

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: CS/HB 1487 Spring Lake Improvement District, Highlands County
SPONSOR(S): Military & Local Affairs Policy Committee and Grimsley
TIED BILLS: **IDEN./SIM. BILLS:** SB 2756

| | REFERENCE | ACTION | ANALYST | STAFF DIRECTOR |
|----|---|------------------|----------------|-----------------------|
| 1) | Military & Local Affairs Policy Committee | 12 Y, 0 N, As CS | Fudge | Hoagland |
| 2) | Finance & Tax Council | 13 Y, 0 N | Aldridge | Langston |
| 3) | Economic Development & Community Affairs Policy Council | | Fudge | Tinker |
| 4) | | | | |
| 5) | | | | |

SUMMARY ANALYSIS

Spring Lake Improvement District (district) is an independent water control district located in Highlands County. The district was created in 1971 pursuant to ch. 71-669, L.O.F.

CS/HB 1487 amends and repeals the district charter to remove obsolete and redundant language. The compensation of the board is increased from \$100 per month to \$250 per month. The district is authorized to acquire by purchase, gift, or condemnation real and personal property outside the district. The bill authorizes the district to:

- Construct and maintain roadways including 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;
- Establish facilities for providing transportation throughout the district, including private or contract carriers, buses, vehicles, railroads, and other transportation facilities, to meet the transportation requirements of the district activities;
- Provide public safety, including security, guardhouses, and patrol cars, when authorized by proper governmental agencies; except the district may not exercise any police power;
- Establish and create departments, committees, boards, or other agencies, including a public relations committee;
- Conduct mosquito control,
- Conduct fire control and emergency medical services with county approval; and
- Construct and maintain school facilities which may be leased or sold to the school district when authorized by the district school board.

The bill is effective upon approval by referendum.

HOUSE PRINCIPLES

Members are encouraged to evaluate proposed legislation in light of the following guiding principles of the House of Representatives

- Balance the state budget.
- Create a legal and regulatory environment that fosters economic growth and job creation.
- Lower the tax burden on families and businesses.
- Reverse or restrain the growth of government.
- Promote public safety.
- Promote educational accountability, excellence, and choice.
- Foster respect for the family and for innocent human life.
- Protect Florida's natural beauty.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

Spring Lake Improvement District (district) is an independent water control district located in Highlands County which was created in 1971 pursuant to ch. 71-669, L.O.F. The district consists of 3,359 acres and serves approximately 3,500 residents.

The district is governed by a five member board of supervisors. Three supervisors are elected on a one-acre one-vote basis, two are popularly elected. Each supervisor receives \$100 per month.

Powers of the District

The district has all powers of a water control district created pursuant to ch. 298, F.S., to construct, operate, and maintain water control systems within the district and to levy assessments and issue bonds to finance such water control systems. The district currently levies \$293 per acre, or if a parcel is smaller than an acre, \$293 per parcel. The district has an annual budget of \$1.935 million that funds all operations including drainage, mosquito control, parks, streetlights, and maintenance of road ways.

The district has the power:

- To contract and be contracted with; to sue and be sued; to adopt a seal; to acquire real or personal property.
- To adopt a water control plan.
- To provide for a district office and the storage and maintenance of the district's equipment.
- To drain and reclaim lands within the district.
- To regulate drainage requirements and set forth conditions to be met for plats to be recorded.
- To borrow money and issue bonds, certificates, warrants, notes, or other evidence of indebtedness of the district.
- To build improvements and to acquire equipment.
- To construct bridges, culverts, and roads.
- To hold easements, reservations, or dedications.

- To impose an ad valorem tax, a drainage tax, and a maintenance tax.
- To impose and foreclose special assessment liens.
- To regulate all structures and things which come into contact with or are a part of a district facility.
- To enforce the provisions herein by the promulgation of rules and regulations.
- To cooperate with other drainage districts or governmental agencies.
- To hire employees.
- To exercise all powers necessary.
- To construct, improve, and maintain roadways.
- To make use of public easements.
- To enter into leases.
- To regulate the supply of water within the district.
- To own and operate water and sewer systems.
- To own and operate parks and other recreational facilities.
- To issue bonds.
- To install and operate streetlights.
- To require underground utilities.
- To require district landowners to maintain their property.
- To exercise all powers conferred by ch. 298, F.S.

Effect of Proposed Changes

CS/HB 1487 amends the charter of the district by removing repetitive language already contained in chs. 189 and 298, F.S. The elections provisions of the district's charter are clarified to reflect that there are two popularly elected Board members. The compensation of the Board is increased from \$100 per month to \$250 per month, provided such salary is approved by a super majority of the Board. The district is authorized to acquire by purchase, gift, or condemnation real and personal property outside the district.¹

Powers of the District

The bill authorizes the district to:

- Construct and maintain roadways including 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;
- Establish facilities for providing transportation throughout the district, including private or contract carriers, buses, vehicles, railroads, and other transportation facilities, to meet the transportation requirements of the district activities;

¹ Section 298.22(7), F.S., provides that water control districts "may condemn or acquire, by purchase or grant, for the use of the district, any land or property within or without said district not acquired or condemned by the court as identified in the engineer's report, and shall follow the procedure set out in chapter 73. Such powers to condemn or acquire any land or property within or without the district shall also be available for implementing requirements imposed on those districts subject to s. [373.4592.](#)"

- Provide public safety, including security, guardhouses, and patrol cars, when authorized by proper governmental agencies; except the district may not exercise any police power;
- Establish and create departments, committees, boards, or other agencies, including a public relations committee;
- Conduct mosquito control,
- Conduct fire control and emergency medical services with county approval; and
- Construct and maintain school facilities which may be leased or sold to the school district when authorized by the district school board.

The compensation of the property appraiser, tax collector, and clerk of the circuit court for services performed in connection with taxes and assessments shall be in accordance with general law.² The levies of non-ad valorem assessments on land less than one acre are assessed as one acre while those parcels over one acre shall be assessed at the nearest whole number of acres. All taxes and assessments of the district are levied, collected, and enforced in the same manner as county taxes.³

Pursuant to ch. 298, F.S., the act, and applicable general law, the district has the power to issue assessment bonds and revenue bonds, without limitation to amount, for financing those systems and facilities contained in section 3.⁴

The bill also requires that all purchases shall be made in compliance with the competitive bid or negotiation provisions of ss. 255.20 and 287.055, F.S., ch. 298, F.S., and applicable general law, and the policies of the district board of supervisors.

The bill is subject to a referendum on the question of whether the district shall have the authority to provide public safety and security services, fire rescue services with the approval of the county, and mosquito control services; to construct and maintain district transportation facilities and educational facilities with the approval of the county school board; to establish district departments, committees and boards; and compensate its supervisors up to \$250 per month with supermajority approval of the board.

B. SECTION DIRECTORY:

Section 1: Revises the powers of the district.

Section 2: Repeals various sections of the district's charter.

Section 3: Provides for referendum and provides a ballot statement.

Section 4: Provides an effective date of upon becoming law for referendum and ballot statement.

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? December 13, 2009.

WHERE? In *The News-Sun*, a tri-weekly newspaper published in Highlands County, Florida.

² Section 43 of the charter.

³ Id.

⁴ The district's current bonding authority is found in subsection 9 of section 2 and subsection 23 of section 10, and sections 22, 23, 24, 28, 29, 30, 31.

B. REFERENDUM(S) REQUIRED? Yes No

IF YES, WHEN? In connection with the November 2010 general election.

C. LOCAL BILL CERTIFICATION FILED? Yes, attached No

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached No

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

Yes, the district can adopt rules.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES

On April 8, 2010, the Military & Local Affairs Policy Committee adopted four amendments that remove the authority for the district to enforce deed restrictions, correct drafting errors, make the act subject to referendum, and provides a ballot statement. The analysis is drafted to the committee substitute.