they only address a concern of the South Florida Water Management District regarding the use of specific "tracts".

VII. SIGNATURES:

COMMITTEE ON Community Affairs:

Prepared by:

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Staff Director:

Joan Highsmith-Smith

AS REVISED BY THE COMMITTEE ON GOVERNMENTAL OPERATIONS:

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