

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: HB 945 Jupiter Inlet District, Palm Beach County

SPONSOR(S): Snyder

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

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local Administration, Federal Affairs & Special Districts Subcommittee	14 Y, 0 N	Roy	Darden
2) Ways & Means Committee			
3) State Affairs Committee			

SUMMARY ANALYSIS

Each district must submit to the legislature a draft codified charter so that its special acts may be codified into a single act for reenactment by the legislature if there is more than one special act for the district. Any codified act relating to a district, which act is submitted to the Legislature for reenactment, must provide for the repeal of all prior special acts of the Legislature relating to the district. The codified act shall be filed with the Department of State. The reenactment of existing law must not be construed as a grant of additional authority nor to supersede the authority of any entity pursuant to law.

The Jupiter Inlet District (District) is an independent special district in Palm Beach County created in 1921. The charter of the District was most recently codified in 2000. The District is organized and exists for the purpose of deepening and maintaining the Loxahatchee River and the Jupiter Inlet for the preservation of the public health, for the public good, and for the use of the public.

The bill codifies the charter of the Jupiter Inlet District. The bill also makes the following revisions to the charter of the District:

- Provides for more defined powers for the District;
- Reduces the maximum millage rate that may be levied by the District from 3 mills to 1.5 mills;
- Increase the monthly compensation of the members of the District's board from \$200 to \$500; and
- Clarifies the role of the District in permitting certain improvements.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

Special Districts

A "special district" is a unit of local government created for a particular purpose, with jurisdiction to operate within a limited geographic boundary¹. 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.⁶ Special districts provide specific municipal services in addition to, or in place of, those provided by a municipality or county.⁷

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.⁸ An "independent special district" is any district that is not a dependent special district.⁹

The charter of a newly-created district must state whether it is dependent or independent.¹⁰ Charters of independent special districts must address and include a list of required provisions, including the purpose of the district, its geographical boundaries, taxing authority, bond authority, and selection procedures for the members of its governing body.¹¹

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.¹²

Special districts may enter into interlocal agreements with one or more other local governmental units.¹³ Under such an agreement, the special district may exercise jointly with the other participating local governments those powers, privileges, or authorities which they have in common and each may exercise separately.¹⁴

Codification

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 *Halifax Hosp. Med. Center, supra* at 548.

⁷ *Local Gov't Formation Manual* at p. 58, available at

<https://myfloridahouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Committees&CommitteeId=3227&Session=2023&DocumentType=General+Publications&FileName=2022+Local+Government+Formation+Manual.pdf> (last visited Jan. 25, 2023).

⁸ S. 189.012(2), F.S.

⁹ S. 189.012(3), F.S.

¹⁰ S. 189.031(5), F.S.

¹¹ S. 189.031(3), F.S.

¹² Art. VII, s. 9(a), Fla. Const.

¹³ S. 163.01(2), (3)(b), F.S.

¹⁴ S. 163.10(4), F.S.

Codification is the process of bringing a special district's charter up-to-date by consolidating it in one place. After a special district is created, special acts often amend or alter the special district's charter provisions. To ascertain the current status of a special district's charter, it is necessary to research all amendments or changes made to the charter since its inception or original passage by the Legislature. Codification of special district charters allows readers to more easily determine the current charter of a district.

Each district must submit to the Legislature a draft codified charter so that its special acts may be codified into a single act for reenactment by the Legislature if there is more than one special act for the district.¹⁵ Any codified act relating to a district, which act is submitted to the Legislature for reenactment, must provide for the repeal of all prior special acts relating to the district. The codified act shall be filed with the Department of Economic Opportunity.¹⁶ The reenactment of existing law must not be construed as a grant of additional authority nor to supersede the authority of any entity pursuant to law.¹⁷

The reenactment of existing law does not modify, amend, or alter any covenants, contracts, or other obligations of any district with respect to bonded indebtedness. or affect the ability of any district to levy and collect taxes, assessments, fees, or charges for the purpose of redeeming or servicing bonded indebtedness of the district.¹⁸

Jupiter Inlet District

The Jupiter Inlet District (District) is an independent special district created in 1921.¹⁹ The charter of the District was most recently codified in 2000.²⁰ The District was created for the purpose of deepening and maintaining the Loxahatchee River and the Jupiter Inlet for the benefit of the public.²¹ The District is responsible for bypassing sand that migrates into the inlet system from downdrift beaches through projects that are permitted through the U.S. Army Corps of Engineers and the Department of Environmental Protection (DEP).²²

The District is governed by a board consisting of five commissioners who shall be qualified electors residing within the district.²³ Commissioners are elected to 4-year term and may service until their successors are elected and qualified. The administrative duties of the board of commissioners include the planning, financing, and coordination of the works of the district, including budgeting, obtaining sources of financing, as well as carrying out the constructing, repairing, restoring, and maintaining of the works of the district.²⁴ Members of the board receive compensation of \$200 per month and receive per diem and travel expenses as authorized by general law.²⁵

For FY 2021-2022, the District had an annual operating budget of \$5,739,407.²⁶ The District is funded through grant funding for projects and ad valorem tax levy.²⁷ The District's ad valorem tax levy for FY 2022-2023 is .0818 mills.²⁸

Effect of Proposed Changes

¹⁵ S. 189.019(1), F.S.

¹⁶ *Id.*

¹⁷ S. 189.019(2), F.S.

¹⁸ S. 189.019(3), F.S.

¹⁹ Ch. 8910, Laws of Fla (1921).

²⁰ Ch. 2000-412, Laws of Fla.

²¹ Ch. 2000-412, s. 3(a), Laws of Fla.

²² Jupiter Inlet District, *Jupiter Inlet District*, <https://www.jupiterinletdistrict.org/jupiter-inlet-district> (last visited Mar. 16, 2023).

²³ Ch. 2000-412, s. 3(e), Laws of Fla.

²⁴ Ch. 2000-412, Section 3(g), Laws of Fla.

²⁵ Chs. 2000-412, s. 3(f) and 2002-354, Laws of Fla.

²⁶ Jupiter Inlet District, *2022 Final Budget, available at* <https://www.jupiterinletdistrict.org/jupiter-inlet-district> (last visited Mar. 16, 2023).

²⁷ *Id.*

²⁸ Palm Beach County Property Appraiser, *2022 Final Millage Rates*, https://www.pbcgov.org/papa/pdf/taxroll/2022_Final_Millage_Rates.pdf (last visited Mar. 16, 2023).

The bill codifies the charter of the District. The bill revises language concerning the purpose of the District to more clearly reflect current practices.

The bill revises the powers of the District by replacing a general grant of authority to carry out the purposes of the charter with more detailed descriptions of activities the District may engage in, including:

- Acquisition of lands, easements, riparian right, and railway rights-of-way necessary for the purposes of the District;
- Deepening, constructing, reconfiguring, and maintaining channels and bottoms of the Loxahatchee River and Jupiter Inlet, including seaward approaches and any waterway, natural stream, or body of water;
- Constructing and maintaining canals, ditches, revetments, jetties, sediment basins, navigational channels, navigational aids;
- Conducting dredging and shoreline preservation;
- Carrying out environmental protection, enhancement, and restoration;
- Constructing bridges and roadways over or across levees, embankments, highways, or railroads or over any canal or waterway in the district;
- Constructing and maintaining docks, wharves, buildings, or other improvements;
- Charging and collecting fees for the use of any wharves, docks, buildings, or other structures or improvements owned by the district; and
- Using and disposing of any properties acquired by the District.

The bill maintains the District's power to levy ad valorem taxes, but reduces the maximum millage from 3 mills to 1.5 mills.

The bill provides for an organization structure for the District's board, provides that vacancies may be filled by the Governor for the remainder of the unexpired term, and increases the compensation of board members to \$500 per month.

The bill revises the District's role in reviewing permit applications submitted to DEP for projects on waters of the District. The bill removes a requirement that DEP provide a written notice to the District, instead allowing the notice to be written or transmitted via electronic means. The bill also clarifies that the role of the District in permitting process is to review applications and provide feedback, but that the final decision-making authority rests with DEP.

The bill repeals the prior special acts relating to Jupiter Inlet District.

B. SECTION DIRECTORY:

- Section 1: Provides a statement of intent to codify the special acts of the district.
- Section 2: Provides that Chs. 2000-412 and 2002-354, Laws of Fla., are amended, codified, reenacted, and repealed as provided in the bill.
- Section 3: Provides a charter for the district.
- Section 4: Provides that the powers conferred by the district's charter serve a public purpose.
- Section 5: Provides for liberal construction.
- Section 6: Provides that the bill does not change the terms of current members of the district's board.
- Section 7: Provides for severability.
- Section 8: Repeals Chs. 2000-412 and 2002-354, Laws of Fla.

Section 9: 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 18, 2023

WHERE? The *Palm Beach Post*, a daily newspaper of general circulation in Palm Beach County, 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 provides authority for nor requires rulemaking by executive branch agencies.

C. DRAFTING ISSUES OR OTHER COMMENTS:

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

None.