

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

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

SPONSOR(S): Melo

TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local Administration & Veterans Affairs Subcommittee		Renner	Miller
2) State Affairs Committee			

SUMMARY ANALYSIS

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

The bill provides that board members must serve until the member's successor is appointed by the Governor. The bill also removes obsolete language pertaining to the staggered 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.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED 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,² special act,³ local ordinance,⁴ or by rule of the Governor and Cabinet.⁵ 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.⁶

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.⁷ An "independent special district" is any district that is not a dependent special district.⁸

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.⁹

Immokalee Water and Sewer District

The Immokalee Water and Sewer District (District) is an independent special district in Collier County created in 1978¹⁰ and the charter was recodified in 1998 (enabling act).¹¹ The District is authorized to operate a water and sewer system.¹² The District levies special assessments and user fees and does not have ad valorem taxation authority.¹³

The District is governed by a seven-member board of commissioners, appointed by the Governor for four-year terms.¹⁴ The charter does not specify whether a board member may continue to serve until a successor is appointed by the Governor. Appointments to fill vacancies on the board must be for the unexpired term only.¹⁵

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

² S. 189.031(3), F.S.

³ *Id.*

⁴ S. 189.02(1), F.S.

⁵ S. 190.005(1), F.S. See, generally, s. 189.012(6), F.S.

⁶ 2020 – 2022 *Local Gov't Formation Manual*, pp. 60-61, at

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

⁷ S. 189.012(2), F.S.

⁸ S. 189.012(3), F.S.

⁹ Art. VII, s. 9(a), Fla. Const.

¹⁰ Ch. 78-494, Laws of Fla.

¹¹ Ch. 98-495, Laws of Fla.

¹² Ch. 98-495, s. 4 of section 2, Laws of Fla.

¹³ Ch. 98-495, s. 9 of section 2, Laws of Fla.

¹⁴ Ch. 98-495, s. 5 of section 2, Laws of Fla.

¹⁵ *Id.*

Effect of the Bill

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

B. SECTION DIRECTORY:

Section 1. Amends ch. 98-495, Laws of Fla., providing that appointed members of the board must serve until a successor is appointed; removing obsolete language.

Section 2. Provides that the bill takes effect upon becoming a law.

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? January 30, 2021

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

B. REFERENDUM(S) REQUIRED? Yes No

IF YES, WHEN?

C. LOCAL BILL CERTIFICATION FILED? Yes No

D. ECONOMIC IMPACT STATEMENT FILED? Yes No

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

The bill neither authorizes nor requires rulemaking by executive branch agencies.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

Not applicable.