

**LOCAL BILL POLICIES AND
PROCEDURES MANUAL**

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Florida House of Representatives
Committee on Local Government & Veterans' Affairs
Subcommittee on Local Affairs
Subcommittee on Veterans' & Military Affairs

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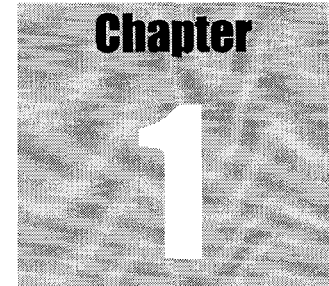
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Executive Summary

This manual provides policies and procedures of the Florida House of Representatives for drafting and filing local bills.

This manual details the constitutional and statutory requirements for local bills regarding publication of notice, referenda, and economic impact statements. A list of constitutionally and statutorily prohibited subjects is also included.

For a discussion of local government entities, please refer to the *Florida Local Government Formation Manual*, December 2002, prepared by the House Committee on Local Government & Veterans' Affairs.



How A Bill Becomes Law

1. What is a local bill?

A local bill is legislation relating to or designed to operate only in a specifically indicated part of the state or one that purports to operate within classified territory when classification is not permissible or the classification is illegal.¹

2. Why are local bills proposed?

Local bills generally are proposed when:

- A local government is limited in its authority to accomplish a specific goal and must ask the Legislature for a special act;
- An area wishes to be excepted or exempted from a general law; or
- The Legislature has retained authority to decide the local issue by special act, (e.g. municipal incorporation and creation of independent special districts).

Idea Conception

3. Who conceives or requests a local bill?

The local bill idea or issue usually is conceived or requested by:

- The county governing body;
- The municipal governing body;
- The locally elected officials;

¹ Article 10, section 12(g), Florida Constitution.

- A special district or other local entity; or
- A citizen desiring a special act.

4. What steps must be taken to have a local bill introduced?

- An interested party may submit a request for a local bill to the local legislative delegation either verbally or in writing.
- The local legislative delegation has the discretion to hear or not hear the issue being proposed for a local bill. If the local legislative delegation agrees to hear the specifics of the issue, a local public hearing is scheduled to consider the proposed bill. Although the public hearing is not required by law, House policy requires all proposed local bills be heard at a public hearing in the area that would be subject to the local bill. The proposed bill is then voted on by the local legislative delegation.
- Usually, a majority of the legislative delegation must approve the proposed local bill for introduction. If the delegation's rules allow for unanimous approval, this would not apply. [This is attested to by the legislative delegation on the Local Bill Certification Form.]
- The legislative delegation must certify that the purpose of the bill cannot be accomplished at the local level. [This is attested to by the legislative delegation on the Local Bill Certification Form.]
- If the local legislative delegation agrees to support the issue and introduce the local bill, the legislative delegation, or the local entity requesting the local bill (e.g. city, county, special district, incorporation study commission) usually is responsible for placing a legal advertisement in a newspaper of general circulation. If the bill itself is subject to a vote of the citizens (referendum), then this legal advertisement is not required.

According to sections 11.021 and 11.03, Florida Statutes, evidence that notice has been properly published must be submitted before a local bill, not subject to a referendum, can be introduced. Section 11.03, Florida Statutes, provides a sample affidavit of proof of publication.

The substance of a proposed local bill must be stated in the notice. A notice is sufficient because it states the substance of the proposed law in generalities. The terms of the notice must be broad enough to include all matters contained in the body of the proposed legislation, but the specific contents of the act need not be listed in detail. In fact,

a notice violation may result if the specific contents of the act are listed in the original notice and amendments are made after the introduction of the bill that fall outside the scope of the original notice.

Local Bill Filing Requirements

5. What must be done to file a local bill in the House of Representatives?

- A local public hearing **must** be held.²
- The public hearing where the vote on the local bill is actually taken **must** be noticed and open to the public. Any delegation meeting to discuss proposed legislation where no actual vote is taken appears to be subject to the requirements of Article III, section 4(e), of the Florida Constitution as well. This provision requires each House of the Legislature to establish rules to govern all legislative subcommittee, committee, and joint conference committee meetings open to the public. The rules must provide that all prearranged meetings between more than two members of the Legislature at which legislation is discussed shall be reasonably open to the public.
- To sponsor the local bill, the local legislative delegation **must** agree by majority vote, or otherwise if the rules of the legislative delegation so provide.
- A legal advertisement of the proposed bill **must** be placed in a newspaper of general circulation at least 30 days prior to introduction in the House or Senate unless the bill contains a referendum provision. The local entity requesting the proposed bill generally places the legal advertisement in the newspaper.
- Proof of publication **must** be attached to the original copy of the bill when filed with the House Clerk or Senate Secretary. Evidence that the notice has been published in an affidavit of proof of publication furnished by the newspaper at the end of the advertising period.
- Custom and courtesy suggest that a member of the local legislative delegation in the area affected by the proposed bill sponsor the proposed bill. County or municipal attorneys, or other

² A policy implemented by the Committee on Local Government & Veterans' Affairs and reviewed and accepted by each incoming Speaker of the House of Representatives.

appropriate local officials, are expected to draft local bills. House Bill Drafting Service reviews all drafts, correcting any technical errors and making other changes in form as required to conform to the requirements of the Florida Constitution, Florida Statutes, and House rules.

- Under House rule 5.2(a) all local bills **must** be filed with the Clerk by 12:00 noon of the first day of the regular session.
- Local Bill policy adhered to by the House of Representatives requires the bill be filed with a completed, original and signed *Local Bill Certification Form* and a completed, original and signed *Economic Impact Statement* form. If the original forms are not available to be filed with the bill, the forms should be submitted to the House Local Government & Veterans' Affairs Committee or subcommittees as soon as possible after the bill is filed. This policy requires no local bill be considered by the House Local Government & Veterans' Affairs Committee or subcommittees without the completed forms. (The forms are available at <http://www.leg.state.fl.us>).

Notice Requirements For Local Bills

6. What are the notice requirements for local bills?

Before the Legislature may introduce and pass a local bill, the notice requirements of Article III, section 10, of the Florida Constitution, as well as relevant provisions of chapter 11, Florida Statutes, relating to public notice, must be met. These notice requirements were designed to encourage participation from those interested in or affected by the proposed local legislation.

The notice must be broad enough to include all matters contained in the body of the proposed legislation, although the specific contents need not be listed in detailed form. The function of the notice requirement is to provide reasonable notice to a person whose interests may be directly affected by proposed legislation so that he or she may inquire further into details of the local bill and, if he or she so desires, seek to prevent enactment or to persuade the legislature to change the substance of the proposed bill.

7. When is a referendum in lieu of notice appropriate?

Under Article III, section 10, of the Florida Constitution, the effectiveness of any local bill not properly advertised in advance must be conditioned upon approval of the affected voters. In such bills, the effective date is

replaced with a section that calls for a referendum and bases the effectiveness of the act on the outcome of the election.

While referendum approval is not required for most local bills, in the case of certain bills (such as bills that create municipalities), legislators often let the affected voters decide and place a referendum requirement in a local bill as a matter of policy.

8. What are the statutory provisions relating to the notice requirement?

Section 11.02, Florida Statutes, implements the constitutional notice requirement found in Article III, section 10, State Constitution of Florida. By law, a notice advertising intent to seek enactment of local legislation and describing the substance of the contemplated law **must be published one time, at least 30 days prior to the bill's introduction** into the Legislature.

Publication can be **either by advertisement** in a newspaper of general circulation in each affected county or, if no such newspaper is published in or circulated throughout an affected county, by **posting** the notice for 30 days in three public places in that county, including the courthouse.

Under sections 50.011 and 50.031, Florida Statutes, to qualify as a newspaper of general circulation, a publication must:

- Have been in existence for 1 year or longer (certain exceptions may apply);
- Be printed and published at least once a week;
- Contain at least 25 percent of its words in the English language;
- Be for sale and available to the public generally for publication of official or other notices;
- Customarily contain information of a public character, or of interest or value to the residents or owners of property in the county where published, or of interest or of value to the general public; and
- Be entered or qualified to be admitted and entered as periodicals matter at a post office in the county where it is published.

Sections 11.021 and 11.03, Florida Statutes, require submission of evidence that notice has been properly published before a local bill not subject to a referendum can be introduced in the House or Senate. Section 11.03, Florida Statutes, provides a sample affidavit of proof of publication. Also, Appendix C provides a copy of an affidavit of notice of publication. The sponsor must ensure that the original proof of publication

is attached to the original copy of the bill when it is filed for introduction with the Clerk of the House or the Secretary of the Senate.

9. What does a notice of legislation look like?

An example of a notice of legislation is:

NOTICE OF LEGISLATION [or]

NOTICE OF INTENT TO SEEK LEGISLATION

TO WHOM IT MAY CONCERN: Notice is hereby given of intent to apply to the 2003 Legislature for passage of an act relating to Leon County, amending chapter 2000-000, Laws of Florida, relating to sales at auction by persons and firms who have resided or done business in the county for not less than 12 months; providing an effective date.

[For more information on the notice provision and drafting local bills see the 1995 Drafting Local Legislation in Florida, manual, published by the Florida House of Representatives Bill Drafting Service.]

Local Legislative Delegation Meetings

10. What is a local legislative delegation?

A delegation is defined as a group of legislators who represent parts of the same county or geographical area. Members of the local legislative delegation meet to hear issues, consider requests for money, and afford interested parties an opportunity to come forward and discuss issues of concern. (A list of the local legislative delegations is found at <http://www.leg.state.fl.us> .)

11. Must the required public hearing where the legislative delegation votes on the local bill be noticed and open to the public?

Yes. In addition, any delegation meeting to discuss proposed legislation even when no actual vote is taken is subject to the requirements of Article III, section 4(e), of the Florida Constitution, the Government in the Sunshine Law, as discussed in question #5, of this manual.

In addition, when a legislative delegation meets informally either to organize itself, elect its chair, or to discuss common local problems (but not specific legislation), are they required to advertise the meeting?

The courts have held that the spirit, intent, and purpose of the Sunshine Law requires a liberal judicial construction in favor of the public and a construction which frustrates all evasive devices. Florida Parole and Probation Commission v. Thomas, 364 So. 2d 480, 481 (Fla. 1st DCA 1978). In an effort to avoid any appearance of impropriety, the legislative delegation may prefer to advertise the meeting.

A key element of the Sunshine Law is the requirement to provide “reasonable notice” of all meetings subject to the law. The type of notice that must be given is variable, however, depending on the facts of the situation. In some instances, posting of the notice in an area set aside for that purpose may be sufficient; in others, publication in a local newspaper may be necessary. In each case, however, notice must be given at a time and manner that will enable interested members of the public to attend the meeting.

12. What guidelines has the Office of the State Attorney General suggested for notice for legislative delegation meetings?

The Attorney General has suggested the following guidelines:

- A. The notice should contain the time and place of the meeting and, if available, an agenda (or if no agenda is available, subject matter summations might be used);
- B. The notice should be prominently displayed in an area set aside for that purpose (e.g., for cities, in city hall);
- C. An emergency session should be afforded the most appropriate and effective notice under the circumstances and special meetings should have at least 24 hours reasonable notice to the public; and
- D. The use of press releases and/or phone calls to wire services and other media is highly effective. On matters of critical public concern such as rezoning, budgeting, taxation, appointment of public officers, advertising in the local newspapers of general circulation is appropriate.

Required Forms

13. What is a Local Bill Certification Form?

The Local Bill Certification Form is used by a local legislative delegation to certify that the objective of the bill cannot be accomplished locally, that a public hearing has been held, that all constitutional, statutory, and policy requirements have been satisfied, and that the required number of the legislative delegation members have approved the bill.

14. What is an Economic Impact Statement?

Before its repeal in 1996, section 11.075, Florida Statutes, required that the **Legislature consider the economic impact** that any law has upon the public and agencies of government that implement or enforce the law.

House policy now requires economic impact statements for local bills be prepared **at the local level** and be submitted when the bill is filed with the Clerk or submitted to the House Committee on Local Government & Veterans' Affairs. The House Committee on Local Government & Veterans' Affairs generally will not place a local bill on its agenda until the Economic Impact Statement has been completed and submitted.

The Constitutional, Statutory, And House Requirements For Local Bills

15. What are the applicable constitutional and statutory provisions regarding notice of legislation?

- Article III, section 4(e), Florida Constitution
- Article III, section 10, Florida Constitution
- Sections 11.02, 11.021, and 11.03, Florida Statutes
- Sections 50.011 and 50.031, Florida Statutes

16. What are the constitutional requirements relating to the form of local bills?

According to Article III, section 6, of the Florida Constitution:

- All bills must consist of one subject and matter properly connected therewith.

- All bills must have a title, and the subject of the bill must be properly expressed in its title.
- No existing law can be amended by reference to its title only.
- In order to amend an existing law, that portion of the law that is being amended must be set out in full.
- Every bill must have an enacting clause that reads “Be It Enacted by the Legislature of the State of Florida:”

17. Is an effective date necessary for a local bill?

Article III, section 9, of the Florida Constitution, as amended, provides that a law either takes effect 60 days after final adjournment or as provided in the act. Unlike the enacting clause, an effective date is not an essential ingredient of a bill. However, nearly every bill includes an effective date in its final section.

Mandatory Referendum

18. When is a referendum necessary?

Under two circumstances, a referendum is needed for a local bill. A referendum must be held for a local bill provision, even if the local bill is properly advertised in a newspaper, whenever it:

- Creates or increases certain ad valorem taxing power;
- Provides for issuance of certain bonds;
- Establishes, amends, or repeals a county charter;
- Consolidates municipal and county government;
- Provides for the manner of choosing or transferring duties of county officers;
- Combines school districts; or
- Provides for an appointed (rather than elected) school superintendent.

For example, a local bill creating the Key Largo Wastewater Treatment District in Monroe County was advertised 30 days prior to introduction into the 2002 Legislature. The local bill, however, contained a requirement that the voters approve an ad valorem/millage rate provision which authorized

assessing and imposing ad valorem taxes for 3 years. *In this case, the bill met the requirement for notice and the requirement of voter approval.*

The other circumstance is when the local bill has not been advertised in a newspaper but its effect is conditioned upon voter approval (Article III, Section 10, Florida Constitution.) An example of a local bill that was not advertised in a newspaper but requires a referendum for the act to become law can be found in an act passed by the 2001 Legislature in House Bill 1887/1st Engrossed. That bill, transferred land area from one fire district to another, and was only effective upon voter approval.

Constitutionally Prohibited Subjects

19. What subjects are constitutionally prohibited for local bills?

Article III, section 11, of the Florida Constitution, specifically prohibits enactment of local bills pertaining to the following subjects:

- (1) election, jurisdiction, or duties of officers (except officers of municipalities, chartered counties, special districts, or local governmental agencies);
- (2) assessment or collection of taxes for state or county purposes;
- (3) rules of evidence in any court;
- (4) punishment for crime;
- (5) petit juries;
- (6) change of civil or criminal venue;
- (7) conditions precedent to bringing any civil or criminal proceeding;
- (8) refund of money legally paid or remission of fines, penalties, or forfeitures;
- (9) creation, enforcement, extension, or impairment of liens based on private contracts, or fixing of interest rates on private contracts;
- (10) disposal of public property;
- (11) vacation of roads;

- (12) private incorporation or grant of privilege to a private corporation;
- (13) effectuation of invalid deeds, wills, or other instruments, or change in the law of descent;
- (14) change of name of any person;
- (15) divorce;
- (16) legitimation or adoption of persons;
- (17) relief of minors from legal disabilities;
- (18) transfer of any property interest of persons under legal disabilities or transfer of estates of decedents;
- (19) hunting or fresh water fishing;
- (20) regulation of occupations which are regulated by a state agency; or
- (21) any subject when prohibited by general law passed by three-fifths vote of the membership of each house. (See next section.)

It is good practice to check this list before initiating a local bill.

However, the reader should not automatically assume that a local bill on a particular topic not found on the “prohibited subjects list,” is constitutionally acceptable. A local bill cannot be inconsistent with other provisions of the Constitution.

20. What additional constitutional requirements exist for certain subject matter?

Local bills have additional constitutional requirements or prohibitions depending on their subject matter.

Tax and Bond Issues -- In accordance with Article VII, sections 9(b) and 12, of the Florida Constitution, three types of bills must include a referendum provision giving voters the opportunity to accept or reject taxation:

- Bills that create a special district with ad valorem taxing power or change the authorized millage rate for an existing special district;
- Bills that authorize a temporary tax levy in excess of the constitutional millage cap; and

- Bills that levy taxes for the payment of long-term bonds.

Local Officials' Duties -- No special act may relieve tax officers from the due performance of their duties or relieve their sureties from liability (Article III, section 11(a)(2), of the Florida Constitution). Except as provided by the Florida Constitution, no general law or special law may create an office having a term greater than 4 years (Article III, section 13, of the Florida Constitution).

Charter Counties -- Article VIII, section 1, of the Florida Constitution, authorizes the establishment of a county government by charter. However, the adoption, amendment, or repeal of the charter, or any attempt to limit a charter county's powers of self-government, requires approval of the electors of the county, voting in a special election called for that purpose.

Consolidation of Cities and Counties -- Article VIII, section 3, of the Florida Constitution, allows local governments to propose consolidation of municipal and county governments by special act, *subject to referendum approval by affected voters*. The referendum may involve the electors of the county in a single vote, or the electors of the county and municipality (or municipalities) voting separately, as provided in the consolidation plan.

Constitutional Officers -- Article VIII, section 1(d), of the Florida Constitution, provides for election of county officers. However, this section also allows the selection of county officers in another manner when provided by county charter or by special law *approved by the county electorate*. It also authorizes abolition of a county office when all of the duties of the office prescribed by general law are transferred to another office.

Consolidation of School Districts/Election of School Superintendent -- For purposes of the statewide system of public education, Article IX, section 4(a), of the Florida Constitution, authorizes two or more contiguous counties to combine themselves into one school district. This could be accomplished locally or by introduction of a local bill or general bill of local application. *This action must be approved by the electors of each county.*

Article IX, section 5, of the Florida Constitution, provides a school district may, through special act (or through resolution of the district school board), change the method of selection of the superintendent of schools from elected to employed by the district school board. *This action must also be approved by the voters in the district.*

Statutorily Prohibited Subjects

21. Are there any statutorily prohibited subjects?

Yes. Article III, section 11(a)(21), of the Florida Constitution authorizes the Legislature, by general law to add to the list of constitutionally prohibited subjects. The general law must be passed by a three-fifths vote of the membership of each house, and may be amended or repealed by like vote. Any prohibition the Legislature places upon itself in this manner may also be amended or repealed by like vote.

The Legislature has used this authority on numerous occasions to restrict local legislation on various subjects, such as:

- Protection of public employee retirement benefits (section 112.67, Florida Statutes).
- State-administered or state-supported retirement systems (section 121.191, Florida Statutes).
- Compensation of designated county officials (section 145.16, Florida Statutes).
- The maximum rate of interest on bonds (section 215.845, Florida Statutes).
- State Building Code for Public Educational Facilities Construction (section 235.26(10), Florida Statutes).
- Taxation for school purposes and the Florida Education Finance Program (section 236.014, Florida Statutes).
- Grant of authority, power, rights, or privileges to a water control district formed pursuant to chapter 298, Florida Statutes (section 298.76(1), Florida Statutes).
- Sale or purchase of speckled sea trout or weakfish (section 370.083, Florida Statutes).
- Spearfishing in saltwater and saltwater tributaries (section 370.172(4), Florida Statutes).
- Allocation of millage for water management purposes (section 373.503(2)(b), Florida Statutes).

House Rules Regarding Local Bills

22. What are the House rules regarding local bills?

Rule 5.2—Filing Deadlines

(a) No general bill, *local bill* originating in the House, joint resolution, concurrent resolution (except one relating to extension of a session or legislative organization or procedures), or memorial originating in the House shall be given first reading unless filed for introduction no later than noon of the first day of the regular session.³ (*emphasis supplied*)

(b) Bills, resolutions, and memorials introduced by committees are exempt from the requirements of this Rule.

Rule 5.3—Limitation on Member Bills Filed

(a) A Member may not file more than six bills for a regular session. For purposes of this Rule, the Member considered to have filed a bill is the first-named sponsor of the bill. Bills that have been withdrawn from further consideration prior to the filing deadline shall not be considered filed.

(b) Bills not counted toward these limits include:

(1) Local bills.

(2) . . .

Rule 5.5—Local Bills

(a) If the Committee on Local Government & Veterans' Affairs determines that the substance of a local bill may be enacted into law by ordinance of a local governing body, the committee shall not report the bill. However, if a local governing body would be required to call a referendum to enact the substance of a local bill into law, the committee may report the local bill.

(b) A local bill that provides an exemption from general law may not be placed on the Special Order Calendar in any section reserved for the expedited consideration of local bills.

(c) All local bills, including local claim bills, must either, as required by Section 10 of Article III of the Florida Constitution, embody provisions for a ratifying referendum (stated in the title as well as in the text of the bill) or be

³ The Speaker establishes a bill drafting deadline for local bills. In addition, there may be deadlines established by each local legislative delegation. Persons interested in scheduling local bills for a local hearing should check with their legislative delegation for that information.

accompanied by an affidavit of proper advertisement, securely attached to the original bill ahead of its first page.

House Policies Regarding Local Bills

23. What are the House policies regarding local bills?

There are various requirements that the House of Representatives has established over the years as policy that are not found in the Florida Constitution, Statutes, or House Rules. The following requirements are:

- The local legislative delegation must hold public hearings on local bills in the area affected.
- Usually, a majority of the local legislative delegation must approve a proposed local bill for introduction into the Legislature, unless the delegation's rule differs from this policy. In that case, the delegation follows its own rules.
- The local legislative delegation must complete the House Local Bill Certification Form. The form certifies that the bill cannot be accomplished locally, a public hearing has been held, all statutory and constitutional requirements have been met, and the required number of local legislative delegation members approved the bill.
- An Economic Impact Statement must be completed. This form is to be completed locally and is used to ensure that review of the economic impact of a local bill has been conducted.
- Amendments, except technical, clarifying, or conforming amendments, must be accompanied by a Local Bill Amendment Form. The form states that the delegation is aware of the amendment, the need for the amendment, and the intent of the amendment.

Requirements Of House Committees Regarding Local Bills

24. Have House committees established requirements for local bills?

Yes. However, the House Committee on Local Government & Veterans' Affairs is the first committee of reference for most local bills (except claim bills). The Committee verifies:

- (1) that the required notice has been published; or
- (2) referendum is provided in the bill;
- (3) that the required House forms have been filed; and
- (4) that the local bill is in proper legal form.

The House Local Government & Veterans' Affairs Committee also prepares an analysis that summarizes the bill and describes the consequences of its passage.

25. Are local bills referred to committees other than the Local Government & Veterans' Affairs Committee?

A local bill is often referred to other House committees for review. These committees review the bill for other special considerations as follows:

- The **Committee on Judiciary/Subcommittee on Claims** reviews local bills to determine if they are a **claim bill** against a municipality, county government, sheriff, school board, or local district. If the bill is a **claims bill**, it must meet the same notice requirement (i.e., 30 days prior to introduction unless the bill contains a referendum provision as other local bills). *It is the claimant's responsibility to comply with this requirement and make available an acceptable proof of publication affidavit to accompany the bill.*
- The **Committee on Appropriations** reviews local bills for potential impacts on:
 - The state budget;
 - Regional areas not within the local bill area;
 - The local government mandate issues in Article VII, section 18(a), of the Florida Constitution;
 - Compliance with the taxing provisions of Article VII of the Florida Constitution; and
 - General conformity with statewide tax policy.
- The **Committee on Public Safety & Crime Prevention** reviews local bills for:

- The effective date of the bill (6 months after enactment so that law enforcement agencies responsible for administering the law, if applicable, are adequately noticed);
 - Constitutional prohibition of local bills relating to punishment for crime, evidence in any court, or other criminal law matters;
 - Unlawful enactment of a criminal law or penalty in a local bill preempted by state law; and
 - Compliance with the Florida Contraband Forfeiture Act, sections 932.701-932.707, Florida Statutes.
- The **Committee on Procedures/Subcommittee on Ethics and Elections** and/or the **Subcommittee on Rules** reviews local bills to ensure an effective date. Under the Federal Voting Rights Act, any local bill affecting voting or elections procedures or otherwise affecting voting rights either statewide or in Hillsborough, Hardee, Collier, Hendry, or Monroe counties must be submitted to the U. S. Department of Justice for pre-clearance before enforcement may proceed.
 - The **Committee on State Administration** reviews local bills for compliance with the public meetings and public records exemptions provisions of general law.
 - The **Committee on Natural Resources** reviews local bills for:
 - The constitutional restrictions placed on acts pertaining to hunting or fresh water fishing;
 - The sale or purchase of speckled sea trout or weakfish;
 - Spearfishing in salt waters and saltwater tributaries;
 - The duties of the water management districts and drainage districts; and
 - The allocation of millage for water management purposes.
 - The **Committee on Transportation** reviews local bills for impacts on statewide transportation and highway safety policy.

What Can Happen To Local Bills After Introduction In The House Of Representatives

26. What happens once a local bill is filed?

A local bill follows the same process as a general bill. The bill is introduced and referred to committees and/or subcommittees. After it is voted out of or withdrawn from the committees and/or subcommittees to which it has been referred, a local bill then proceeds to the House calendar.

27. Can a local bill be amended?

Yes. Once the introduction procedures are met, the bill will be in the jurisdiction of the House for processing and consideration by the appropriate committees and eventually the full House. The only additional administrative activity that might be required is the completion of the **Local Bill Amendment Form**. This form states that the legislative delegation is aware of the amendment, the need for the amendment, and the intent of the amendment. **All substantive amendments to local bills must be approved before committee meetings by the legislative delegation. This form is needed for all local bill amendments except technical, clarifying, or conforming amendments.**

28. Must substantive amendments conform to constitutional and statutory notice requirements?

Yes. Any substantive amendments to a local bill must conform to the notice requirements set out in Article III, section 10, of the Florida Constitution and section 11.02, Florida Statutes. If the amendment substantially changes the bill as it was noticed, a constitutional problem may be created since proper notice of the amendment to the legislation was not provided.

29. What is the effect of amendments to local bills on the constitutional notice requirement?

A problem often arises when an amendment is proposed that substantially changes the intent of the bill. The concern with any substantive amendment is that the new version of the bill, once amended, will not conform to the notice requirements set out in Article III, section 10, of the Florida Constitution and section 11.02, Florida Statutes. If the amendment substantially changes the bill as it was noticed, a constitutional problem may result as proper notice of the now amended legislation has not been

given. However, consideration of a Representative's amendment may not be rejected, even if it creates constitutional concerns.

An additional problem may arise after the substantive amendment is adopted by the Committee(s), and/or Subcommittee(s), and the House. There are times when a local bill passes the House with provisions that may create a defective notice. The passage of the bill by the House does not mean the end of the bill's constitutional concerns. Once the bill is received by the Senate, the engrossed bill is reviewed by Senate staff. Any constitutional concerns are brought to the attention of the Senate. There is a likelihood that the Senate may remove those provisions by amendment, thus correcting a potentially defective notice.

To avoid a potential constitutional challenge, it is recommended that the bill be advertised in a broad manner. If an advertisement for a bill is in narrow, specific terms, it may limit the scope of substantive amendments for consideration. For example, if a local bill is excluding a specific tract of property from the district, rather than advertising "excluding one tract of property from the district," the advertisement might rather state "excluding property from the district." An advertisement such as this allows for unforeseen controversies to be resolved by amending the bill without affecting its notice.

30. What is an "expedited local bill calendar"?

The expedited local bill calendar is a calendar made up of those local bills not in violation of House Rule 5.5(b) [exemptions from general law] and provides a means for House members to move large numbers of bills along to the Senate in an expeditious manner. When a sufficient number of these bills are either approved by and voted out of committees/subcommittees or withdrawn from committees/subcommittees, the House leadership may designate a day for an expedited "local bill calendar."

Voting on the expedited local bill calendar is achieved by a single roll call vote rather than voting on each bill individually. The single roll call vote is taken at the conclusion of the reading of the expedited local bill calendar and the bills on the expedited local bill calendar are passed.

Any member wishing to cast a "no" vote on a local bill that is on the expedited calendar, must file the appropriate form with the Clerk. The House Clerk will adjust the expedited local bill calendar vote count accordingly to reflect all registered "no" votes.

31. What is unique about the House floor consideration of local bills?

The majority of local bills are not debated on the House floor; however, the Speaker may allow debate on any local bill whenever the Speaker deems it advisable.

Also, pursuant to House rule 5.5(b), any local bill providing an exemption from general law may not be placed on the expedited local bill calendar. These bills are taken up individually and voted on individually as would a general bill.

32. What happens when there are House floor amendments to local bills?

Local bills requiring a substantive amendment, whether at subcommittee, committee or on the House floor, must be accompanied by a Local Bill Amendment Form signed by the chair of the legislative delegation. This form ensures that any substantive amendment has the approval of the delegation and that efforts have been made to ensure the amendment does not create a notice “defect.”

Amendments drafted to correct technical, clarifying or grammatical errors are not subject to delegation approval. Under House Rule 7.22(d), all amendments must be in the form of a single amendment. If several technical, clarifying or grammatical corrections need to be made to the bill, it must adhere to this rule.

All amendments to local bills must be reviewed by appropriate House staff before consideration by subcommittees, committees or House Members on the floor of the House.

Further, if additional amendments are necessary to the local bill and occur after they have left the last committee of reference, House Rule 12.2(a) and (b) appear to apply. Therefore, any floor amendments to local bills, whether a candidate for the expedited Local Bill Calendar or a candidate for the regular Calendar, must be filed by 10:00 a.m. within two days after appearing on the regular Calendar.

Additionally, if the expedited Local Bill Calendar is scheduled to be heard at a session prior to completion of the bill’s 2-day amendment filing cycle, floor amendments may be offered up to 2 hours prior to the session at which the bill is scheduled to be heard. If substitute amendments and amendments to the floor amendment are filed, they must meet the filing deadline of 1 hour prior to the beginning of the session at which the bill is scheduled to be heard.

Senate Local Bills

33. Are local bills introduced in the Senate?

Yes, but usually not as many as are introduced in the House. The majority of Senate-sponsored local bills are received by the Committee on Local Government & Veterans' Affairs during the last weeks of the legislative session. Some have House companions, others do not. Senate bills with House companions enable the research of the Senate bill to be accomplished more quickly. However, Senate-sponsored local bills with no House companion receive the same scrutiny and go through the same process as every other local bill. The Senate does not have a local bill process similar to the House process. Senate local bills generally are referred to the Senate Rules Committee where they are analyzed only for compliance with the notice provisions. However, local bills that exempt themselves from general law or deal with more than one county are required to have a substantive Senate committee meeting. Thus, it is recommended that local bills that meet one of these categories be filed in the Senate. If not, the chances are increased that by the time the bill is passed by the House, Senate substantive committees are no longer meeting. This may affect whether the bill attains legislative approval.

Special Acts

34. What is a special act?

A special act is defined as a private statute; an act which operates only upon particular persons or private concerns; one made for individual cases or for particular places or districts; or one operating upon a selected class, rather than upon the public generally.

35. Is a special act sometimes controlling over a general law?

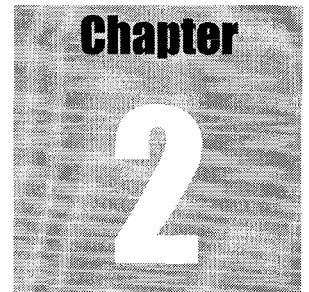
There are circumstances when special acts enacted by the Legislature are superior, controlling, or have the effect of superseding other general laws or special acts. There are, however, other circumstances when the general law is superior to a special act. **Legislative intent will govern what law prevails in the event of a conflict.** In the absence of plainly expressed legislative intent, longstanding principles of statutory construction must be examined. Courts may apply or disregard these principles in the process of searching for legislative intent.

36. Can the Legislature enact special acts relating to Miami-Dade County?

The Legislature may enact general acts applicable to all counties and municipalities within the state. Pursuant to Article VIII, section 11, of the Florida Constitution of 1885, as amended, which was carried forward in the 1968 revision by Article VIII, section 6(e) of the present Florida Constitution, *the Legislature has no power to enact a local bill that relates to Miami-Dade County only.*

Conversely, Miami-Dade County Commissioners may abolish boards or governmental units created by legislative special act applicable only to Miami-Dade County. They may also change any duties, functions, benefits, or regulatory or restrictive effect of such an act. See Chase v. Cowart, 102 So. 2d 147 (Fla. 1958).

A recent proposed amendment (No. 3) to allow amendments affecting the Miami-Dade County Home Rule charter by special law, after voter approval was defeated by voters in the 2002 General Election. The vote was 47.8% for, and 52.2% against.



Creation Of Independent Special Districts

37. What is a special district?

Special districts are units of local special-purpose government. Special districts have these characteristics:

- They are created by general law, special act, local ordinance, or by rule of the Governor and Cabinet.
- They operate within limited boundaries.
- They have a governing board.

These entities are not special districts:

- Units of Local General-Purpose Government (Municipalities and Counties);
- School Districts;
- Community Colleges;
- Municipal Service Taxing or Benefit Units;
- Seminole and Miccosukee Tribe Special Improvement Districts; and
- Boards providing electrical services that are political subdivisions of a municipality or part of a municipality.

38. What is the difference between a dependent special district and an independent special district?

Dependent special districts have at least one of the following characteristics:

- Its governing body members are identical to the governing body of a single county or a single municipality.
- Its governing body members are appointed by the governing body of a single county or a single municipality.
- During unexpired terms, its governing body members are subject to removal by the governing body of a single county or a single municipality.
- Its budget requires approval through an affirmative vote by the governing body of a single county or a single municipality.
- Its budget can be vetoed by the governing body of a single county or a single municipality.

Independent special districts do not have any characteristics of dependent special districts. Sometimes, the following characteristics are evident:

- Its boundaries may cover more than one county.
- Its boundaries may exceed that of a single municipality.
- It operates as an independent political subdivision within defined district boundaries.
- It may have revenue raising authority such as ad valorem taxation or non ad valorem assessments, fees, or charges on benefited property.

39. Who creates independent special districts?

The Legislature reserves the authority to create independent special districts and grants counties and municipalities, at their prerogative, the authority to create dependent districts.

40. Are there requirements for legislatively-created districts?

Special requirements exist for legislatively-created special districts. Statutory requirements relating to the creation of independent special districts by special act are contained in chapter 189, Florida Statutes. The law prohibits the creation of independent special districts that do not conform to the minimum statutory requirements. There are three major categories of requirements: a statement regarding the creation of the district, minimum charter requirements, and prohibited exemptions.

41. What must the statement regarding the creation of the district include?

The proposed creation of the independent special district must include a statement to the Legislature documenting:

- The purpose of the proposed district.
- The authority of the proposed district.
- An explanation of why the district is the best alternative.
- A resolution or official statement of the appropriate local governing body in which the proposed district is located containing the following statements:
 - The creation of the proposed district is consistent with approved local government plans of the local governing body.
 - The local government has no objection to the creation of the proposed district.
- After October 1, 1997, all charters must contain a status statement indicating whether the district is dependent or independent.

42. What are the minimum charter requirements?

Local bills creating independent special districts must address the following minimum charter elements:

- The district's purposes.
- The district's powers, duties, and functions regarding:
 - Ad valorem taxation
 - Bond issuance
 - Revenue raising capabilities
 - Budget preparation and approval
 - Liens and foreclosure of liens
 - Use of tax deeds and tax certificates for non-ad valorem assessments
 - Contractual agreements

- The methods for establishing the district.
- The methods for amending the district's charter.
- The membership and organization of the district's governing board.
- The maximum compensation of the district's governing board members.
- The administrative duties of the district's governing board.
- The financial disclosure, noticing, and reporting requirements for the district.
- The procedures and requirements for issuing bonds, if the district has such authority.
- The district's election and referendum procedures and the qualifications to be a district elector.
- The district's financing methods.
- The authorized millage rate for a district which can levy ad valorem taxes, except for taxes levied for the payment of bonds and taxes levied for periods not longer than two years, when authorized by vote of the electors of the district.
- The methods for collecting non-ad valorem assessments, fees, or service charges.
- Planning requirements.
- Geographic boundary limitations.

43. Are there exceptions to the required minimum charter requirements?

A district formed pursuant to general law, such as a fire control district (chapter 191, Florida Statutes) or water control district (chapter 298, Florida Statutes), need not include in its individual charter things authorized by general laws.

44. What general law requirements may not be exempted by a local bill creating an independent special district?

Local bills creating independent special districts cannot exempt the district from the following general law requirements:

- General requirements and procedures for elections. [Section 189.405, Florida Statutes.]
- Special district bond referenda. [Section 189.408, Florida Statutes.]
- Bond issuance reporting requirements. [Section 189.4085, Florida Statutes.]
- Special district public facilities reports. [Section 189.415, Florida Statutes.]
- Special district meetings, notice, and required reports. [Section 189.417, Florida Statutes.]
- Special district reports and audits. [Section 189.418, Florida Statutes.]

45. When is a referendum required to create an independent special district?

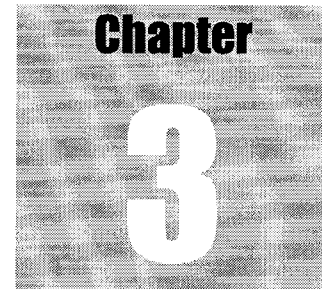
If the bill was properly noticed, a bill creating a new independent special district is not required to be approved by referendum unless the district wants to immediately levy ad valorem taxes. In addition, if the local bill does not meet the notice requirements, a referendum is required not only for approval of the levy of ad valorem taxes, but also to allow those persons affected to approve the local bill.

46. What are the statutes and rules applicable to special districts?

Chapter 189, Florida Statutes, Special Districts: General Provisions

Chapter 191, Florida Statutes, Independent Special Fire Control Districts

Chapter 298, Florida Statutes, Drainage and Water Control



Codification Of Special Districts' Charters

47. What is codification?

Codification is the process of collecting and arranging systematically the various special acts that comprise a special district's charter. The body of law known as the Florida Statutes is codified and compiled into several volumes of law. The Florida Statutes are published on a yearly basis. Collectively, they provide a complete, up-to-date presentation of the current state of the law.

Special acts are not codified and, after the Legislature passes the initial enabling act, special acts continuously amend or alter previously enacted special acts. To ascertain the current status of any special act, it is necessary to research all amendments or changes made to the act since its inception or original passage by the Legislature.

48. Why is codification important?

Codification of a district's charter is important because it allows readers to go to one special act to determine the current charter of a district, instead of two, ten, twenty, or sometimes more special acts. The purpose of the special districts codification effort is to produce an up-to-date and reader-friendly document.

49. What are the requirements for codifying special districts' charters?

Codification of special districts' charters was authorized by the 1997 Legislature when it amended chapter 189, Florida Statutes, and created s. 191.015, Florida Statutes. The amended law provides that each district must submit to the Legislature, at its expense, a draft codified charter for reenactment by the Legislature. The law further allows for the adoption of the codifications pursuant to a legislatively-provided schedule. This schedule is stated in an October 3, 1997, memorandum issued by the Chair of the Committee on Local Government & Veterans Affairs. The law

no longer prohibits substantive amendments in a district’s codification bill. The codified act is filed with the Department of Community Affairs within 30 days after adoption pursuant to section 189.418(2), Florida Statutes.

50. When does a specific special district submit its codification to the Legislature?

As provided in a memorandum from the Chair of the Committee on Community Affairs dated October 3, 1997, the following is the special district submittal schedule:

SCHEDULE OF SUBMITTALS OF SPECIAL DISTRICT'S CHARTER

Special Districts with 2 special acts (45 districts)	1999 Legislative Session
Special Districts with 3 or 4 special acts (63 districts)	2000 Legislative Session
Special Districts with 5, 6 or 7 special acts (53 districts)	2001 Legislative Session
Special Districts with 8, 9, 10, 11, or 12 special acts (56 districts)	2002 Legislative Session
Special Districts with 13 or more special acts (54 districts)	2003 Legislative Session
Special Fire Control Districts (47 districts)	2004 Legislative Session

Status Statement

51. What is a status statement?

The law provides that after October 1, 1997, the charter of any newly created special district shall contain and, as practical, the charter of a preexisting special district must be amended to contain, a reference to the status of the special district as dependent or independent. When necessary, the status statement must be amended to conform with the department's determination or declaratory statement regarding the status of the district. If the district fails to have a status statement within the district's codification bill, the statement may be amended into the bill after consulting with the district and the sponsor of the measure.

52. How many districts have codified their charters thus far?

Since the enactment of sections 189.429 and 191.015, Florida Statutes, 122 special districts have codified their charters. The House Committee on Local Government & Veterans' Affairs maintains a list of those codified charters.

Preparation Of A Codification Bill

53. What are some of the requirements of a codification bill?

It is the district's responsibility to prepare the initial draft for submittal to the local legislative delegation for approval. Some important points to keep in mind in the preparation of the codification bill are:

- A codification bill is a local bill and must meet the notice requirements of Article III, section 10, of the Florida Constitution.
- All local bills must be accompanied by:
 - an affidavit of notice of publication which is sometimes called a proof of publication,
 - a completed and signed local bill certification form, and
 - a completed and signed economic impact statement.

- Because it is a local bill, it must have the approval of the local legislative delegation.
- All the required special act provisions relating to the district must be accounted for in the codified bill.
- The bill must include a repeal of all existing special acts as one of the last sections of the bill.
- When repealing existing special acts, there may be certain provisions that are desirable or necessary to leave intact. If so, the desired language should also be included in the bill.
- Include the status statement.
- Check the provisions of the codification bill to determine if general law is being preempted or exempted.

Codification Bill Coding

54. What is bill coding?

A bill drafting technique that greatly assists the committee analyst is called coding. Coding is a process where all new language is underlined and all unwanted language is stricken through. This technique allows the analyst to see new language and unwanted language. Although it is easier to draft a codification bill with all provisions underlined, this method greatly increases the amount of time it takes to prepare an analysis. The initial coding of the bill is preferable for research purposes.

When a codification bill is received by the House Committee on Local Government & Veterans' Affairs, a committee analyst copies all prior special acts and merges the prior special acts into one document by literally cutting and pasting by hand. The analyst also shepardizes the special acts in order to determine which acts may have been repealed and which acts are still valid. By codifying and shepardizing, the analyst produces the district's current charter.

A line-by-line analysis is then performed between the bill and current charter in order to determine where the bill makes changes to the current charter. Depending on the length of the charter, this can be a long and cumbersome process.

The coded draft is used to determine where changes were made, while the bill analysis is based on the final draft of the bill.

Drafting A Codification Bill

55. How is a codification bill drafted?

There are two methods in which a codification bill may be drafted. The first method is when the district's charter provisions are drafted as sections of the bill. The second method by which a codification bill may be drafted is by placing all of the charter's provisions in one of the bill's sections. The second method is preferable by House Bill Drafting Service because it keeps the charter's provisions and the bill's provisions separate.

Since the drafting of a codification bill is often confusing, this manual contains a bill format suggestion. The suggested format follows: *(this example does not contain such bill requirements as the title and the enacting clause.)*

Special District Codification Bill:

- Section 1: Intent Language. For example, "Pursuant to s. 189.429, Florida Statutes, this act constitutes the codification of all special acts relating to"
- Section 2: Codification Language.

District's Charter Sections. The various sections of the district's charter are numbered independently from the rest of the bill (i.e., the first provision is section 1, the second provision is section 2, etc.). These sections should contain the entire charter of the district.

- Section 3: Repealer Provisions.
- Section 4: Effective Date.

There are additional provisions that may be included as sections of the bill depending on an individual district's circumstances or needs. Examples include a section providing for the liberal construction of the bill's language and/or a section providing for the bill's precedence over conflicting law.

District Boundary Changes

56. How does a district's change to its boundaries affect the codification process?

Sometimes a district has charter authority to change its original boundaries without coming to the Legislature. Therefore, these boundary changes may result in the codification bill containing a different district boundary description than the boundaries contained in the original charter. It is not always possible to determine whether the codification bill changes the district's boundaries, therefore a letter from the district attorney or district staff stating whether or not the codification bill is changing the district's boundaries is preferred.

Repealing Existing Chapter Laws

57. Should a district's existing chapter laws be repealed?

The answer depends on each individual district's circumstances. Generally, all existing special acts should be repealed. However, special care must be taken when repealing the district's existing special acts which relate to or amend the district's charter provisions relating to bonds or tax authority.

The repealer language, if used, should be clear and expressly repeal and cite all special acts (e.g. chapters 2001-001, 2001-002, and 2001-003, Laws of Florida, are hereby repealed). Language such as "unless reenacted herein" is strongly discouraged.

Referenda

58. What is the significance of referendum provisions in prior special acts?

A special act may require a referendum before it becomes effective. This requirement can be problematic when codifying the district's charter if it is unclear whether the referendum provisions of previous special acts were approved. Therefore, it is necessary to determine the current status of any bill provisions effectuated by referendum. This is often done by contacting the Supervisor of Elections in each affected county. To assist the committee, it is recommended that this be done by the bill drafter and the

results forwarded to the committee. There are some districts that will not have any special acts requiring a referendum.

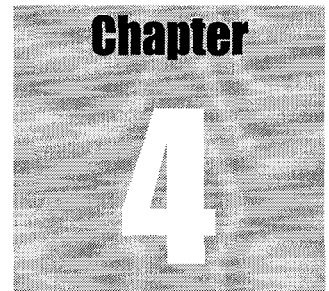
Additional Documentation for Fire Control Districts

59. Are additional documents useful for fire control districts?

Many members enjoy reading information regarding Fire Control Districts. This information ranges from how many fires and accidents the district experienced, to how many firefighters are employed, or how many residents are in the district's jurisdiction. Although this information is not mandatory, it is useful. Attached in appendix M is a Fire District information sheet. The legislative analyst uses this information when talking with the district personnel and in the preparation of the bill analysis.

Codification Bill Checklist

1. Has the district's codification bill been correctly drafted to include all valid provisions from prior special acts codified and have all prior special acts been shepardized?
2. Does the bill contain correct coding (underlines and strike-throughs)?
3. Is the bill drafted so that the charter provisions are numbered as part of the charter rather than numbered as a bill section?
4. Has a letter been submitted regarding boundaries that have changed or modified since the district's creation?
5. Does the bill's repealer provisions expressly repeal all prior special acts regarding the district's charter?
6. Is information regarding the outcome of all prior required referenda made available to the committee?
7. Is the bill's "notice of legislation" broad enough to allow subsequent amendments?
8. Has the Economic Impact Statement and Local Bill Certification Form either been completed and filed with the bill or sent to the House Committee on Local Government & Veterans' Affairs?



More Information on Local Bills

60. Where do I go to get more information on local bills?

In addition to this manual, staff of the House Committee on Local Government & Veterans' Affairs are available to answer questions about local bill policies and procedures. Staff of House Bill Drafting Services are also available to answer technical questions about drafting of local bills.

61. Where can I get additional information?

Committee on Local Government & Veterans' Affairs
Florida House of Representatives
House Office Building
402 South Monroe Street
Tallahassee, FL 32399-1300

Phone: (850) 488-1791

Website: <http://www.leg.state.fl.us>

APPENDIX A: THE ROLE OF LEGISLATIVE DELEGATIONS

APPENDIX A: THE ROLE OF LEGISLATIVE DELEGATIONS

Black's Law Dictionary, Sixth Edition, defines "Delegation" as:

The body of delegates from a State to a national nominating convention or from a county to a State or other party convention. The whole body of delegates or representatives sent to a convention or assembly from one district, place, or political unit are collectively spoken of as a 'delegation.'

Black's Law Dictionary, Sixth Edition, defines "legislative" as:

Making or giving laws; pertaining to the function of law-making or to the process of enactment of laws.

Florida's local legislative delegations serve important functions such as providing a public forum to identify local bills. Although legislative delegations are not statutorily defined, various Florida Statutes assign duties to legislative delegations including sitting on a board or commission as a non-voting member. In addition:

- The legislative delegations are comprised of both House and Senate members from the county (or counties) they represent.
- Many of the legislative delegations are well organized, having an organizational structure that includes a chair, vice-chair, and a legislative liaison. Other legislative delegations operate on a more informal basis.
- Ordinarily, the organizational structure of each legislative delegation changes each election year.

The House Committee on Local Government & Veterans' Affairs updates the list of Florida's legislative delegations frequently. A list of local legislative delegation members is available on Online Sunshine at <http://www.leg.state.fl.us>.

It is suggested that only a member of the local legislative delegation introduce a bill relating to a geographical area within the local legislative delegation's jurisdiction. Once an issue has been discussed and the intent of the bill is clear, the legislative delegation votes on whether or not to file (introduce) the bill. Sometimes local government or citizens disagree with what the legislative delegation agrees to support, which results in the filing of a "controversial" local bill.

Most legislative delegations meet several times prior to an upcoming legislative session to discuss local issues that may become local bill proposals. These meetings often produce meaningful dialogue between representatives of local government, citizens, and legislative delegation members regarding the language and intent of a local bill.

Once the decision is made to introduce an idea in the form of a local bill, the House Member must request the bill be prepared by House Bill Drafting Services. ***The legislative delegation liaison often serves as a coordinator between the local person requesting the bill and House Bill Drafting Services during the bill drafting process.***

The legislative delegation plays an important role when an amendment to a local bill is being entertained. **Any substantive amendments to local bills that are desired by a member of the local legislative delegation must be approved by the legislative delegation.** A form, attesting to that approval, must be signed by the legislative delegation chair. This policy applies to some committee amendments to local bills and floor amendments to local bills. Technical, conforming or clarifying amendments recommended or suggested by committees do not require this form.

APPENDIX B: REQUIRED HOUSE FORMS

- LOCAL BILL CERTIFICATION FORM
- ECONOMIC IMPACT STATEMENT
- LOCAL BILL AMENDMENT POLICY

HOUSE LOCAL GOVERNMENT & VETERANS' AFFAIRS COMMITTEE

2003 LOCAL BILL CERTIFICATION

BILL #: _____

SPONSOR(S): _____

RELATING TO: _____

[Indicate Area Affected (City, County, Special District) and Subject]

NAME OF DELEGATION: _____

CONTACT PERSON: _____

SUNCOM or PHONE #: _____

- I. *House policy requires that, before the House Committee on Local Government & Veterans' Affairs or its subcommittees considers a local bill, three things must occur: (1) The members of the local legislative delegation must certify that the bill's purpose cannot be accomplished at the local level; (2) a public hearing must be held in the area affected; and (3) at or after any public hearing, held for the purpose of hearing the local bill issue(s), the bill must be approved by the legislative delegation. **Local bills will not be considered by a subcommittee or the Committee without a completed, original Local Bill Certification Form.***

Does the delegation certify that the purpose of the bill cannot be accomplished locally? YES [] NO []

Has a public hearing been held? YES [] NO []

Date hearing held: _____

Location: _____

Was this bill formally approved by a majority of the delegation members?

YES [] NO [] UNIT RULE [] UNANIMOUS []

- II. *Article III, Section 10, of the State Constitution prohibits passage of any special act unless the bill has been advertised in advance (as provided in s. 11.02, F. S.) or is conditioned to take effect only upon approval by referendum vote of the electors in the area affected.*

Has this Constitutional requirement been met?

Notice published: YES [] NO []

Referendum in lieu of publication: YES [] NO []

- III. *Article VII, Section 9(b), of the State Constitution prohibits passage of any bill creating a special taxing district, or changing the authorized millage rate for an existing special taxing district, unless the bill subjects the taxing provision to approval by referendum vote of the electors in the area affected.*

Has this constitutional requirement been met?

YES [] NO [] NOT APPLICABLE []

- IV. *House policy requires that economic impact statements for local bills be prepared at the local level.*

Will there be any costs or economic benefits associated with this bill?

YES [] NO []

Please complete the Economic Impact Statement form provided by the House Committee on Local Government & Veterans' Affairs whether or not there is an economic impact. It is the policy of the Committee that no bill will be considered without an original Economic Impact Statement. If possible, this form must accompany the bill when filed with the Clerk. In the alternative, please submit the form to the House Local Government & Veterans' Affairs Committee as soon as possible after bill is filed.

Delegation Chair (Original Signature) Date

HOUSE LOCAL GOVERNMENT & VETERANS' AFFAIRS COMMITTEE

2003 ECONOMIC IMPACT STATEMENT

House policy requires that economic impact statements for local bills be prepared at the LOCAL LEVEL. This form should be used for such purposes. It is the policy of the House Local Government & Veterans' Affairs Committee that no bill will be considered by a subcommittee or the Committee without an original Economic Impact Statement. This form must be completed whether or not there is an economic impact. If possible, this form must accompany the bill when filed with the Clerk for introduction. In the alternative, please submit it to the House Local Government & Veterans' Affairs Committee as soon as possible after the bill is filed.

BILL #: _____

SPONSOR(S): _____

RELATING TO: _____

[Indicate Area Affected (City, County, Special District) and Subject]

I. ESTIMATED COST OF ADMINISTRATION, IMPLEMENTATION, AND ENFORCEMENT:

Expenditures:

FY 03-04

FY 04-05

II. ANTICIPATED SOURCE(S) OF FUNDING:

Federal:

FY 03-04

FY 04-05

State:

Local:

III. ANTICIPATED NEW, INCREASED, OR DECREASED REVENUES:

Revenues:

FY 03-04

FY 04-05

IV. ESTIMATED ECONOMIC IMPACT ON INDIVIDUALS, BUSINESS, OR GOVERNMENTS:

Advantages:

Disadvantages:

V. ESTIMATED IMPACT UPON COMPETITION AND THE OPEN MARKET FOR EMPLOYMENT:

VI. DATA AND METHOD USED IN MAKING ESTIMATES (INCLUDE SOURCE[S] OF DATA):

PREPARED BY: _____
[Must be signed by Preparer] Date

TITLE: _____

REPRESENTING: _____

PHONE: (_____)

E-Mail Address: _____

HOUSE LOCAL GOVERNMENT & VETERANS' AFFAIRS COMMITTEE
2003 LOCAL BILL AMENDMENT POLICY

All substantive amendments to local bills must be approved by the legislative delegation. This form must accompany all substantive amendment(s) (subcommittee, committee or floor). This form is not needed for technical, clarifying or conforming amendments. All substantive amendments must be reviewed by appropriate House staff.

BILL #: _____

SPONSOR(S): _____

RELATING TO: _____
[Indicate Area Affected (City, County, Special District) and Subject]

SPONSOR OF AMENDMENT(S): _____

CONTACT PERSON: _____

SUNCOM or PHONE #: _____

I. BRIEF DESCRIPTION OF AMENDMENT(S) DESIRED:

II. REASON/NEED FOR AMENDMENT:

III. THE AMENDMENT(S) DESCRIBED ABOVE HAVE BEEN APPROVED BY A MAJORITY OF THE DELEGATION:

YES [] NO [] UNIT RULE [] UNANIMOUS []

Delegation Chair (Original Signature) Date

APPENDIX C: AFFIDAVIT OF NOTICE OF PUBLICATION

PLACE COPY OF
ADVERTISEMENT
HERE

AFFIDAVIT

STATE OF FLORIDA, }
COUNTY OF _____ }

BEFORE ME, the undersigned authority, personally appeared _____

who, on oath, does solemnly swear (or affirm) that a notice stating the substance of a contemplated law or proposed bill relating to _____

was published in the issue of (date) _____
20 _____ of the _____

a newspaper published in _____
County, Florida, where the matter or thing to be affected by the contemplated law is situated,
that a copy of the published notice, is attached and made a part of this affidavit.

(Signed) _____

(Title) _____

Sworn to and subscribed before me this _____ day of _____
A. D. 20 _____

(SEAL)

Notary Public State of Florida at Large

My Commission expires _____

APPENDIX D: EXAMPLES OF LOCAL BILLS

The sample bills that follow are included primarily to show the format and general organization of local bills. These samples do not address the more complex situations that are often encountered. By using them as a guide in combination with other examples that can be found in current editions of Laws of Florida, Volume II, Special Acts, the drafter should be able to produce a product that is technically correct.

As shown on the diagram on the next page, there are five basic parts of a bill: the title, the enacting clause, the directory, the body, and the effective date. These are described in detail in the publication Drafting Local Legislation in Florida, 1995, prepared by the Florida House of Representatives, Bill Drafting Service, The Capitol, Tallahassee, Florida 32399-1300.

	1	A bill to be entitled
	2	An act relating to the town of Glen Saint Mary,
title	3	Baker County; amending section 10, chapter 57-
	4	1338, Laws of Florida, as amended, increasing
	5	the terms of office of councilmen; providing an
	6	effective date.
	7	
enacting clause	8	Be It Enacted by the Legislature of the State of Florida:
	9	
directory	10	Section 1. Section 10 of chapter 57-1338, Laws of
	11	Florida, as amended by chapter 59-1311, Laws of Florida, is
	12	amended to read:
	13	Section 10. At the election to be held on Tuesday
	14	after the first Monday in September 1984 for the election of
	15	two councilmen from among those candidates running for
	16	election from Groups four and five, the councilmen who are
body	17	elected shall serve for a period of 3 years from the date of
	18	said election. At the election to be held on Tuesday after
	19	the first Monday in September 1985, three councilmen from
	20	among those candidates running for election from Groups one,
	21	two, and three shall be elected to serve for a period of 4
	22	years from the date of said election. Thereafter each
	23	councilman shall serve for a period of 4 years.
effective date	24	Section 2. This act shall take effect upon becoming a
	25	law.
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Sample No. 1: Bill Amending the Present Law

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2 An act relating to the Indian River County
3 Hospital District, Indian River County;
4 amending chapter 61-2275, Laws of Florida;
5 authorizing the board of trustees of the
6 district to hold regular meetings for the
7 transaction of business; providing an effective
8 date.

9
10 Be It Enacted by the Legislature of the State of Florida:

11
12 Section 1. Section 6 of chapter 61-2275, Laws of
13 Florida, is amended to read:

14 Section 6. The board of trustees shall hold regular
15 meetings ~~not more than one (1) meeting~~ each month for the
16 transaction of business according to a schedule arranged by
17 the board of trustees and shall convene in special sessions
18 when called by the chair ~~Chairman~~ of the board or by a
19 majority of the trustees of the board, ~~provided, that~~ actions
20 taken at special meetings shall have the same force and effect
21 as if taken at a regular meeting, ~~and, provided, further,~~ that
22 no special meeting of said board shall be held until after a
23 public announcement is given 48 ~~forty-eight (48)~~ hours prior
24 to a special meeting, unless it is determined that an
25 emergency exists and that ~~four (4)~~ members of said board are
26 present at the special meeting or have filed, with the
27 presiding officer of said board, a written concurrence to the
28 convening of such special meeting for the purposes set forth
29 in the written concurrence. The required public announcement
30 shall be deemed to have been made when all radio and
31 television stations broadcasting from within the district and

1 when all newspapers having their main offices for publication
2 located within the district have been notified of the proposed
3 special meeting.

4 All meetings, whether regular or special, of said board
5 of trustees shall be open to the public, except that said
6 board may meet in executive session for the discussion of or
7 inquiry into matters relating to personnel, the medical staff,
8 or patients of a hospital, clinic, or nursing home of the
9 district, when, in the opinion of the trustees, the discussion
10 of or inquiry into such matters in a public meeting would not
11 serve the best interests of the personnel, medical staff, or
12 patients involved, or the interests of the district.

13 Section 2. This act shall take effect upon becoming a
14 law.

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Sample No. 2: Bill Repealing the Present Law

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An act relating to Dixie, Gilchrist, and Levy
Counties; repealing chapter 84-423, Laws of
Florida, relating to the Tri-County Hospital
Authority; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Chapter 84-423, Laws of Florida, is
repealed.

Section 2. This act shall take effect upon becoming a
law.

Sample No. 3: Bill Amending A Law Which Has Been Previously Amended

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An act relating to Pinellas County; amending chapter 75-489, Laws of Florida, as amended; revising provisions relating to adoptions of codes; providing for severability; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Notwithstanding section 136 of chapter 2000-141, Laws of Florida, Part III of chapter 75-489, Laws of Florida, as amended, is reenacted and amended to read:

Part III

Section 27. It is the intent of the legislature to provide for uniform building codes and uniform life safety codes for Pinellas County. It is further the intent of the legislature to provide for continuing uniformity of the aforementioned codes by placing the sole authority for making technical amendments to the codes, applicable within the boundaries of Pinellas County, with the Pinellas County Construction Licensing Board.

Section 28. For the purpose of establishing rules and regulations for the construction, alteration, removal, demolition, equipment, use, occupancy, location and maintenance of buildings and structures, Pinellas County hereby recognizes as applicable to the county adopts the codes known as:

(1) The Florida Standard Building Code, as may be amended or updated pursuant to general law.

(2) The applicable version of the National Fire Protection Association Life Safety Code 101 adopted through

1 the provisions of the Florida Fire Prevention Code or adopted
2 pursuant to the powers of the Florida State Fire Marshal as
3 described in Florida Administrative Code s. 4A-60, as either
4 may be subsequently amended NFPA Natural Gas Code 54 and the
5 NFPA L.P. Gas Code 58.

6 ~~(3) The National Electrical Code.~~

7 ~~(4) The Standard Mechanical Code.~~

8 ~~(5) The Standard Plumbing Code.~~

9 ~~(6) The National Fire Protection Association Life~~
10 ~~Safety Code 101.~~

11 ~~The codes are incorporated in this law as fully as if~~
12 ~~set out at length. Copies of all applicable codes, appendices~~
13 ~~and amendments or variations thereto adopted by the board~~
14 ~~pursuant to the provisions of section 29 of this part, shall~~
15 ~~be filed with and available for inspection at the office of~~
16 ~~the board.~~

17 ~~Section 29. The board shall have the power to adopt~~
18 ~~editions of the codes referenced in section 28, and appendices~~
19 ~~thereto. The board shall also have the power to amend the~~
20 ~~codes from time to time, subject to the requirements of~~
21 ~~section 553.73(4), Florida Statutes, and may adopt variations~~
22 ~~for different areas of the county if the variations are~~
23 ~~justified under the procedures contained herein and in section~~
24 ~~ss. 553.18 and 553.73, Florida Statutes. Before making any~~
25 ~~amendment or variation, the board shall refer the proposed~~
26 ~~amendment to the appropriate county-wide Board of Adjustment~~
27 ~~and Appeals described in Section 32 for study and~~
28 ~~recommendations. The board shall then hold a public hearing~~
29 ~~on the proposed amendment or variation and shall reject,~~
30 ~~adopt, or defer action upon the recommendation of the Board of~~
31 ~~Adjustment and Appeals. A two-thirds vote of the board is~~

1 required to reject any recommendation of the Board of
2 Adjustment and Appeals. The board may adopt amendments to the
3 codes that are necessary as a condition precedent to any
4 federal or state sponsored program and the governing body of
5 any municipality or the county may adopt amendments to the
6 administrative chapter of the Florida Building Code ~~and~~
7 ~~standard codes.~~ For the purposes of section 553.73, Florida
8 Statutes, and chapter 98-287, Laws of Florida, as amended by
9 chapter 98-419, Laws of Florida, and chapter 2001-186, Laws of
10 Florida, and as may be subsequently amended, the Pinellas
11 County Construction Licensing Board shall be the sole local
12 governing body authorized to make technical amendments to the
13 Florida Building Code or the version of the National Fire
14 Protection Association Life Safety Code 101 as described in
15 section 28 and is deemed to be the countywide compliance
16 review board for Pinellas County as required by section
17 553.73(4)(b)7., Florida Statutes. The Pinellas County
18 Construction Licensing Board shall likewise be the local
19 administrative board for the provision of interpretations upon
20 request of local building officials and for the resolution of
21 conflicts of interpretations between local building officials
22 and local fire code enforcement officials. The resolution of
23 these disputes shall be in accordance with applicable general
24 law. The decision of the board interpreting a code, resolving
25 a conflict of interpretation, or adopting an amendment
26 following a recommendation by the applicable Board of
27 Adjustment and Appeals shall be the final local determination
28 of the matter which is subject to appeal to the Florida
29 Building Commission pursuant to section 553.73, Florida
30 Statutes, and/or the State Fire Marshal pursuant to chapter
31 633, Florida Statutes.

1 Section 30. Except as provided in this law for
2 amendments and variations, the codes shall be exclusively
3 controlling in the construction of all buildings and
4 structures within Pinellas County and no municipality of the
5 county shall adopt any technical amendments, ordinances, rules
6 or regulations for the construction, alteration, removal,
7 demolition, equipment, use, occupancy, location and
8 maintenance of buildings and structures that conflict with the
9 codes as amended.

10 Section 31. Inspection and enforcement of the codes
11 shall be effected by the county, the municipalities in
12 Pinellas County or the authorized designees of either.

13 Section 32. (1) The board shall create four Boards of
14 Adjustment and Appeals as follows:

15 (a) A plumbing, mechanical and gas Board of Adjustment
16 and Appeals consisting of one (1) mechanical engineer, two (2)
17 plumbing contractors, two (2) natural gas contractors and two
18 (2) mechanical or Class A air conditioning contractors. This
19 Board of Adjustment and Appeals shall have the powers and
20 duties specified in subsection (2) for appeals relating to
21 plumbing, mechanical and gas provisions of the Florida
22 Building Code codes.

23 (b) An electrical board consisting of one (1)
24 electrical engineer, two (2) electrical contractors and one
25 (1) member of the building industry at large. This board shall
26 have the powers and duties provided in subsection (2) for
27 appeals relating to the electrical code.

28 (c) A Board of Adjustment and Appeals for the Florida
29 Standard Building Code provisions not falling within the
30 jurisdiction of the boards created by subsection (a) or
31 subsection (b).

1 (d) A life safety and fire code Board of Adjustment
2 and Appeals of two (2) active fire marshals, two (2) active
3 building officials and a fifth member to be selected from the
4 joint recommendation of the fire marshals and building
5 officials comprising said board.

6 (2) Any appeal which may be brought before either the
7 Board of Adjustment and Appeals for the Florida Standard
8 Building Code or the Board of Adjustment and Appeals for the
9 Life Safety and Fire Code, shall be referred to the latter.
10 The Board of Adjustment and Appeals for the Life Safety and
11 Fire Code shall determine whether or not it has jurisdiction
12 over said appeal. Upon a determination that said board has no
13 jurisdiction, the appeal shall be considered by the Board of
14 Adjustment and Appeals for the Florida Standard Building Code.
15 The Boards of Adjustment and Appeals shall meet as frequently
16 as is required but not less often than once every three
17 months. Members of the boards shall serve without
18 compensation. Any person aggrieved by a ruling of a building
19 director or a fire marshal or other fire official of any
20 municipality or of the county, or any building director or
21 fire marshal or other fire official desiring interpretation of
22 a code, may file a written appeal to the proper Board of
23 Adjustment and Appeals. Provided, however, if the
24 municipality in which the dispute occurred has established a
25 Board of Adjustment and Appeals the aggrieved party must first
26 appeal to the municipal board. After a decision is rendered
27 by the municipal board the aggrieved party shall have 15 days
28 to file the appeal provided for in this subsection. The
29 decision of the boards shall be furnished to the appealing
30 party in writing within 15 days after the meeting at which the
31 appeal was considered. The decisions of the boards are

1 subject to appeal pursuant to section 553.73, Florida
2 Statutes.

3 Section 33. The respective Boards of Adjustment and
4 Appeals shall have authority to interpret its respective code
5 adopted for the county. Interpretations of the codes shall be
6 based upon specific findings of fact and may be made when any
7 provision of the code is ambiguous as applied to an activity
8 subject to the code or to allow alternate material and types
9 of construction if found to be in conformity with the intent
10 of said code. The codes shall be interpreted liberally to
11 provide safe, economic and sound buildings and structures in
12 the county. Code interpretations of any Board of Adjustment
13 and Appeals made under this section shall be final
14 administrative actions and shall not be subject to review by
15 the board. Final decisions of the board or any Board of
16 Adjustment and Appeals shall be based upon substantial
17 competent evidence and shall be subject to review by the
18 Florida Building Commission or the Florida State Fire Marshal
19 ~~certiorari review in the circuit court of the judicial circuit~~
20 ~~in and for Pinellas County.~~

21 Section 2. If any section, subsection, sentence,
22 clause, phrase, or provision of this law is for any reason
23 held invalid or unconstitutional by any court of competent
24 jurisdiction, such holding shall not be construed to render
25 the remaining provisions of this law invalid or
26 unconstitutional.

27 Section 3. This act shall take effect upon becoming a
28 law.

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Sample No. 4: Bill Containing A Land Description

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An act relating to Broward County, Florida;
providing for deannexation of certain lands
from the Town of Davie; providing for
annexation of certain lands into the Town of
Southwest Ranches; providing for confirmation
of corporate existence of the Town of Southwest
Ranches on June 6, 2000; providing an effective
date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. The lands contained in the following legal
description are hereby deannexed from the Town of Davie,
Florida:

Tract 'A; of "SOUTH BROWARD DRAINAGE DISTRICT"
according to the plat thereof as recorded in
Plat Book 144, Page 12 of the Public Records of
Broward County, Florida.

Said Lands situate, lying and being in the Town
of Davie, Broward County, Florida, and
containing 580.591 square feet (13.331 acres)
more or less.

Section 2. The present corporate limits of the Town of
Southwest Ranches, Broward County, are hereby extended and
enlarged so as to include, in addition to the territory
presently within its corporate limits, the following:

1 Tract 'A; of "SOUTH BROWARD DRAINAGE DISTRICT"
2 according to the plat thereof as recorded in
3 Plat Book 144, Page 12 of the Public Records of
4 Broward County, Florida.
5
6 Said Lands situate, lying and being in the Town
7 of Davie, Broward County, Florida, and
8 containing 580.591 square feet (13.331 acres)
9 more or less.
10
11 Section 3. Notwithstanding any provision of chapter
12 2000-475, Laws of Florida, or any other prior enacted law to
13 the contrary, the municipal existence of the Town of Southwest
14 Ranches shall be recognized as of June 6, 2000.
15 Section 4. This act shall take effect upon becoming a
16 law.
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Sample No. 5: Bill Containing All New Text

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An act relating to the Town of Palm Beach Shores, Palm Beach County; authorizing the town to exercise its police powers and jurisdiction extending 1,200 feet into the waters of the Atlantic Ocean adjacent to its established corporate limits; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. The Town of Palm Beach Shores, Palm Beach County, is authorized to exercise its police powers and jurisdiction 1,200 feet into the waters of the Atlantic Ocean adjacent to its established corporate limits; however, the exercise of such police powers and jurisdiction beyond the corporate limits of the town shall extend only to the abatement of nuisances, the enforcement of sanitary laws and regulations, the regulation of zoning, and the suppression of crime.

Section 2. This act shall take effect upon becoming a law.

APPENDIX E: SPECIAL ACT vs. GENERAL LAW, WHICH CONTROLS?



CHAPTER 7 IS A SPECIAL ACT SUPERIOR OR CONTROLLING OVER A GENERAL LAW?

SUMMARY

This chapter will explain why legislative intent, as determined by the courts, is the key to whether a special act will prevail over general law. Although the applicable special act, rather than general law, will frequently be the controlling law on a given subject, this is not always the case.

Special acts are often enacted that grant limited exemptions or exceptions to otherwise applicable general law. These acts of the Legislature are generally unchallenged and are presumed to be valid. There are circumstances when special acts enacted by the Legislature are superior, controlling, or have the effect of superseding other general laws or special acts. There are, however, other circumstances when the general law is superior to a special act.

STATUTORY CONSTRUCTION

Over the years, the courts have devised rules of statutory construction. These rules are designed to assist the courts in determining whether a special act or a general law relating to the same subject is to be construed as valid and controlling in any given instance. In an early case, the Supreme Court of Florida held that an act of 1832, a general act relating to crimes and misdemeanors, did not operate as a repeal of the Act of November 21, 1828. In this case, Luke v. State, 5 Fla. 185, 192 (Fla. 1853), the court differentiates between acts that are "special and particular" and general acts. The court also reviews some of the basic rules of statutory construction that are still current and applicable today.

The first general rule of statutory construction in Luke at 194 is that **later laws abrogate prior contrary laws.** (*leges posteriores priores contrarias abrogant*). The court stressed that "to apply this maxim of the law," the two acts had to "be in conflict with each other." Accord Hadley v. State, 546 So. 2d 769, 771 (Fla. 3d DCA 1989). (stating that it is "axiomatic that where statutory provisions cannot be reconciled that the latest expression of the legislature will be held to prevail"); McClland v. Cool, 547 So. 2d 975, 976 (Fla. 2d DCA 1989). (stating that "where it is not possible to give effect to two statutes without materially altering their intent, the last expression of legislative will prevails"); cf. Albury v. City of Jacksonville Beach, 295 So. 2d 297, 300 (Fla. 1974).

The Luke court went on to apply a second rule that "**the later general Act does not work any repeal of a former particular Act.**" (emphasis added). The court, however, added that in this instance, "the application of this [second] rule of interpretation does no violence to the intention of the Legislature."

Subsequent to Luke, the courts have expanded on these rules. The courts have also enunciated other rules or doctrines that modify or create further exceptions to the rules as stated in that case. One of these is the oft-repeated "cardinal principle" of statutory construction that **repeals by implication are not favored.** See Radzanower v. Touche Ross & Co., 96 S.Ct 1989, 1993 (1976); State v. Dunmann, 427 So. 2d 166, 168 (Fla. 1983).

Another important maxim or rule provides that **the general does not derogate from the special.** (*generalia specialibus non derogant*). "A general later affirmative law does not abrogate an earlier special one by mere implication." State v. Southern Land & Timber Co., 33 So. 999 (Fla. 1903). See Sheils v. Jack Eckerd Corp., 560 So. 2d 361, 363 (Fla. 2d DCA 1990). (stating that "where a general law that applies to numerous classes of cases conflicts with the law that applies only to a particular class, the latter, or more specific law, generally controls . . ."); Moore International Trucks v. Foothill Capital, 560 So. 2d 1301, 1303 (Fla. 2d DCA 1990); Dept. of Health & Rehab. v. American Healthcorp., 471 So. 2d 1312 (Fla. 1st DCA 1985); Caloosa Property Owners v. Palm Beach County Board, 429 So. 2d 1260 (Fla. 1st DCA 1983); Simpson v. United States, 98 S.Ct 909, 914 (1978), wherein the Supreme Court of the United States explained that their result "is supported by the principle that gives precedence to the terms of the more specific statute where a general statute and a specific statute speak to the same concern, even if the general provision was enacted later;" In Re Sealed Motion, 880 F.2d 1367, 1374 (D.C. Cir. 1989); Frazier v. Pingree, 612 F.Supp. 345, 348 (D.C. Fla. 1985). (stating that "a specific statute is not subject to repeal by implication by a later generalized statute absent a clear intention to do so"); cf. Sanders v. Howell, 74 South 802, 804 (Fla. 1917); Steward v. De Land-Lake Helen Special Road & Bridge District, 71 South 42 (Fla. 1916).

Cases providing that general law can be superseded or effectively repealed by subsequently enacted special or local law are consistent with this rule as are the cases that favor the special law regardless of the order of enactment. See Rowe v.

Pinellas Sports Authority, 461 So. 2d 72 (Fla. 1984). (stating that "When a special act (such as the PSA charter) and a general law conflict, the special act will prevail"); State ex rel. Johnson v. Vizzini, 227 So. 2d 205 (Fla. 1969). Similarly, when there is a conflict between the general law and special charter provisions contained within a legislative act, the charter provisions will prevail. Bauer v. City of Gulfport, 195 So. 2d 571, 573 (Fla. 2d DCA 1967); State v. Carbonelli, 80 So. 2d 913, 914 (Fla. 1955); City of Orlando v. Evans, 182 So. 2d 264, 267 (Fla. 1938).

Other cases have stressed the principle, enunciated in Luke, that **before it will be determined that one law repeals or has an adverse impact on another law, there must be conflict or an inability to harmonize.** See Southern Bell Telephone & T. Co. v. Town of Surfside, 186 So. 2d 777, 779 (Fla. 1966). Whenever possible, the court would prefer to find that the special law (or charter act) and the general law "may co-exist and harmonize." City of Pompano Beach v. Zoning Board of Appeals, 206 So. 2d 52 (Fla. 4th DCA 1968); City of St. Petersburg v. Pinellas County Power Co., 100 So. 2d 509, 510 (Fla. 1924).

In Banana River Properties v. City of Cocoa Beach, 287 So. 2d 377, 379 (Fla. 4th DCA 1973), the court held "the provisions of an earlier general law . . . and the provisions of a later special act . . . must be read together, each complementing or supplementing the other and each must be given effect unless there is a **positive repugnancy between the two.**" Cf. Parker v. Baker, 499 So. 2d 843, 845 (Fla. 2d DCA 1986). (stating that while a more specific statute will take precedence over a general one "regardless of their temporal sequence," the latest expression of legislative will prevails "[o]nly if the two statutory provisions present such an inconsistency as cannot be harmonized or reconciled . . ."); Morton v. Mancari, 94 S.Ct. 2474, 2483 (1974) in which the United States Supreme Court stated that "when two statutes are capable of co-existence, it is the duty of the courts, absent a clearly expressed . . . intention to the contrary, to regard each as effective;" Sweet v. Josephson, 173 So. 2d 444, 446 (Fla. 1965). (stating that there was no reason for the court to rule on the effect on one statute upon the other. "There is a field of operation for each").

In Laborers' International Local 478 v. Burroughs, 541 So. 2d 1160, 1161 (Fla. 1989), the Supreme Court of Florida discussed the differences between general law and an earlier Dade County ordinance. Subsection 760.02(6), Florida

Statutes, limited the Human Rights Act to employers with **15 or more** employees. The ordinance, enacted pursuant to Dade County's home rule charter, barred discriminatory employment practices and applied to employers with **five or more** employees.

Despite the numerical discrepancy, the court rejected the argument that the ordinance conflicted with the statute. In reaching its conclusion, the court pointed out that "**a conflict exists when two legislative enactments cannot co-exist.**" (emphasis added). The court also stated that "the test of conflict is whether one must violate one provision in order to comply with the other." See Jordan Chapel Freewill Baptist Church v. Dade County, 334 So. 2d 661, 665 (Fla. 3d DCA 1976); Capella v. City of Gainesville, 377 So. 2d 658, 659 (Fla. 1979), (stating that "section 171.0413(2)(c) has not been superseded by chapter 77-557 since a reading of the special act in conjunction with the general act reveals no inconsistency . . .").

In addition to the co-existence and attempt to harmonize requirement, another rule constitutes a frequently applicable and widespread exception to the rule that a general law will not derogate a special act. If a court decides that two acts are "so repugnant and irreconcilable as to **indicate a legislative intent that the one should repeal or modify the other**" or that "**the general act is a general revision of the whole subject,**" (emphasis added), the court will conclude that the general law has implicitly and effectively repealed an earlier special act. Sanders v. Howell at 804; Sparkman v. State, 71 South 34, 39 (Fla. 1916); See also Town of Indian River Shores v. Richey, 348 So. 2d 1, 2 (Fla. 1977), (stating, "The Legislature intended for the general law to repeal the Charter provision"); Town of Palm Beach v. Palm Beach Local 1866. I.A.F.F., 275 So. 2d 247, 249 (Fla. 1973), (referring to "a general act that is such an overall revision and re-enactment that the legislature must have intended for the later general act to govern").

"The courts have recognized the implied repeal of legislation when either: (1) there is evidence that the legislature intended to repeal the earlier statute, or (2) the old statute cannot be reconciled with the new one." Home Guar. Insurance v. Numerica Financial Services, 835 F.2d 1354, 1357 (11 Cir. 1988); Estate of Flanagan v. Com'r Internal Revenue, 743 F.2d 1526, 1532 (11th Cir. 1984).

LEGISLATIVE INTENT

The principle that a complete revision of a subject by general law eliminates the special act's separate field of operation and repeals a prior special act was restated in Oldham v. Rooks, 361 So. 2d 140, 143 (Fla. 1978). The court commented in Oldham that, when the Legislature completely revises a subject, "it serves as an implied repeal of earlier acts dealing with the same subject unless an intent to the contrary is shown." See Berkley v. State, Dept. of Environmental Regulation, 358 So. 2d 552, 554 (Fla. 1st DCA 1977); Zedalis v. Foster, 343 So. 2d 849 (Fla. 2d DCA 1976); Jackson v. Consolidated Gov. of City of Jacksonville, 225 So. 2d 497, 501 (Fla. 1969).

All the rules of statutory construction are formulated to advance the fundamental purpose of the legislation or to assist the courts with their determination of the legislative intent. The courts generally acknowledge that their function is to determine **what the legislature intended** by enacting separate provisions that relate to the same subject matter. "Legislative intent is the pole star by which we must be guided." DeBolt v. Dept. of Health & Rehab. Services, 427 So. 2d 221, 224 (Fla. 1st DCA 1983); Englewood Water District v. Tate, 334 So. 2d 626, 628 (Fla. 4th DCA 1976).

When the legislative intent is expressly revealed by newly enacted legislation, there is no doubt as to whether the Legislature intended to affect or repeal any pre-existing legislation. See Orange City Water Company v. Town of Orange City, 255 So. 2d 257, 259 (Fla. 1971). (stating that since the new chapter particularly provided that it "shall supersede **all other laws** on the same subject," chapter 67-1815, "along with all other laws on the subject, were **expressly** superseded by a new, complete rewrite of the Water and Sewer System Regulatory Law in 1971").

Another significant rule or presumption is that **the Legislature knows what it is doing.** See Floyd v. Bentley, 496 So. 2d 862, 863 (Fla. 2d DCA 1986); rev. denied 504 So. 2d 767 (Fla. 1987). ("There exists a presumption that laws are passed with knowledge of all prior laws already on the books, as well as a presumption that the legislature neither intended to keep contradictory enactments in force nor to repeal a prior law without express intention to do so"); Palm Harbor Special Fire Control District v. Kelly, 516 So. 2d 249, 250 (Fla. 1987). (stating that "the legislature is presumed to pass subsequent enactments with full awareness of all prior enactments...").

RECENT COURT CASES

For the sake of a perceived legislative intent, there are occasions when a court will admittedly ignore common sense and logic or "a sensible and rational result." Pfeiffer v. City of Tampa, 470 So. 2d 10, 17, (Fla. 2d DCA 1985). (stating that "[a] court's construction of statutes need not produce what the court might perceive to be a wise result in order to constitute a rational interpretation of legislative intent"). But see Englewood, 334 So. 2d at 628. (stating that "no literal interpretation should be given that lends to an unreasonable or ridiculous conclusion or a purpose not designed by the lawmakers").

Alvarez v. Board of Trustees of the City Pension Fund, 580 So. 2d 151 (Fla. 1991), is a Supreme Court of Florida case that delves into pertinent rules of statutory construction. This case concerns the effect of a subsequent general law on a prior general law and, more importantly, on a special act.

In Alvarez, a city pension contract, ratified by special act, chapter 74-613, Laws of Florida, prohibited the garnishment of the municipal firefighters' pension benefits for debt or other legal process. When subsection 61.046(4) Florida Statutes, a general law, was subsequently enacted, it provided for deductions from pension and retirement benefits for the payment of child support deduction orders. The issue was **whether the special act and an earlier general law or the subsequently enacted general statute should be controlling.**

The trial court reasoned that the firefighters' pension benefits were subject to child support deduction orders because the latest expression of legislative intent should control. The district court of appeal reversed, 563 So. 2d 1110, 1112 (Fla. 2d DCA 1990). The appellate court reasoned that the special act must prevail over a conflicting subsequent general act because the general law, section 61.1301 Florida Statutes, did not address "a firemen's and policemen's funds" exemption from garnishment "or otherwise demonstrate legislative intent to repeal the special act."

The Supreme Court of Florida subsequently quashed the decision of the district court. The Supreme Court found "**an irreconcilable conflict**" between the income deduction provisions of chapter 61 and the special act, chapter 74-613, Laws of Florida.

In reaching its conclusion that **the general law prevailed over the special act**, the Florida Supreme Court found it significant that the most recently enacted general law expressly excluded two forms of payment (but not firefighters' pensions) from the definition of reachable income for child support income deduction orders. The Florida Supreme Court applied another rule or doctrine, the doctrine that the enumeration of specific items excludes others not so listed. (*expressio unius est exclusio alterius*). The Supreme Court of Florida decided that, "by expressly excluding two forms of payment to an individual, which appear to be otherwise exempt from legal process, the legislature **intended** to 'preempt the field' of exclusions and to subject to chapter 61 income deduction all other forms not so mentioned." (emphasis added). See also City of Miami v. Kichinko, 22 So. 2d 627, 629 (Fla. 1945).

On the other hand, the same general law **does not prevail** over a special act with regard to marital asset distribution. In Board of Pension Trustees v. Vizcaino, 635 So. 2d 1012 (Fla. 1st DCA 1994), the First District Court of Appeals explained that the City of Jacksonville's General Employee Pension Plan, created by special act of the Legislature, contained an anti-alienation clause. According to the special act, chapter 18610, Laws of Florida (1937), "Pensions under this Act are not assignable or subject to any legal process."

The trial court had ordered the employer to pay Anna, the nonparticipant spouse, 3 percent of the net retirement benefits due to Jose, the participant spouse. The First District Court of Appeals disagreed and reversed. The court distinguished Alvarez. The court reasoned that section 61.1301, Florida Statutes: (1) contains the complete mechanism for income deduction; (2) is expressly limited to collection of alimony and child support; and (3) cannot be used to force direct payment to Anna of a portion of Jose's pension benefits. The court noted, however, that the Legislature could amend and expand the general law, section 61.1301, Florida Statutes, beyond alimony and child support. The Legislature could achieve an equitable distribution of marital assets by express reference to such payments.

CONCLUSION

Legislative intent will govern as to what law prevails in the event of a conflict. The longstanding principles of statutory construction, such as "general law will not derogate from a special act" or "a complete revision of a subject will supersede a special act," need only be examined when the intent of the Legislature is not plainly expressed in newly enacted legislation.

The many doctrines, principles, or rules of statutory construction have evolved over the years . They may be emphasized or disregarded by the courts for the purpose of divining legislative intent or reaching desired results. Consequently, the actual application of these rules of construction in various instances may be no more predictable or ascertainable than the effect of a roll of the dice on the outcome of a game.

An express statement, leaving no doubt as to whether the Legislature's intent is to modify, abrogate, or repeal prior law relating to the same substantive area is recommended for any general or local bill that could be deemed in conflict with any existing provision of law.

APPENDIX F: "LIKE VOTE"

PROHIBITED SPECIAL LAWS- LIKE VOTE

Paragraph (21) of Subsection 11(a), Article III of the Florida Constitution prohibits special laws or general laws of local application pertaining to "any subject when prohibited by general law passed by a three-fifths vote of the membership of each house." Furthermore, "[s]uch law may be amended or repealed **by like vote**" (emphasis added).

The law is unsettled over whether the controversial "like vote" requirement to amend or repeal a subject that was added to the prohibited subject list by general law means amendment or repeal by a three-fifths vote of the membership on any general or special law proposal or is restricted to three-fifths vote passage by general law.

The Attorney General's response to a question regarding the "like vote" controversy in Op. Att'y Gen. 83-27 (May 5, 1983), was prepared by Joslyn Wilson, Assistant Attorney General. Despite recognition that "many special laws pass by more than a three-fifths vote of each house of the Legislature," the opinion concluded that, until judicially determined otherwise, a general law passed by a three-fifths vote of the Legislature prohibiting special or local laws on the same subject may be amended or repealed by a special act which has passed by a like vote of three-fifths of each house of the Legislature. The rationale for this conclusion was that the constitutional provision did not expressly provide that such amendment or repeal may only be accomplished in the same manner or by general law.

In an earlier opinion, the Attorney General's Office response to the "like vote" provision was very different. In Op. Att'y Gen. 69-80 (Aug. 28, 1969), the question was whether it was possible to pass special legislation providing compensation to the officers, although such compensation was prohibited by section 145.16(2), Florida Statutes' addition of that subject to the prohibited subjects list. At that time, the opinion given was that the general chapter law creating the prohibition, chapter 69-211, Laws of Florida, "prohibit[ed] and prevent[ed] effectiveness of any special act on the specified subject thereafter until amendment or repeal of [general law] Ch. 69-211."

The major problem with the latter Attorney General Opinion involves the practical realities of the current local bill process. If the Legislature, by general law passed by three-fifths vote of the membership of each house, adds a subject to the list of prohibited special acts by specific reference to the Florida constitutional provision, it must be concluded that such addition was a matter of grave import that should not be tampered with lightly or without serious deliberation. A special act in violation of this subject list prohibition will not, however, receive the same level of scrutiny as would a general law affecting the Constitution. During the Committee meeting process, one Member will not generally, as a matter of courtesy, vote against another Member's local bills regardless of content, and numerous local bills are grouped together and voted for simultaneously in a Local Bill Calendar when they reach the House or Senate Floor.

In a memorandum dated May 10, 1983, Senate Bill Drafting promptly expressed disagreement with the Attorney General Opinion. According to this memorandum:

- (1) The Florida Constitution, and particularly Article III, limit **the power of the Legislature**, especially the power, by any vote, to pass a local bill that conflicts with a constitutional prohibition implemented by general law;

(2) The plain and obvious meaning of the prohibition "must be **construed** as implying that the general law must be expressly amended or repealed by another general law enacted by like vote;"

(3) As was true in 1968 when the provision was added to the Florida Constitution, **local bill history** reveals that most local bills pass unanimously; thus, no construction should be applied to a constitutional provision that would render it a nullity;

(4) The constitutionally prescribed method for circumventing a general law is by amending or repealing the general law; therefore, a conflicting local law is **impliedly prohibited** by general rules of constitutional construction; and finally,

(5) General laws enacted pursuant to section 11(a) (21), Article III of the Florida Constitution are given the same effect as constitutional prohibitions. The **purpose** of this section is to specify subject matters with respect to which uniformity throughout the state is required and to negate, with respect to local laws on these subjects, the statutory rule of construction that local acts may supersede conflicting general law.

Senate Bill Drafting concluded that, "Until a general law enacted pursuant to Art. III, section 11(a)(21) is expressly amended by another general law in the manner specified by the Constitution, the Legislature is without the power to pass, by any vote, a local bill which conflicts with the general law constitutional prohibition.

In its manual entitled *Drafting Local Legislation in Florida*, (1985), Bill Drafting for the House of Representatives also took issue with the Attorney General Opinion and argued that the interpretation therein "negates the whole point of the constitutional provision." As stated in an earlier Attorney General Opinion, Op. Att'y Gen. 69-80 (August 28, 1969), the chapter law containing the prohibition would have to be amended or repealed before contrary special legislation could be passed. According to House Bill Drafting, "The plain meaning of Section 11(a) (21) of Article III is that the subject of the prohibition itself may be directly altered or removed by extraordinary vote of the Legislature, not that exceptions to it may be created and the prohibition disregarded by the quiet passage of single-county local bills."

Notwithstanding these expressions of disagreement with the 1983 Attorney General Opinion on the meaning of "like vote," the Legislature, by more than three-fifths vote, has continued to pass, with little if any deliberation or debate, special acts that are exceptions to matters added by general law to the Article III, Paragraph 11(a) (21) prohibited subject list of the Florida Constitution. For example, during the 1994 Regular Legislative Session, a local bill, SB 3126, created the Cold Springs Improvement District after passing the Senate by a vote of 37 to 0 and the House by a vote of 116 to 0. Although this local bill, chapter 94-452, Laws of Florida, passed by more than a three-fifths vote of the membership of each house, it created a special district in violation of the general law prohibition contained in section 190.049, Florida Statutes, which "[p]ursuant to s. 11(a)(21), Art. III of the State Constitution," prohibits any special law or general law of local application "creating an independent special district" with certain powers.

In 1988, legislative staff proposed an amendment to the second sentence of Article III, Paragraph (21) of Subsection (11)(a) of the Constitution. As amended, the provision would expressly provide that, "Such law may be amended or repealed by like vote, by general law." Alternatively, House and/or Senate rules might be amended to preclude the introduction of any local bills that circumvent or create exemptions or exceptions to general law additions to the prohibited subject list. In any event, it is a serious problem worthy of attention from the Legislature and the judiciary.

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APPENDIX G: RESOURCES FOR LOCAL BILLS

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Local Bill/Special Act Process: TIME FOR CHANGE?, February 1996, prepared by the Committee on Community Affairs, Florida House of Representatives, 18 House Office Building, 402 South Monroe Street, Tallahassee, Florida 32399-1300 and the supplemental reports dated December, 1996, July, 1997, and August, 2000.

The Florida Local Government Formation Manual, December 2002, prepared by the Committee on Local Government & Veterans' Affairs, Florida House of Representatives, 317 House Office Building, 402 South Monroe Street, Tallahassee, Florida 32399-1300.

Special Districts & the Delivery of Municipal Services, April 1996, prepared by the Committee on Community Affairs, Florida House of Representatives, 18 House Office Building, 402 South Monroe Street, Tallahassee, Florida 32399-1300.

Drafting Local Legislation in Florida, 1995, prepared by the Florida House of Representatives, Bill Drafting Service, The Capitol, Tallahassee, Florida 32399-1300.

Guidelines for Bill Drafting, 2001, prepared by the Florida House of Representatives, Bill Drafting Service, The Capitol, Tallahassee, Florida 32399-1300.

Draft List of Florida's Legislative Delegations, December 2002, prepared by the Committee on Local Government & Veterans' Affairs, Florida House of Representatives, 317 House Office Building, 402 South Monroe Street, Tallahassee, Florida 32399-1300.

APPENDIX H: EXAMPLE OF CODED BILL

1
2 An act relating to Lee County and the City of
3 Fort Myers; amending section 4, chapter 98-488,
4 Laws of Florida; providing for an annexation
5 referendum in certain enclaves only; allowing
6 city the option to hold a referendum in the
7 City of Fort Myers; providing for separate vote
8 on an interlocal agreement by electors in the
9 city and electors in certain enclave areas
10 proposed to be annexed; providing an effective
11 date.

12
13 Be It Enacted by the Legislature of the State of Florida:

14
15 Section 1. Section 4 of chapter 98-488, Laws of
16 Florida, is amended to read:

17 Section 4. (1) Subsequent to the adoption of the
18 interlocal agreement between the city and the county, and
19 prior to the implementation of the proposed annexation by the
20 city of the described "Dunbar" and "Belle Vue" enclaves, a
21 referendum shall be held by the city ~~in the City of Fort Myers~~
22 ~~and~~ within the proposed, described enclave areas to be
23 annexed, or at the election of the city, in the city of Fort
24 Myers and within the proposed, described enclave areas to be
25 annexed, for the ratification and approval of the interlocal
26 agreement by the registered electorates therein pursuant to
27 the provisions of s. 171.0413, Florida Statutes, as amended.

28 (2) The interlocal agreement shall be presented
29 ~~separately to the registered voters residing within the city~~
30 ~~and the registered voters residing within the proposed annexed~~
31 areas as further described in section 2 of this act. The city

1 may also elect to submit the interlocal agreement to a
2 separate vote of the registered voters residing within the
3 city at the same time the referendum is held in the proposed
4 enclave areas.The procedures for conducting the referendum
5 shall be pursuant to the requirements as set out at s.
6 171.0413(2), Florida Statutes. Upon a majority vote, of the
7 ~~registered electors of the City of Fort Myers and a majority~~
8 ~~of the votes cast by the~~ combined registered electors residing
9 in both the "Dunbar" and "Belle Vue" areas, or if the city
10 elects to submit the interlocal agreement to a separate vote
11 of the registered voters residing within the city, upon a
12 majority vote of the electors of the City of Fort Myers and a
13 majority vote by the combined electors residing in both
14 "Dunbar" and "Belle Vue" areas,the interlocal agreement shall
15 be deemed to be ratified and approved, and shall become
16 effective as provided for in the interlocal agreement, but
17 otherwise for not more than 1 year following the referendum.
18 The referendum for ratification and approval of the interlocal
19 agreement for annexation may be conducted by the city at any
20 regular election following the adoption of the interlocal
21 agreement by the city and the county.

22 Section 2. This act shall take effect upon becoming a
23 law.

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APPENDIX I: EXAMPLE OF BILL WITH ALL NEW LANGUAGE

1
2 An act relating to Monroe County; creating the
3 Key Largo Wastewater Treatment District;
4 creating a short title; providing definitions;
5 creating a district charter; creating an
6 independent special district; providing a
7 district boundary; providing for amendment only
8 by special act; providing powers, functions,
9 and duties; providing for a governing board,
10 elections, qualification, term of office,
11 staggering terms of office, removal from
12 office, and filling vacancies; providing for
13 election of chair, vice chair, and
14 secretary-treasurer; providing for board member
15 compensation and reimbursement of expenses;
16 providing a quorum; providing requirements for
17 meetings and notice; providing requirements for
18 reports, budgets, and audits; prohibiting
19 creation of state, county, or municipal debt;
20 providing for liberal construction; providing
21 limitation of state authority; prohibiting
22 conflict of interest; providing for termination
23 of district; authorizing levy of ad valorem
24 taxes for a certain time period subject to
25 approval of electors; specifying method of
26 collection and enforcement of taxes;
27 authorizing property appraiser's and tax
28 collector's fees or commissions; amending
29 chapter 76-441, Laws of Florida, as amended,
30 and terminating certain jurisdiction of the
31 Florida Keys Aqueduct Authority; providing for

1 severability; prohibiting conflict of interest;
2 providing an effective date.
3
4 Be It Enacted by the Legislature of the State of Florida:
5
6 Section 1. The Key Largo Wastewater Treatment District
7 and its charter are created to read:
8 Section 1. Short title.--This act may be cited as the
9 "Key Largo Wastewater Treatment District Act."
10 Section 2. Definitions.--When used in this act, unless
11 a different meaning appears clearly from the context:
12 (1) "District" means the Key Largo Wastewater
13 Treatment District and, unless the context indicates
14 otherwise, means the special district created by this act and
15 identified in section 3 to be known as the district and the
16 territory included within the special district.
17 (2) "Project" means and includes a wastewater
18 management system, including any and all parts thereof, and
19 all appurtenant and related facilities necessary or convenient
20 for the complete acquisition or establishment, management,
21 operation, and maintenance of such wastewater management
22 system, and business facilities incidental thereto; all
23 appurtenant to and located within the special district.
24 (3) "Wastewater" means the combination of the liquid
25 and water-carried pollutants from a residence, commercial
26 building, industrial plant, or institution, together with any
27 groundwater, surface runoff, or leachate that may be present.
28 (4) "Wastewater management system" means and includes
29 sewage disposal systems, including wastewater reuse systems,
30 or sanitary sewer systems, including facilities and land used
31 or useful in providing service and any integral part thereof,

1 whether inside or outside the district, and shall include, but
2 not be limited to, sewage disposal plants or facilities,
3 sanitary sewers, pumping stations, intercepting or trunk or
4 lateral sewers, and any other properties or works or equipment
5 necessary for the collection, treatment, and disposal of
6 sewage and wastewater, including wastewater reuse.

7 Section 3. District; creation, jurisdiction, and
8 purpose.--

9 (1) The district is hereby created and incorporated as
10 an independent special district, pursuant to chapter 189,
11 Florida Statutes, to be known as the Key Largo Wastewater
12 Treatment District (district), in Monroe County, which special
13 district shall be a public body corporate and politic.

14 (2) The district boundaries shall embrace and include
15 the territory consisting of Key Largo, including all lands
16 east of Tavernier Creek, including Tavernier, Key Largo, and
17 Cross Key, with the exception of Ocean Reef, all in Monroe
18 County, Florida.

19 (3) The district is created for all purposes set forth
20 in this act and chapter 189, Florida Statutes, as the same may
21 be amended from time to time.

22 (4) The district charter created by this act may be
23 amended only by special act of the Legislature.

24 (5) The purpose of the district shall be to perform
25 such acts as shall be necessary for the sound planning,
26 acquisition, development, operation, and maintenance of a
27 wastewater management system within the district, including
28 all business facilities necessary and incidental thereto. The
29 district shall have exclusive jurisdiction over the
30 acquisition, development, operation, and management of a
31

1 wastewater management system in and for the district
2 boundaries.

3 Section 4. District powers, functions, and duties.--

4 (1) In addition to any powers, functions, and duties
5 set forth in this act, the district shall likewise exercise
6 such powers, functions, and duties as may be set forth in
7 chapter 189, Florida Statutes, as the same may be amended from
8 time to time.

9 (2) The district is hereby authorized and empowered:

10 (a) To adopt bylaws for the regulation of its affairs
11 and the conduct of its business.

12 (b) To adopt rules pursuant to chapter 120, Florida
13 Statutes, as necessary for implementation, regulation, and
14 enforcement, consistent with the purposes of the district.

15 (c) To adopt an official seal for the district and to
16 alter the same at its pleasure.

17 (d) To plan, develop, purchase or otherwise acquire,
18 construct, reconstruct, improve, extend, enlarge, equip,
19 repair, maintain, and operate any wastewater management system
20 and facilities within the territorial limits of the district.

21 (e) To acquire by grant, loan, purchase, gift, or
22 devise or by the exercise of the right of eminent domain all
23 property, real or personal, or any estate or interest therein
24 necessary, desirable, or convenient for the purposes of this
25 act, and to sell, convey, lease, rent, or assign all or any
26 part thereof and to exercise all of its powers and authority
27 with respect thereto. The exercise of eminent domain shall be
28 as provided for by applicable general law.

29 (f) To assess and impose ad valorem taxes, and non-ad
30 valorem assessments, upon the lands in the district, as
31 provided by this act and chapter 197, Florida Statutes.

1 (g) To issue revenue bonds, pursuant to section
2 189.4085, Florida Statutes, and otherwise by general law, to
3 pay the cost of purchasing or otherwise acquiring,
4 constructing, reconstructing, improving, extending, enlarging,
5 or equipping a wastewater management system.

6 (h) To issue refunding bonds, pursuant to section
7 189.4085, Florida Statutes, and otherwise by general law, to
8 refund any bonds then outstanding which shall have been issued
9 under the provisions of this act.

10 (i) To lease, rent, or contract for the operation of
11 all or any part of any wastewater management system
12 facilities.

13 (j) To fix and collect rates, rentals, fees, and
14 charges for the use of any wastewater management system
15 facilities. The district may provide for reasonable penalties
16 against any user for any such rates, fees, rentals, or other
17 charges that are delinquent. In the event that such
18 delinquency occurs and such fees, rentals, or other charges
19 are not paid and remain delinquent for 30 days or more, the
20 district may discontinue and shut off services until such
21 fees, rentals, or other charges, including interest,
22 penalties, and charges for shutting off, discontinuing, and
23 restoring such services, are fully paid. The district may
24 enter on lands, waters, and premises of any person, firm,
25 corporation, or other body for the purpose of discontinuing
26 and shutting off services under such circumstances. Further,
27 such delinquent fees, rentals, or other charges, together with
28 interest, penalties, and charges for shutting off,
29 discontinuing, and restoring such services, and reasonable
30 attorneys' fees and other expenses may be recovered by the
31 district by suit in any court of competent jurisdiction. The

1 district may also enforce payment by any other lawful method
2 of enforcement.

3 (k) To make and enter into contracts and agreements
4 necessary or incidental to the performance of the duties
5 imposed and the execution of the powers granted under this
6 act, and to employ such consulting and other engineers,
7 superintendents, managers, construction and financial experts,
8 and attorneys, and such employees and agents as may, in the
9 judgment of the district, be necessary, and to fix their
10 compensation, provided that all such expenses shall be payable
11 solely from funds made available under the provisions of this
12 act.

13 (l) To establish, or otherwise make available, a plan
14 for retirement, disability, death, hospitalization, and other
15 appropriate benefits for officers and employees of the
16 district.

17 (m) To enter into contracts with the government of the
18 United States or the State of Florida or any agency or
19 instrumentality of either thereof, or with any county,
20 municipality, district, corporation, public or private, or
21 individual providing for or relating to wastewater management
22 system facilities.

23 (n) To borrow money for any district purpose and may
24 execute notes, mortgages, or deeds, to secure debt, trust
25 deeds, trust agreements, and such other instruments as may be
26 necessary or convenient to evidence and secure such borrowing.

27 (o) To invest surplus funds of the district consistent
28 with the "Investment of Local Government Surplus Funds Act,"
29 part IV, chapter 218, Florida Statutes.

30 (p) To do all acts or things necessary or convenient
31 to carry out the powers expressly granted in this act.

1 Section 5. Governing board.--

2 (1) The business and affairs of the district shall be
3 conducted and administered by a five-member governing board
4 elected pursuant to chapter 189, Florida Statutes, by the
5 electors of the district in a nonpartisan election held at the
6 time and in the manner prescribed for holding general
7 elections in section 189.405(2)(a), Florida Statutes, as the
8 same may be amended from time to time.

9 (2) Any individual desiring to be elected to the
10 governing board must qualify pursuant to section
11 189.405(2)(c), Florida Statutes, as the same may be amended
12 from time to time. Additionally, in accordance with section
13 189.4051, Florida Statutes, as the same may be amended from
14 time to time, each member of the governing board shall be a
15 registered elector, residing within the boundaries of the
16 district at the time he or she qualifies and continually
17 through his or her term.

18 (3) At the initial election of the governing board,
19 the candidates receiving the highest five vote totals,
20 consistent with section 189.405(4), Florida Statutes, as the
21 same may be amended from time to time, shall be deemed elected
22 to the initial governing board. Thereafter, at the time of
23 subsequent elections, available governing board positions
24 shall be filled by those candidates receiving the highest vote
25 totals.

26 (4) The term of office shall be 4 years and shall
27 begin and end on the same dates as do the terms of the members
28 of the Monroe County Board of County Commissioners; however,
29 at the initial election, in order to stagger terms of office,
30 the governing board members elected with the two lowest vote
31

1 totals shall each serve a term of only 2 years. Thereafter,
2 all governing board member terms shall be for 4 years.

3 (5) Any member of the governing board may be removed
4 by a majority vote of the governing board for misfeasance,
5 malfeasance, or neglect of duty.

6 (6) Any vacancy in the membership of the governing
7 board resulting from the death, resignation, change of
8 residence, or removal of any such board member or from any
9 other cause shall be filled, for the remainder of the term, by
10 election within 30 days after the occurrence of such vacancy.
11 However, in the event that the remaining term is 60 days or
12 less, the vacancy shall be filled by election at the next
13 general election pursuant to section 189.405(2)(a), Florida
14 Statutes, as the same may be amended from time to time.

15 (7) The governing board shall have those
16 administrative duties set forth in this act and chapter 189,
17 Florida Statutes, as the same may be amended from time to
18 time.

19 Section 6. Chair, vice chair, secretary-treasurer.--At
20 the first meeting of the governing board, the governing board
21 members shall elect one of their members to be, respectively,
22 the chair, vice chair, and secretary-treasurer of the board.
23 Thereafter, the chair, vice chair, and secretary-treasurer
24 shall be so elected on an annual basis.

25 Section 7. Governing board; compensation, expense
26 reimbursement.--The members of the governing board shall
27 receive as compensation for their services a fee of \$300 per
28 meeting, not to exceed three meetings per month. The amount of
29 compensation shall be adjusted annually based upon the index
30 provided in section 287.017(2), Florida Statutes. In addition,
31

1 each board member shall be reimbursed for expenses as provided
2 in section 112.061, Florida Statutes.

3 Section 8. Quorum; transaction of business.--A
4 majority of the members of the district governing board shall
5 constitute a quorum for the transaction of the business of the
6 district. The affirmative vote of a majority of the governing
7 board members present and voting shall be necessary to
8 transact business.

9 Section 9. Meetings, notice.--The governing board
10 shall hold meetings pursuant to sections 189.416 and 189.417,
11 Florida Statutes.

12 Section 10. Reports, budgets, audits.--The district
13 shall prepare and submit reports, budgets, and audits as
14 provided in sections 189.415 and 189.418, Florida Statutes.

15 Section 11. Creation of state, county, or municipal
16 debts prohibited.--The district shall not be empowered or
17 authorized in any manner to create a debt as against the
18 state, county, or any or all of the cities, and may not pledge
19 the full faith and credit of the state, county, or any of the
20 cities. All revenue bonds or debt obligations shall contain on
21 the face thereof a statement to the effect that the state,
22 county, or any of the cities shall not be obligated to pay the
23 same or the interest and that they are only payable from
24 revenues of the project or the portion thereof for which they
25 are issued and that neither the full faith and credit nor the
26 taxing power of the state or of any political subdivision
27 thereof is pledged to the payment of the principal of or the
28 interest on such bonds. The issuance of revenue or refunding
29 bonds under the provisions of this act shall not directly or
30 indirectly or contingently obligate the state, county, or any
31 of the cities to levy or to pledge any form of taxation

1 whatever therefor or to make any appropriation for their
2 payment.

3 Section 12. Liberal construction of act.--This act,
4 being for the purpose of developing and promoting the public
5 good and the welfare of the district, the territory included
6 in the special district, and the citizens, inhabitants, and
7 taxpayers residing therein, shall be liberally construed to
8 effect the purposes of the act.

9 Section 13. Limitation of state authority.--The state
10 does hereby pledge to and agree with the holders of any debt
11 obligations issued under this act, and with those parties who
12 may enter into contracts with the district pursuant to the
13 provision of this act, that the state will not limit or alter
14 the rights hereby vested in the district until such
15 obligations, together with the interest thereon, are fully met
16 and discharged and such contracts are fully performed on the
17 part of the district.

18 Section 14. Conflicts of interest prohibited.--No
19 member, officer, agent, or employee of the district, either
20 for himself or herself, or as agent for anyone else, or as a
21 stockholder or owner in any other legal entity, shall
22 participate or benefit directly or indirectly in or from any
23 sale, purchase, lease, franchise, contract, or other
24 transaction entered into by the district. If any such person
25 violates the provisions of this section, he or she shall be
26 guilty of a misdemeanor. The provisions of this section shall
27 be cumulative to any general laws of the state which are from
28 time to time applicable to members, officers, agents, or
29 employees of the district, and which require the disclosure
30 of, or prohibit, conflicts of interest.

31

1 Section 15. Termination of district.--If for any
2 reason the district or its successors shall terminate, be
3 terminated, or cease operation or existence for any cause or
4 reason, then upon such termination or cessation, all property,
5 real, personal, or mixed, tangible or intangible, of
6 whatsoever kinds and wheresoever located, shall immediately
7 become the property of the county, which is hereby authorized
8 to exercise any or all powers herein granted the district for
9 the purposes expressed herein, or for any other legal purpose.

10 Section 16. Ad valorem; millage rate.--The district is
11 authorized to assess and impose ad valorem taxes for 3 years
12 as follows: at the rate of 0.5 mill for fiscal year 2003-2004,
13 0.4 mill for fiscal year 2004-2005, and 0.3 mill for fiscal
14 year 2005-2006 upon approval by referendum of electors of the
15 district. Such ad valorem taxes shall be levied for, and
16 applied to, the purposes of the district.

17 Section 17. Enforcement of taxes.--The collection and
18 enforcement of all non-ad valorem assessments and taxes levied
19 by the district shall be at the same time and in like manner
20 as county taxes; and the provisions of general law relating to
21 the sale of lands for unpaid and delinquent county taxes, the
22 issuance, sale, and delivery of tax certificates for such
23 unpaid and delinquent county taxes, the redemption thereof,
24 the issuance to individuals of tax deeds based thereon, and
25 all other procedures in connection therewith shall be
26 applicable to the district and the delinquent and unpaid
27 assessments and taxes of the district to the same extent as if
28 said statutory provisions were expressly set forth in this
29 act. All taxes shall be subject to the same discounts as
30 county taxes.

31

1 Section 18. Property appraiser and tax collector; fees
2 or commissions.--The Property Appraiser and Tax Collector of
3 Monroe County shall be entitled to applicable fees,
4 commissions, and costs for the levy and collection of ad
5 valorem taxes and non-ad valorem assessments pursuant to
6 sections 197.3632 and 192.091, Florida Statutes.

7 Section 2. Amendment of chapter 76-441, Laws of
8 Florida; termination of a geographic portion of the wastewater
9 management jurisdiction of the Florida Keys Aqueduct
10 Authority.--This act amends chapter 76-441, Laws of Florida,
11 as amended. The jurisdiction of the Florida Keys Aqueduct
12 Authority over wastewater management as re-created by chapter
13 76-441, Laws of Florida, as amended, is hereby terminated for
14 the geographical area described in section 3 of the charter
15 created by this act.

16 Section 3. The provisions of this act are severable,
17 and it is the intention to confer the whole or any part of the
18 powers herein provided for and if any of the provisions of
19 this act or any of the powers granted by this act shall be
20 held unconstitutional by any court of competent jurisdiction,
21 the decision of such court shall not affect or impair any of
22 the remaining provisions of this act or any of the remaining
23 power granted by this act. It is hereby declared to be the
24 legislative intent that this act would have been adopted had
25 such unconstitutional provision or power not been included
26 therein.

27 Section 4. In the event of a conflict of the
28 provisions of this act with the provisions of any other act,
29 the provisions of this act shall control to the extent of such
30 conflict.

31

1 Section 5. This act shall take effect upon becoming a
2 law.
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APPENDIX J: EXAMPLE OF CODIFICATION LANGUAGE

1
2 An act relating to the Shawano Water Control
3 District, Palm Beach County; providing for
4 codification of special laws regarding special
5 districts pursuant to section 189.429, Florida
6 Statutes, relating to Shawano Water Control
7 District, a special tax district in Palm Beach
8 County; providing legislative intent;
9 codifying, repealing, amending, and reenacting
10 chapters 11864 (1927), 13579 (1929), 24254
11 (1947), 25328 (1949), 28406 (1953), 57-448,
12 59-636, and 63-863, Laws of Florida; providing
13 for minimum charter requirements; providing
14 district status and boundaries; providing for
15 applicability of chapters 298 and 189, Florida
16 Statutes, and other general laws; providing a
17 district charter; providing for ratification of
18 prior acts; providing for liberal construction;
19 providing a saving clause in the event any
20 provision of the act is deemed invalid;
21 providing an effective date.

22
23 Be It Enacted by the Legislature of the State of Florida:

24
25 Section 1. Pursuant to section 189.429, Florida
26 Statutes, this act constitutes the codification of all special
27 acts relating to the Shawano Water Control District. It is the
28 intent of the Legislature in enacting this law to provide a
29 single, comprehensive special act charter for the District,
30 including all current legislative authority granted to the
31 District by its several legislative enactments and any

1 additional authority granted by this act. It is further the
2 intent to preserve all District authority, including the
3 authority to annually assess and levy taxes or non-ad valorem
4 assessments against all assessable property in the District.

5 Section 2. Chapters 11864 (1927), 13579 (1929), 24254
6 (1947), 25328 (1949), 28406 (1953), 57-448, 59-636, and
7 63-863, Laws of Florida, relating to the Shawano Water Control
8 District, are codified, reenacted, amended, and repealed as
9 herein provided.

10 Section 3. The Shawano Water Control District is
11 re-created, and the charter for the District is re-created and
12 reenacted to read:

13 Section 1. Minimum charter requirements.--In
14 accordance with section 189.404(3), Florida Statutes, the
15 following subsections shall constitute the charter of the
16 Shawano Water Control District:

17 (a) The District is organized and exists for all
18 purposes set forth in this act and chapter 298, Florida
19 Statutes, as they may be amended from time to time, so far as
20 not inconsistent with this act.

21 (b) The powers, functions, and duties of the District
22 regarding non-ad valorem assessments, bond issuance, other
23 revenue-raising capabilities, budget preparation and approval,
24 liens and foreclosure of liens, use of tax deeds and tax
25 certificates as appropriate for non-ad valorem assessments,
26 and contractual agreements shall be as set forth in chapters
27 189, 197, and 298, Florida Statutes, this act, or any other
28 applicable general or special law, as they may be amended from
29 time to time.

30 (c) The District's charter may be amended only by
31 special act of the Legislature.

1 (d) In accordance with chapter 11864, Laws of Florida,
2 and subsequent amendatory special acts of the Legislature, the
3 District is governed by a Board of Supervisors. The membership
4 and organization of the Board shall be as set forth in this
5 act and chapter 298, Florida Statutes, as they may be amended
6 from time to time.

7 (e) The compensation of board members shall be
8 governed by this act and chapter 298, Florida Statutes, as
9 they may be amended from time to time.

10 (f) The administrative duties of the Board of
11 Supervisors shall be as set forth in this act and chapter 298,
12 Florida Statutes, as they may be amended from time to time.

13 (g) Requirements for financial disclosure, meeting
14 notices, reporting, public records maintenance, and per diem
15 expenses for officers and employees shall be as set forth in
16 this act, and chapters 112, 119, 189, 286, and 298, Florida
17 Statutes, as they may be amended from time to time.

18 (h) The procedures and requirements governing the
19 issuance of bonds, notes, and other evidence of indebtedness
20 by the District shall be as set forth in chapters 189 and 298,
21 Florida Statutes, and applicable general laws, as they may be
22 amended from time to time.

23 (i) The procedures for conducting District elections
24 and for qualification of electors shall be pursuant to
25 chapters 189 and 298, Florida Statutes, this act, and
26 applicable general laws, as they may be amended from time to
27 time; however, a quorum for purposes of holding the annual
28 meeting or any special meeting shall consist of those
29 landowners present in person or represented by proxy at said
30 meeting.

31

1 (j) The District may be financed by any method
2 established in this act, chapters 189 and 298, Florida
3 Statutes, and applicable general laws, as they may be amended
4 from time to time.

5 (k) The methods for collecting non-ad valorem
6 assessments, fees, or service charges shall be as set forth in
7 chapters 170, 197, and 298, Florida Statutes, and other
8 applicable general laws, as they may be amended from time to
9 time.

10 (l) The District's planning requirements shall be as
11 set forth in chapters 189 and 298, Florida Statutes, as they
12 may be amended from time to time.

13 (m) The District's geographic boundary limitations
14 shall be as set forth in this act.

15 (n) The District shall have all powers provided to it
16 by this act, chapters 189 and 298, Florida Statutes, and other
17 applicable general laws, as they may be amended from time to
18 time.

19 Section 2. Status and boundaries of Shawano Water
20 Control District.--The Shawano Water Control District is
21 hereby declared to be an independent water control district
22 and a public corporation of the State of Florida pursuant to
23 chapter 298, Florida Statutes, as it may be amended from time
24 to time, and the lands lying within the area described as
25 follows in Palm Beach County, Florida, shall hereby constitute
26 the Shawano Water Control District:

27
28 All of Sections 4, 5, 6, 7, 8, 9, 16, 17 and 18
29 of Township 45 South, Range 39 East; and all of
30 Sections 1, 12, 13, 14, 15, 19, 20, 21, 22, 23,
31 25, 26, 28, 28, 29 and 30 of Township 45 South,

1 Range 38 East; and all of those portions of
2 Sections 2, 3, and 11 of Township 45 South,
3 Range 38 lying Northeast of the centerline of
4 the Hillsboro Canal; and all of those portions
5 of Sections 19, 24 and 30 of Township 45 South,
6 Range 38 East lying Southwest of the centerline
7 of the Hillsboro Canal.

8
9 Section 3. Powers of the District.--Said District
10 shall have the power to sue and be sued by its name in any
11 court of law or in equity, to make contracts, to adopt and use
12 a corporate seal and to alter the same at pleasure; to acquire
13 by purchase, gift, or condemnation real and personal property,
14 either or both, within or without the District, and to convey
15 and dispose of such real and personal property, either or
16 both, as may be necessary or convenient to carry out the
17 purposes, or any of the purposes, of this act and chapter 298,
18 Florida Statutes; to construct, operate, and maintain canals,
19 ditches, drains, levees, and other works for drainage and
20 water control purposes; to acquire, purchase, operate, and
21 maintain pumps, plants, and pumping systems for drainage and
22 water control purposes; to construct, operate, and maintain
23 irrigation works, machinery, and plants; to construct,
24 improve, pave, and maintain roadways and roads necessary and
25 convenient for the exercise of the powers or duties or any of
26 the powers or duties of said District or the Supervisors
27 thereof; to borrow money and issue negotiable or other bonds
28 of said District as hereinafter provided; to borrow money,
29 from time to time, and issue negotiable or other notes of said
30 District therefor, bearing interest at the rate as provided by
31 general law, in anticipation of the collection of taxes,

1 levies, and assessments or revenues of said District, and to
2 pledge or hypothecate such taxes, levies, assessments, and
3 revenues to secure such bonds, notes, or obligations, and to
4 sell, discount, negotiate, and dispose of the same; and to
5 exercise all other powers necessary, convenient, or proper in
6 connection with any of the powers or duties of said District
7 stated in this act. The powers and duties of said District
8 shall be exercised by the Board of Supervisors thereof, which
9 Board shall have the authority to employ engineers, attorneys,
10 agents, employees, and representatives as the Board of
11 Supervisors may from time to time determine, and to fix their
12 compensation and duties.

13 Section 4. Board of Supervisors; election,
14 organization, powers, duties, and terms of office.--There is
15 hereby created a Board of Supervisors of Shawano Water Control
16 District which shall be the governing body of said District.
17 Said Board of Supervisors shall consist of three persons who,
18 except as herein otherwise provided, shall hold office for the
19 term of 3 years and until their successors shall be duly
20 elected and qualified. Notice of a special meeting of
21 landowners for the purpose of electing the Board of
22 Supervisors shall be given by causing publication thereof to
23 be made once a week for 2 consecutive weeks prior to such
24 meeting, in some newspaper published in Palm Beach County.
25 Such special meeting of landowners shall be held in some
26 public place in Palm Beach County, and the place, date, and
27 hour of holding such meeting and the purpose thereof shall be
28 stated in the notice. The landowners when assembled shall
29 organize by electing a chair who shall preside at the meeting
30 and a secretary thereof. At such meeting, each and every acre
31 of land in the District shall represent one share and each

1 owner shall be entitled to one vote by person or by written
2 proxy for every acre of land owned by him or her in the
3 District. The person receiving the highest number of votes for
4 such Supervisor shall be declared and elected as such
5 Supervisor.

6 Each year during the month of June, a Supervisor shall
7 be elected, as hereinafter provided, by the landowners of said
8 District to take the place of a retiring Supervisor, hearing
9 reports and considering any matters upon which the Board may
10 request the advice and view of the landowners. All vacancies
11 or expirations on said Board shall be filled as required by
12 this act. The Supervisors of said Shawano Water Control
13 District need not be residents of said District or of the
14 State of Florida, and they may or may not be owners of lands
15 or property within said District. In case of a vacancy in the
16 office of any Supervisor, the remaining Supervisors may fill
17 such vacancy until the next annual meeting of the landowners,
18 when his or her successor shall be elected by the landowners
19 for the unexpired term. As soon as practicable after their
20 election, the Board of Supervisors of said District shall
21 organize by choosing one of their number president of said
22 Board of Supervisors and by electing some suitable person
23 secretary, who may or may not be a member of said Board. The
24 Secretary shall be required to execute a bond for the faithful
25 performance of his or her duties in such penal amount as the
26 Board may determine. The Board of Supervisors shall adopt a
27 seal which shall be the seal of said District. At each annual
28 meeting of the landowners of the District, the Board of
29 Supervisors shall report all work undertaken or completed
30 during the preceding year, and the status of the finances of
31 the District.

1 All Supervisors shall hold office until their
2 successors shall be elected and qualified. Whenever any
3 election shall be authorized or required by this act to be
4 held by the landowners at any particular or stated time or
5 day, and if for any reason such election shall not or cannot
6 be held at such time or on such day, then in such event and in
7 all and every such event, the power or duty to hold such
8 election shall not cease or lapse, but such election shall be
9 held thereafter as soon as practicable and consistent with
10 this act.

11 Section 5. Supervisors to take oath.--Each Supervisor
12 before entering upon his or her official duties shall take and
13 subscribe to an oath before some officer authorized by law to
14 administer oaths that he or she will honestly, faithfully, and
15 impartially perform the duties devolving upon him or her in
16 office as Supervisor of the Shawano Water Control District to
17 which he or she was elected or appointed, and that he or she
18 will not neglect any of the duties imposed upon him or her by
19 this act.

20 Section 6. Compensation of Board.--Each Supervisor
21 shall be paid for his or her services as set forth in chapter
22 298, Florida Statutes, and he or she shall be paid 10 cents
23 per mile for each mile actually traveled in going to and from
24 their place of residence to the place of meeting.

25 Section 7. Meetings of landowners; election of
26 Supervisors.--The Board of Supervisors shall have the power to
27 call special meetings of the landowners at any time to receive
28 reports of the Board of Supervisors or consider and act upon
29 any matter upon which the Board of Supervisors may request
30 advice. Notice of all meetings of the landowners shall be
31 given by the Board of Supervisors by causing publication

1 thereof to be made for 2 consecutive weeks prior to such
2 meeting in some newspaper published in Palm Beach County. The
3 meetings of the landowners shall be held in some public place
4 in said county, and the place, day, and hour of holding such
5 meetings shall be stated in the notice. The landowners when
6 assembled shall organize by electing a chair who shall preside
7 at the meeting. The Secretary of the Board of Supervisors
8 shall be the secretary of such meeting. At all such meetings
9 each and every acre of land in the District shall represent
10 one share, and each owner shall be entitled to one vote in
11 person or by written proxy for every acre of land owned by him
12 or her in the District. The person receiving the highest
13 number of votes for Supervisor shall be declared and elected
14 as such Supervisor.

15 The Trustees of the Internal Improvement Fund of
16 Florida may represent and vote in respect to all lands
17 belonging to the State of Florida or the Trustees of the
18 Internal Improvement Fund of Florida, and they shall have the
19 right to vote for Supervisors and upon all other matters that
20 may come before any such meetings of the landowners to the
21 extent of the acreage in such District owned by the State of
22 Florida or the Trustees of the Internal Improvement Fund, upon
23 the same basis of one vote for each acre of land as prescribed
24 in this act for private landowners in said District. The votes
25 to be cast by said Trustees of the Internal Improvement Fund
26 may be cast by any member of said Trustees or by any person
27 holding a proxy or proxies from said Trustees. Guardians may
28 represent their wards, executors and administrators may
29 represent the estates of deceased persons, trustees may
30 represent lands held by them in trust, and private
31 corporations may be represented by their officers or duly

1 authorized agents. Guardians, executors, administrators,
2 trustees, and corporations may vote by proxy.

3 Section 8. Powers given Supervisors to effect
4 reclamation of District.--In addition to the powers as set
5 forth in chapter 298, Florida Statutes, the Board of
6 Supervisors is hereby authorized and empowered to clean out,
7 straighten, open up, widen, or change the course and flow,
8 alter or deepen any canal, ditch, drain, river, water course,
9 or natural stream; to concentrate, divert, or divide the flow
10 of water in or out of said District; to construct and maintain
11 main and lateral ditches, canals, levees, dikes, dams,
12 sluices, revetments, reservoirs, holding basins, flood ways,
13 pumps, pumping stations, pipes, and syphons, and may connect
14 the same or any of them with any canals, drains, ditches,
15 levees, or other works that may have been heretofore or which
16 may be hereafter constructed by the Trustees of the Internal
17 Improvement Fund or by the State of Florida, and with any
18 natural stream, lake, or water course in or adjacent to said
19 District; to build and construct any other works and
20 improvements deemed necessary to preserve and maintain the
21 works in or out of said District; to construct or enlarge or
22 cause to be constructed or enlarged any and all bridges that
23 may be needed in or out of said District, across any drain,
24 ditch, canal, flood way, holding basin, excavation, public
25 highway, railroad right-of-way, track, grade, fill, or cut; to
26 construct roadways over levees and embankments; to construct
27 any and all of said works and improvements across, through, or
28 over any public highway, railroad right-of-way, track, grade,
29 fill, or cut in or out of said District; to remove any fence,
30 building, or other improvements in or out of said District;
31 and to hold, control, and acquire by donation or purchase and,

1 if need be, by condemnation, any land, easement, railroad
2 right-of-way, sluice, reservoir, holding basin, pumping
3 systems, or franchise in or out of said District for
4 rights-of-way, holding basins, or any of the purposes herein
5 provided, or for material to be used in constructing and
6 maintaining said works and improvements for draining,
7 protecting, and reclaiming the lands in said District. So far
8 as may be necessary to the drainage of said District or the
9 works and improvements constructed, operated, or maintained by
10 said Board of Supervisors, said Board may open, improve,
11 construct, and maintain roads and hard surfaced highways in
12 said District. Said Board of Supervisors shall also have the
13 right to condemn or acquire by purchase or grant for the use
14 of the District any land or property within or without said
15 District not acquired or condemned by the court on report of
16 the Commissioners assessing benefits and damages, and may
17 follow the procedure that is now provided by law for the
18 appropriation of land or other property taken for railroad
19 rights-of-way in case of condemnation. The Board of
20 Supervisors of said District shall have the power to buy and
21 pay for any canals, dikes, levees, pumps, plants, pumping
22 systems, or other drainage or reclamation works, machinery, or
23 plants placed or constructed, or being placed and constructed,
24 in said District by any private person or corporation which
25 may, in the opinion of said Board, be useful or convenient in
26 the execution of the Water Control Plan, or any part thereof,
27 and may execute the warrants, notes, or other evidences of
28 indebtedness of said District in payment thereof in whole or
29 in part. Said Board of Supervisors shall have full power and
30 authority to build, construct, install, excavate, complete,
31 operate, and maintain any and all works and improvements

1 needed to carry out, maintain, protect, and give effect to
2 said Water Control Plan.

3 Section 9. Eminent domain.--The said Board of
4 Supervisors is hereby authorized and empowered to exercise the
5 right of eminent domain and may condemn for the use of said
6 District any and all lands, easements, rights-of-way, riparian
7 rights, and property rights of every description, in or out of
8 said District, required for the public purposes and powers of
9 said Board as herein granted, and may enter upon, take, and
10 use such lands as it may deem necessary for such purposes.

11 Section 10. Grant of rights-of-way, etc., through
12 state lands.--The State of Florida hereby grants unto said
13 Shawano Water Control District f/k/a Brown Drainage District
14 all necessary easements, rights-of-way, and other rights
15 required for the execution of said Water Control Plan or for
16 the exercise of the powers and public purposes of said
17 District over, upon, and across all lands vested in the State
18 of Florida or in the Trustees of the Internal Improvement Fund
19 of the State of Florida.

20 Section 11. Powers of Supervisors to carry out the
21 Water Control Plan; engineer to be superintendent of works;
22 method of letting contracts.--The Board of Supervisors of said
23 District shall have full power and authority to build,
24 construct, excavate, and complete any and all works and
25 improvements which may be needed to carry out, maintain, and
26 protect the Water Control Plan. To accomplish that end, the
27 said Board of Supervisors are hereby authorized and empowered
28 to employ personnel and to purchase machinery, employ
29 personnel to operate same and directly have charge of and
30 construct the works and improvements in such manner, or by use
31 of other or more efficient means than provided for in the

1 plans adopted. They may, at their discretion, let the contract
2 for such works and improvements either as a whole or in parts
3 or sections, and when such contract or contracts are let, they
4 shall be advertised and let to the lowest and best bidder, who
5 shall give a good and approved bond, with ample security,
6 conditioned that he or she will well and promptly carry out
7 the contract for such work and improvements, which contract
8 shall be in writing and to which shall be attached and made a
9 part thereof complete plans and specifications of the work to
10 be done and improvements to be made under such contract, which
11 plans and specifications shall be prepared by the District
12 Engineer and shall be incorporated in and attached to the
13 contract. The contract shall be prepared by the attorney for
14 the District and approved by the Board of Supervisors and
15 signed by its president and the contractor, and executed in
16 duplicate. The District Engineer shall be the superintendent
17 of all the works and improvements, and shall, at least once
18 each year and when required, make a full report to said Board
19 of all work done and improvements made, and make suggestions
20 and recommendations to the Board as he or she may deem proper.

21 Section 12. Uniform acreage tax for payment of
22 expenses.--Pursuant to section 298.349, Florida Statutes, the
23 District may levy upon each and every acre of land within a
24 newly created unit of development within said Shawano Water
25 Control District as bounded and defined in this act a uniform
26 initial assessment of \$50 per acre to be used by said
27 District, through its said Board of Supervisors, for the
28 purpose of paying expenses incurred or to be incurred in
29 making surveys of the lands in said District, assessing
30 District Administrator benefits and damages and other expenses
31 necessarily incurred, as estimated or determined by said Board

1 of Supervisors, before said Board of Supervisors collects or
2 receives funds under the subsequent provisions of this act.
3 Said assessment shall be a lien upon the lands in said
4 District from the date of the creation of the new unit of
5 development and shall be collected in the same manner as the
6 annual installment of taxes. If it shall appear to the Board
7 of Supervisors to be necessary to obtain funds to pay any
8 expenses incurred or to be incurred in organizing said
9 District, making said surveys, preparing the Water Control
10 Plan, or other expenses of the conduct and operation of said
11 District before a sufficient sum can be obtained by the
12 collection of the acreage tax levied by this section, said
13 Board of Supervisors may borrow a sufficient sum of money for
14 any of said purposes at a rate of interest as provided by
15 general law, and may issue negotiable notes or bonds therefor
16 signed by the members of said Board of Supervisors, and may
17 pledge any and all assessments of said acreage tax levied
18 under the provisions of this section for the repayment
19 thereof. Said Board of Supervisors may issue to any person or
20 persons performing work or services or furnishing anything of
21 value in the organization of said District or making surveys
22 of the same and assessing benefits or damages or preparing
23 said Water Control Plan and other expenses necessarily
24 incurred before the receipt of funds arising from assessments
25 or benefits, negotiable evidence of debt bearing interest at
26 the rate as provided by general law.

27 Section 13. Taxes levied and apportioned.--The Board
28 of Supervisors shall, without unnecessary delay, levy a tax of
29 such portion of such benefits on all lands in the District to
30 which benefits have been assessed as may be found necessary by
31 the Board of Supervisors to pay the cost of the completion of

1 the proposed works and improvements as shown in said Water
2 Control Plan, and in carrying out the object of said District,
3 and in addition thereto 25 percent of said total amount for
4 emergencies. The said tax shall be apportioned to and levied
5 on each tract of the lands in said District in proportion to
6 the benefits as assessed and not in excess thereof. In case
7 bonds are issued as provided hereinafter, then the amount of
8 the interest (as estimated by said Board of Supervisors) which
9 will accrue on such bonds shall be included and added to the
10 said tax, but the interest to accrue on account of the issuing
11 of said bonds shall not be construed as a part of the cost of
12 construction in determining whether or not the expenses and
13 costs of making said improvements are or are not equal to or
14 in excess of the benefits assessed. All lands in said District
15 now or hereafter belonging to the Trustees of the Internal
16 Improvement Fund of Florida shall be assessed to, and all
17 taxes, levies, and assessments thereon (including taxes
18 assessed for preliminary work and expenses and maintenance
19 taxes as provided in this act) shall be paid by said Trustees
20 of the Internal Improvement Fund out of any funds now or
21 hereafter in the hands or possession of said Trustees or which
22 may be obtained from the sale of any lands belonging to said
23 Internal Improvement Fund or which may be appropriated by the
24 Legislature of the State of Florida for the payment of
25 drainage taxes upon the lands of said Fund; and all such
26 taxes, levies, and assessments made, levied, or assessed under
27 this act or any section or provision thereof, shall be a lien
28 upon and may be enforced and collected from and against the
29 lands of said Trustees of the Internal Improvement Fund of
30 Florida in said Shawano Drainage District to the same extent
31 and in like manner and with the same effect and as fully as if

1 such lands were owned by a private individual. The Secretary
2 of the Board of Supervisors, as soon as said total tax is
3 levied shall, at the expense of the District, prepare a list
4 of all taxes levied and the same shall thereafter become a
5 permanent record in the office of the Secretary.

6 Section 14. Attorney to be employed.--The Board of
7 Supervisors shall employ an attorney or attorneys to act for
8 the District and to advise said Board. Such employment shall
9 be evidenced by an agreement in writing, which as far as
10 possible shall specify the exact amount to be paid to said
11 attorney for all services and expenses. Such attorney shall
12 conduct all legal proceedings and suits in court where the
13 District is a party or interested, and shall in all legal
14 matters advise the Board of Supervisors, all officers,
15 employees, or agents of said District and Board, and generally
16 look after and attend to all matters of a legal nature for
17 said Board and District. When the said Board may deem it
18 necessary they may, by and with the advice of said attorney,
19 and under the like terms and conditions as above set forth,
20 employ a consulting and other attorney or attorneys.

21 Section 15. Bridges to be approved by District
22 Engineer.--All bridges contemplated by this act, and all
23 enlargements of bridges already in existence, shall be built
24 and enlarged according to and in compliance with the plans,
25 specifications, and orders made or approved by the District
26 Engineer. If any such bridge shall belong to any corporation,
27 or be needed over a public highway or right-of-way of any
28 corporation, the Secretary of said Board of Supervisors shall
29 give such corporation notice by delivering to its agent or
30 officer, in the county wherein said District is situated, a
31 copy of the order of the Board of Supervisors of said

1 District, declaring the necessity for the construction or
2 enlargement of said bridge. A failure to construct or enlarge
3 such bridge within the time specified in such order shall be
4 taken as a refusal to do said work by said corporation, and
5 thereupon the said Board of Supervisors shall proceed to let
6 the work of constructing or enlarging the same at the expense
7 of the corporation for the cost thereof, which costs shall be
8 collected by said Board of Supervisors from said corporation
9 by suit therefor, if necessary. But before said Board of
10 Supervisors shall let such work it shall give some agent or
11 officer of said corporation, now authorized by the laws of
12 this state to accept service of summons, or upon whom service
13 of summons for said corporation might be made, at least 20
14 days' actual notice of the time and place of letting such
15 work. Any owner of land within or without the District may, at
16 his or her own expense, and in compliance with the terms of
17 this act, construct a bridge across any drain ditch, canal, or
18 excavation in or out of said District. Said Drainage District
19 shall have full authority to construct and maintain any ditch
20 or lateral provided in its Water Control Plan across any of
21 the public highways of this state, without proceedings for the
22 condemnation of the same, or being liable for damages
23 therefor. Within 10 days after a dredge boat or any other
24 excavating machine shall have completed a ditch across any
25 public highway, a bridge shall be constructed and maintained
26 over such drainage ditch where the same crosses such highway;
27 provided, however, the word "corporation," as used in this
28 section, shall not apply to counties.

29 Section 16. No change of venue allowed.--No change of
30 venue shall be allowed in any of the proceedings had under the
31 provisions of this act, except where the judge of the court in

1 which the petition has been filed shall be disqualified for
2 any of the reasons stated in the statutes of this state
3 relating to the change of venue in civil cases. If the judge
4 of such court is disqualified, the procedure shall be the same
5 as in other civil cases in chancery.

6 Section 17. Supervisors to provide for compensation of
7 all employees.--The Board of Supervisors, except where
8 otherwise provided, shall, by resolution, at the time of
9 hiring or appointing, provide for the compensation for work
10 done and necessary expenses incurred by any officer, engineer,
11 attorney, or other employee, and shall also pay the fees, per
12 diem, and necessary expenses of all court and county officers
13 who may, by virtue of this act, render services to said
14 District.

15 Section 18. Meaning of word "owner".--The word
16 "owner," as used in this act, shall mean the owner of the
17 freehold estate, as appears by the deed record, and it shall
18 not include reversioners, remaindermen, vendees under
19 contracts of purchase, trustees, or mortgagees, who shall not
20 be counted and need not be notified by publication, or served
21 by process, but shall be represented by the then owners of the
22 freehold estate in any proceeding under this act.

23 Section 19. Appointment and duties of superintendent
24 of plant and operation and overseers.--For the purpose of
25 preserving any ditch, drain, dike, levee, or other work
26 constructed or erected under the provisions of this act, and
27 for the taking care and operation of the equipment owned by
28 said District and the maintenance of the canals and other
29 works of said District, including the removal of obstructions
30 from the same, and such other duties as may be prescribed by
31 the Board of Supervisors, said Board shall have the power to

1 employ a superintendent of plant and operation who shall have
2 charge and supervision of the works of the District after the
3 construction of the same, and said Board shall also have
4 authority to employ or appoint an overseer or overseers who
5 shall hold their positions at the will of the Board, and who
6 shall assist said superintendent in the performance of the
7 work aforesaid.

8 Section 20. Investments.--The Board may make any
9 investment authorized by chapter 218, Florida Statutes, or
10 other applicable law.

11 Section 21. Maintenance tax may be levied.--To
12 maintain and preserve the ditches, drains, and other
13 improvements made pursuant to this act, and to repair and
14 restore the same, when needed, and for the purpose of
15 defraying the current expenses of the District, including any
16 sum which may be required to pay state and county taxes on any
17 lands which may have been purchased and which are held by the
18 District under the provisions of this act, the Board of
19 Supervisors may, upon the completion of the said improvements
20 in whole or in part, as may be certified to the said Board by
21 the District Engineer, and on or before the first day of
22 November in each year thereafter, levy a tax, which shall
23 become due and be collected at the same time state and county
24 taxes are due and collected, upon each tract or parcel of land
25 within the District, to be known as a "maintenance tax." Said
26 maintenance tax may be apportioned upon the basis of the net
27 assessments of benefits accruing for original construction,
28 and shall be certified to the Tax Collector of Palm Beach
29 County in like manner and at the same time as the annual
30 installment tax is certified. The Tax Collector shall demand
31 and collect the maintenance tax and make return thereof and

1 shall receive the same compensation therefor, and be liable
2 for the same penalties for failure or neglect so to do as
3 provided herein for the annual installment of taxes.

4 Section 22. Readjustment of tax levy for
5 maintenance.--Whenever the Board of Supervisors, or the owners
6 of 25 percent or more of the acreage of the lands in the
7 District, shall file a petition with the Board of Supervisors,
8 stating that there has been a material change in the values of
9 the property in the District since the last previous
10 assessment of benefits, and praying for a readjustment of the
11 assessment of benefits for the purpose of making a more
12 equitable basis for the levy of the maintenance tax, the said
13 Board of Supervisors shall give notice of the filing and
14 hearing of said petition in the manner and for the time
15 provided in this act. Such notice may be in the following
16 form:

17 'Notice is hereby given to all persons interested in
18 the lands included within the Shawano Drainage District that a
19 petition has been filed with the District, praying for a
20 readjustment of the assessment of benefits for the purpose of
21 making an equitable basis for the levy of the maintenance tax
22 in said District, and that said petition will be heard by the
23 Board of Supervisors.'

24 Upon the hearing of said petition, if said court shall
25 find that there has been a material change in the values of
26 the lands in said District since the last previous assessment
27 of benefits, the Board shall order that there be made a
28 readjustment of the assessments of benefits for the purpose of
29 providing a basis upon which to levy the maintenance tax of
30 said District. All proceedings, notices, hearings, orders, and
31 all other requirements of this act shall be taken, done, and

1 followed as provided in this act for the assessment of
2 benefits for carrying out the Water Control Plan; provided
3 that in making the readjustment of the assessment of benefits
4 it shall not be limited to the aggregate amount of the
5 original or any previous assessment of benefits.

6 Section 23. District may consolidate with other
7 district.--The District created and established by this act
8 may unite and consolidate with, or have united and
9 consolidated with it, any other drainage district or districts
10 organized under any general or special laws of Florida, and
11 such new and consolidated district, and the Board of
12 Supervisors thereof, shall have the rights, powers, and
13 privileges of the District organized under this act. In order
14 to effect such consolidation, the Board of Supervisors of each
15 of the original districts shall call an election in the same
16 manner as elections for supervisors, stating the time, place,
17 and object of such election. If a majority of the acreage
18 voting in each district vote in favor of the proposition to
19 unite and consolidate such district, the Boards of Supervisors
20 of such districts shall present a petition to the Circuit
21 Court of the County in which the greatest amount of the lands
22 is located, accompanied by a complete return of said election,
23 in which petition shall be stated the names of the original
24 districts, when incorporated, the names of the owners of the
25 lands, if known, and the boundaries of the districts. When
26 said petition has been filed, the Clerk of said Circuit Court
27 shall give notice of such filing in the manner provided for
28 giving notice in this act, said notice to state substantially
29 the contents of said petition and the objects sought and the
30 date on which said matter is to be heard by said court. Any
31 person owning land in either of said districts, on or before

1 the time stated in said notice, may file objections to the
2 regularity or sufficiency of any of the proceedings had in the
3 premises, and if such objections are overruled, or if no
4 objections are made, the court shall make an order that any
5 two or more of the several districts so asking to be united
6 shall be united and consolidated as one district, under some
7 appropriate designation, with all the rights, powers, and
8 privileges of said Shawano Water Control District organized
9 under this act, and the lands so included in the new District
10 shall be subject to all liens, liabilities, and obligations of
11 the original districts, and a new Board of Supervisors shall
12 be elected as is herein provided in case of election of
13 Supervisors. All orders made in regard to extension of time,
14 boundaries, or uniting districts shall be spread on the
15 records of the circuit court, and a certified copy thereof
16 shall be filed with the clerk of the circuit court of each
17 county in which any of such lands are located, and also with
18 the Secretary of State, and said clerk shall receive a fee of
19 \$1 for filing and preserving such certificates.

20 Section 24. New Water Control Plan may be adopted;
21 procedure.--If the works set out in the Water Control Plan of
22 said Shawano Water Control District shall be found by the
23 Board of Supervisors to be insufficient to reclaim in whole or
24 in part any or all of the lands of said District, said Board
25 of Supervisors shall have the right to formulate new or
26 amended Water Control Plans containing new canals, ditches,
27 levees, pumps, pumping systems, and other works, and
28 additional assessments may be made in conformity with the
29 provisions of this act, the same to be made in proportion to
30 the increased benefits accruing to the lands because of the
31 additional works. If it should be found by said Board of

1 Supervisors at any time that the amount of the total tax
2 levied under the provisions of this act, or that the funds
3 derived from the sale of the bonds under this act, are
4 insufficient to pay the costs of the works set out in said
5 Water Control Plan, the Board of Supervisors may make an
6 additional levy to provide funds to complete the work, and in
7 addition thereto 25 percent of said total amount for
8 emergencies; and if in their judgment it seems best, said
9 Board of Supervisors may issue bonds not to exceed the amount
10 of said additional levy. If it should be found at any time
11 that the Water Control Plan as adopted required modification
12 by widening, lowering, or deepening the canals or ditches or
13 widening or raising the levees or enlarging, improving, or
14 substituting pumps, pumping systems, and other works
15 authorized or contemplated by the Water Control Plan or by the
16 construction of additional canals, ditches, or levees or the
17 installation of additional pumps or pumping systems, and that
18 the amount of the total tax levied under this act, or that the
19 funds derived from the sale of bonds under the provisions of
20 this act, are not sufficient to carry out the Water Control
21 Plan with such modifications, said Board of Supervisors may
22 consider said change to the Water Control Plan and direct the
23 District Engineer to appraise the lands that shall be taken
24 for such enlarged or improved works and assess the benefits
25 and damages to any or all lands, public highways, railroads,
26 or other property in said District by the proposed amendments
27 and changes to the Water Control Plan.

28 After the lists of lands with the assessed benefits
29 have been approved by the Board of Supervisors as provided in
30 this act, then the Board shall have power to levy an
31 additional tax of such portion of said benefits on the lands

1 in said District to which benefits have been assessed as may
2 be found necessary by the Board of Supervisors to pay the
3 increased cost of the completion of the proposed works and
4 improvements as shown in said Water Control Plan as amended,
5 including the cost of superintending the same and all
6 incidental expenses in connection therewith, and in addition
7 thereto 25 percent of said total amount for emergencies, and
8 if in their judgment it seems best, said Board of Supervisors
9 may issue bonds not to exceed the amount of said additional
10 levy. The additional taxes authorized to be levied under the
11 provisions of this section shall be levied and collected in
12 the same manner as taxes levied and collected under the
13 provisions of this act. Bonds issued under the provisions of
14 this section shall draw interest at a rate as provided by
15 general law, payable semi-annually, and shall be payable at
16 such time or times and at such place or places as the Board of
17 Supervisors may determine. Any additional tax authorized to be
18 levied under the provisions of this section shall be
19 apportioned to and levied upon each tract of land in said
20 District in proportion to the benefits assessed, and not in
21 excess thereof, and in case bonds are issued as herein
22 provided, then the amount of the interest as estimated by said
23 Board of Supervisors which will accrue on such bonds shall be
24 included and added to the said additional levy, but the
25 interest to accrue on said bonds shall not be included as a
26 part of the cost of the construction in determining whether or
27 not the expenses and costs of making the improvements shown in
28 the Water Control Plan are not equal to or in excess of the
29 benefits assessed.

30 Section 25. Supervisors may remove officers and
31 employees.--The Board of Supervisors may at any time remove

1 any officer, attorney, District Engineer, or other employee
2 appointed or employed by said Board.

3 Section 26. Water courses to be connected with
4 drainage district; connecting drains and completion of plan;
5 scope of work.--At the time of the construction in the said
6 District of the Water Control Plan hereinbefore referred to,
7 all canals, ditches, or systems of drainage already
8 constructed in said District, and all water courses shall, if
9 necessary to the drainage of said land in said District, be
10 connected with and made a part of the works and improvements
11 of the Water Control Plan of said District. But no canals,
12 ditches, drains, or systems of drainage constructed after the
13 completion of the aforesaid Water Control Plan shall be
14 connected therewith, unless the consent of the Board of
15 Supervisors shall be first had and obtained, which consent
16 shall be in writing and shall particularly describe the
17 method, terms, and conditions of such connection, and shall be
18 approved by the District Engineer. Such connection, if made,
19 shall be in strict accord with the method, terms, and
20 conditions laid down in said consent. If the landowner or
21 owners wishing to make such connection are refused such
22 consent by the Board of Supervisors, or decline to accept the
23 consent granted, then said landowner or owners may file a
24 petition for such connection in the Circuit Court of Palm
25 Beach County, and the matter in dispute shall in a summary
26 manner be decided by said court, which decision shall be final
27 and binding upon the District the landowner or owners. No
28 connection with the works or improvements of said Water
29 Control Plan of said District, or with any canal, ditch,
30 drain, or artificial drainage, wholly within said District,
31 shall be made, caused, or affected by any landowner or owners,

1 company, or corporation, municipal or private, by means of or
2 with any ditch, drain, cut, fill, roadbed, levee, embankment,
3 or artificial drainage, wholly without the limits of said
4 District, unless such connection is consented to by the Board
5 of Supervisors, or in the manner hereinbefore provided.

6 Section 27. Owners of land assessed for construction
7 of canals, etc., may pay taxes in advance.--Any person or
8 corporation, copartnership, or other parties owning lands
9 assessed for the construction of any canal, ditch, or other
10 improvement under the provisions of this act shall have the
11 right and privilege of paying such tax assessment to the
12 Treasurer of the Board of Supervisors of the District, at any
13 time on or before a date to be fixed by resolution of the
14 Board of Supervisors; and the amount to be paid shall be the
15 full amount of the tax levied, less any amount added thereto
16 to meet interest. When such tax assessment has been paid, the
17 Secretary of the Board of Supervisors shall enter upon the
18 drainage tax record opposite each tract for which payment is
19 made the words "paid in full," and such tax assessment shall
20 be deemed satisfied; and the Secretary of the Board of
21 Supervisors shall also make or cause to be made the same entry
22 opposite each tract for which payment is made in the table
23 included in the certificate filed in the Office of the Clerk
24 of the Circuit Court under the provisions of this act.

25 Section 28. Duty of county, etc., to make payment of
26 taxes.--Whenever, under the provisions of this act, the
27 Drainage District tax is levied against a county, city,
28 village, township, or other political subdivision of the
29 state, it shall be the duty of the governing or taxing body of
30 such political subdivision immediately to take all the legal
31 and necessary steps to make payment of such tax, including, if

1 necessary, steps for the levying and collection of a tax to
2 make such payment as other taxes of such political subdivision
3 are levied and collected, and such tax shall not be affected
4 by any statutory limitation upon the rate or amount of the
5 taxes of such political subdivision.

6 Section 29. Landowner in district may construct drains
7 across land of intervening landowner; proceedings; Board may
8 enter lands.--Any landowner within Shawano Water Control
9 District may construct ditches to drain his or her lands into
10 the public ditches; and if any intervening landowner should
11 refuse permission to cross his or her land with such ditch,
12 the landowner seeking to construct such ditch may by
13 proceedings in the circuit court, to be conducted in the same
14 manner as condemnation proceedings instituted by railroads,
15 condemn his or her right-of-way for such ditch. The Board of
16 Supervisors, the Board of Commissioners, and the District
17 Engineer of the District, as well as all officers, agents, and
18 employees thereof, and contractors and their employees, may
19 enter upon lands within or without the District in order to
20 make surveys or examinations to accomplish the necessary
21 purposes of the District, or to have access to the works of
22 the District, but no unnecessary damage shall be done. Any
23 person or corporation preventing such entrance shall be deemed
24 in violation of section 298.66, Florida Statutes, and upon
25 conviction shall be punished in the manner provided by law.

26 Section 30. Principal office.--The Board of
27 Supervisors shall, by resolution, determine the location of
28 the principal office of the Board, which shall be within Palm
29 Beach County, but need not be in said District. Nothing herein
30 contained shall prevent said Board from holding legal meetings
31 and taking necessary action at other places within or without

1 the District. Two members of said Board shall constitute a
2 quorum, and the assent of two members shall be necessary to
3 all acts of the Board. The Board shall determine the time and
4 place of regular meetings, and may hold special meetings on
5 the call of any member, notice of any such special meeting
6 being given or mailed or telegraphed to each member or left at
7 his or her residence or place of business. Any member may at
8 any time, before or after the meeting, waive notice of the
9 time, place, or purpose of any or all special meetings, and
10 said waiver may be general as to all business or may be
11 limited to business specified in the waiver.

12 Section 31. Unit development; powers of supervisors to
13 designate units of District and adopt system of progressive
14 drainage by units; Water Control Plans and financing
15 assessments, etc., for each unit.--The Board of Supervisors of
16 Shawano Water Control District shall have the power and is
17 hereby authorized in its discretion to drain and reclaim or
18 more completely and intensively to drain and reclaim the lands
19 in said District by designated areas or parts of said District
20 to be called "units." The units into which said District may
21 be so divided shall be given appropriate numbers or names by
22 said Board of Supervisors, so that said units may be readily
23 identified and distinguished. The Board of Supervisors shall
24 have the power to fix and determine the location, area, and
25 boundaries of and lands to be included in each and all such
26 units, the order of development thereof, and the method of
27 carrying on the work in each unit. The unit system of drainage
28 provided by this section may be conducted and all of the
29 proceedings by this section and this act authorized in respect
30 to such unit or units may be carried on and conducted at the
31 same time as or after the work of draining and reclaiming of

1 the entire District has been or is being or shall be
2 instituted or carried on under the provisions of this act. If
3 the Board of Supervisors shall determine that it is advisable
4 to conduct the work of draining and reclaiming the lands in
5 said District by units, as authorized by this section of this
6 act, said Board shall, by resolution duly adopted and entered
7 upon its minutes, declare its purpose to conduct such work
8 accordingly, and shall at the same time and manner fix the
9 number, location, and boundaries of and description of lands
10 within such unit or units and give them appropriate numbers or
11 names. As soon as practicable after the adoption and recording
12 of such resolution, said Board of Supervisors shall publish
13 notice once a week for 2 consecutive weeks in a newspaper
14 published in Palm Beach County, Florida, briefly describing
15 the units into which said District has been divided and the
16 lands embraced in each unit, giving the name, number, or other
17 designation of such units, requiring all owners of lands in
18 said District to show cause in writing before said Board of
19 Supervisors at a time and place to be stated in such notice
20 why such division of said District into such units should not
21 be approved, and said system of development by units should
22 not be adopted and given effect by said Board, and why the
23 proceedings and powers authorized by this section of this act
24 should not be had, taken, and exercised. At the time and place
25 stated in said notice, said Board of Supervisors shall hear
26 all objections or causes of objection (all of which shall be
27 in writing) of any landowners in said District to the matters
28 mentioned and referred to in such notice, and if no objections
29 are made, or if said objections, if made, shall be overruled
30 by said Board, then said Board shall enter in its minutes its
31 finding and order confirming said resolution, and may

1 thereafter proceed with the development, drainage, and
2 reclamation of said District by units pursuant to such
3 resolution and to the provisions of this act. If, however,
4 said Board of Supervisors shall find a result of such
5 objections, or any of them, or the hearing thereon, that the
6 division of said District into such units as aforesaid should
7 not be approved or that said system of development by units
8 should not be adopted and given effect, or that the
9 proceedings and powers authorized by this section of this act
10 should not be had, taken, or exercised, or that any other
11 matter or thing embraced in said resolution would not be in
12 the best interest of the landowners of said District or would
13 be unjust or unfair to any landowner therein or otherwise
14 inconsistent with fair and equal protection and enforcement of
15 the rights of every landowner in said District, then said
16 Board of Supervisors shall not proceed further under such
17 resolution, but said Board of Supervisors may, as a result of
18 such hearing, modify or amend said resolution so as to meet
19 such objections so made, and thereupon said Board may confirm
20 said resolution as so modified or amended and may thereafter
21 proceed accordingly. The sustaining of such objections and
22 the rescinding of such resolutions shall not exhaust the power
23 of said Board under this section; but, at any time not less
24 than 1 year after the date of the hearing upon any such
25 resolution, the Board of Supervisors may adopt other
26 resolutions under this section and thereupon proceed on due
27 notice in like manner as above. If said Board of Supervisors
28 shall overrule or refuse to sustain any such objections in
29 whole or in part made by any landowner in the District, or if
30 any such landowner shall deem himself or herself aggrieved by
31 any action of the Board of Supervisors in respect to any

1 objections so filed, such landowner may, within 10 days after
2 the ruling of said Board, file a bill of complaint in a court
3 of competent jurisdiction against said District, praying an
4 injunction or other appropriate relief against the action or
5 any part of such action proposed by such resolution or
6 resolutions of said Board, and such suits shall be conducted
7 like other suits, except that said suits shall have preference
8 over all other pending actions except criminal actions and
9 writs of habeas corpus. Upon the hearing of said cause, the
10 court of competent jurisdiction shall have the power to hear
11 the objections and receive the evidence thereon of all parties
12 to such cause and approve or disapprove said resolutions and
13 action of said Board in whole or in part, and to render such
14 decree in such cause as right and justice require. When said
15 resolutions creating said unit system shall be confirmed by
16 the Board of Supervisors, or by the court if such proposed
17 action shall be challenged by a landowner by the judicial
18 proceedings hereinabove authorized, said Board of Supervisors
19 may adopt a water control plan or plans for and in respect to
20 any or all such units, and to have the benefits and damages
21 resulting therefrom assessed and apportioned by the District
22 Engineer and the Engineer's Report considered and confirmed,
23 all in like manner as is provided in this act in regard to
24 Water Control Plans for the assessments for benefits and
25 damages of the entire District. With respect to the Water
26 Control Plan, notices, Engineer's Report, and notice and
27 confirmation thereof, the levy of assessments and taxes,
28 including maintenance taxes, and the issuance of bonds and all
29 other proceedings as to each and all of such units, said Board
30 shall follow and comply with the same procedure as is provided
31 in this act with respect to the entire District; and said

1 Board of Supervisors shall have the same powers in respect to
2 each and all of such units as is by this act vested in them
3 with respect to the entire District. All the provisions of
4 this act shall apply to the drainage, reclamation, and
5 improvement of each, any, and all of such units, and the
6 enumeration of or reference to specific powers or duties of
7 the Supervisors or any other officers or other matters in this
8 act as hereinabove set forth shall not limit or restrict the
9 application of any and all of the proceedings and powers
10 herein to the drainage and reclamation of such units as fully
11 and completely as if such unit or units were specifically and
12 expressly named in every section and clause of this act where
13 the entire District is mentioned or referred to. All
14 assessments, levies, taxes, bonds, and other obligations made,
15 levied, assessed, or issued for or in respect to any such unit
16 or units shall be a lien and charge solely and only upon the
17 lands in such unit or units, respectively, for the benefit of
18 which the same shall be levied, made, or issued, and not upon
19 the remaining units or lands in said District. The Board of
20 Supervisors may at any time amend its said resolutions by
21 changing the location and description of lands in any such
22 unit or units; and provided, further, that if the location of
23 or description of lands located in any such unit or units is
24 so changed, notice of such change shall be published as
25 hereinabove required in this section for notice of the
26 formation or organization of such unit or units, and all
27 proceedings shall be had and done in that regard as are
28 provided in this section for the original creation of such
29 unit or units; provided, however, that no lands against which
30 benefits shall have been assessed may be detached from any
31 such unit after the confirmation of the Engineer's Report of

1 benefits in such unit or units or the issuance of bonds or
2 other obligations which are payable from taxes or assessments
3 for benefits levied upon the lands within such unit or units.

4 Provided, however, that if, after the confirmation of
5 the Engineer's Report of benefits in such unit or units, or
6 the issuance of bonds or other obligations which are payable
7 from taxes or assessments for benefits levied upon lands
8 within such unit or units, the Board of Supervisors finds the
9 Water Control Plan for any such unit or units insufficient or
10 inadequate for efficient development, the Water Control Plan
11 may be amended or changed as provided in this act, and the
12 unit or units may be amended or changed as provided herein, by
13 changing the location and description of lands in any such
14 unit or units, by detaching lands therefrom or by adding lands
15 thereto, and in such event all assessments, levies, taxes,
16 bonds, and other obligations made, levied, assessed, incurred,
17 or issued for in respect to any such unit or units may be
18 allocated and apportioned to the amended unit or units in
19 proportion to the benefits assessed by the Engineer's Report
20 for the amended Water Control Plan and said Report shall
21 specifically provide for such allocation and apportionment.
22 However, a change or amendment to a designated unit is not
23 authorized if it has the effect of impairing a debt or other
24 obligation of the unit of the District.

25 Section 32. Bonds may be validated.--Whenever the
26 Board of Supervisors of Shawano Water Control District shall
27 have authorized the issuance of bonds, notes, or other
28 obligations of said District under any of the provisions of
29 this act, said Board of Supervisors may, if it shall so elect,
30 cause such bonds, notes, or other obligations to be validated
31 in accordance, as nearly as practicable, with the provisions

1 of law relating to the validation of bonds issued by counties,
2 municipalities, taxing districts, or other political districts
3 or subdivisions, in the manner provided for in chapter 75,
4 Florida Statutes, for which purpose, in the event of the
5 exercise of such election by said Board of Supervisors, all
6 the provisions of law relating to the validation of bonds,
7 issued by counties, municipalities, taxing districts, or other
8 political districts or subdivisions, shall be held to include
9 and apply to bonds, notes, and obligations issued by or in the
10 name of said Shawano Water Control District, or any unit
11 thereof and the decree of validation that shall be entered by
12 the court shall be conclusive as to all questions raised and
13 those which could have been raised in the validation suit.

14 Section 33. District may maintain spoil banks,
15 etc.--The District may maintain spoil banks for the dumping,
16 preservation, or disposal of dirt, sand, gravel, clay, rock,
17 wood, lumber, logs, and other substances which may have been
18 taken from any excavation or other work of the District, or
19 which may have come into the District's control or possession
20 through carrying out the Water Control Plan or which may have
21 been acquired by the District for use in carrying out such
22 plan, and such spoil banks shall be deemed works of the
23 District as the term "works" is used in this act. Any or all
24 such material may be sold, used in the construction of
25 drainage works or roads, or otherwise disposed of by the
26 District. Such spoil banks shall be and remain the property of
27 the District until disposed of, regardless of whether they
28 occupy land belonging in the District or other land.

29 Section 34. Definition of terms.--This act may be
30 known and cited as an "act creating Shawano Water Control
31 District." The words "land," "lands," and "property" shall,

1 unless some other meaning be clearly intended, be held to
2 include easements and every other interest in real estate, and
3 shall include public highways and rights-of-way of railroad,
4 electric, telegraph, telephone, gas, water, and other
5 corporations; the words "public roads" and "public highways"
6 shall not be held to include rights-of-way of railroads and
7 other public service corporations; the words "tax" or "taxes,"
8 as applied to the revenues authorized by this act, and the
9 word "levy" or similar words in relation to such revenues,
10 shall not be deemed a denial that the so-called taxes are in
11 fact special assessments; the words "lands belonging to the
12 state" or similar phrase shall include all lands belonging to
13 or under the jurisdiction of the Internal Improvement Board,
14 but not any school lands; the word "person" shall be taken,
15 unless otherwise clearly intended, to mean persons, firm,
16 copartnership, association, or private or public corporation;
17 and the word "engineer" shall mean the District Engineer, or a
18 deputy or assistant thereof, unless otherwise expressed, and
19 shall not include a consulting engineer, who is not vested
20 under this act with the authority given the District Engineer
21 except expressly so stated herein. The provisions of this act
22 as to votes of landowners by acreage shall apply to easements
23 for railroad and other rights-of-way, but not to the land upon
24 which such easements exist, and the vote of the owners of such
25 easements shall be in accordance with the acreage of the lands
26 upon which the easements exist. Political subdivisions owning
27 or controlling public highways in the District shall not have
28 the right to vote at such landowners' meetings, nor shall the
29 land upon which such public highway is built be entitled to
30 vote at such meetings. The word "court" or the words "circuit
31 court" shall mean the Circuit Court of Palm Beach County, or

1 any court which, under the laws of Florida, could exercise
2 jurisdiction of the matter, unless some other court be clearly
3 intended; the word "county" shall mean Palm Beach County.
4 "Deputy" as used in this act shall include Assistant, and
5 "Assistant" shall include deputy. The term "President of said
6 District" shall mean and include the President of the Board of
7 Supervisors.

8 Section 35. Surveys; monuments; penalty for
9 destroying, etc.--The Board of Supervisors of Shawano Water
10 Control District may authorize and direct the District
11 Engineer to make such survey or surveys of the lands within
12 said District as may be necessary or convenient for the
13 execution of the Water Control Plan or any amended Water
14 Control Plan or any part thereof. In making such survey or
15 surveys, the District Engineer may establish such monuments as
16 may be necessary or convenient to provide definite reference
17 points from which may be located any points, lines, lots, or
18 units of said District. Such monuments shall be suitably
19 marked or inscribed with the letters S.W.C.D. or B. D. D.
20 (meaning Brown Drainage District or Shawano Water Control
21 District). Any person or persons moving, molesting, or
22 destroying any such monument, or destroying, injuring, or
23 defacing the marks or inscription thereon, shall be guilty of
24 a misdemeanor and shall be punished as provided by law.

25 Section 36. Obstruction of works; damage;
26 penalty.--Whoever shall willfully damage any ditch, canal,
27 drain, levee, reservoir, roadway, bridge, culvert, or other
28 works established or constructed under this act, or that may
29 have been heretofore constructed within the territory embraced
30 in said District, or shall fill or obstruct the flow of water
31 in any canal, ditch, drain, or waterway, or shall remove any

1 earth, stone, or material from the banks of any canal, drain,
2 or ditch without first having obtained permission in writing
3 from said Board to fill or obstruct such flow of water or to
4 remove such material shall be deemed in violation of section
5 298.66, Florida Statutes, and upon conviction shall be
6 punished in the manner provided by law.

7 Section 37. Changing boundaries of District.--Land may
8 be added to the District by resolution of the Board of
9 Supervisors upon written consent of the owner or owners of
10 such land. Land may be detached from the District by
11 resolution of the Board of Supervisors if such Board finds
12 that such land cannot economically be benefited by the Water
13 Control Plan or Plans for the District or its units and if no
14 indebtedness has been incurred which would be payable from
15 taxes or assessments levied or to be levied against the lands
16 to be detached.

17 Section 38. Validation of contracts.--All contracts
18 made by the District or its Board of Supervisors since June
19 16, 1947, for drainage and reclamation work in said District
20 and for the purchase of equipment, supplies, and materials,
21 and all other contracts and official acts of said Board, its
22 officers, and agents, are hereby validated, ratified, and
23 confirmed.

24 Section 39. Validation of final decree.--The final
25 decree entered August 13, 1947, in Chancery cause no. 23736,
26 in the Circuit Court of Palm Beach County, Florida, validating
27 bonds issued by said District is hereby validated, ratified,
28 and confirmed.

29 Section 40. Validation of assessments, taxes, bonds,
30 and other obligations.--The annual taxes levied by said
31 District for the years 1947 and 1948 and the tax rolls for

1 said years are hereby validated, ratified, and confirmed. All
2 bonds, notes, or other obligations heretofore issued, or
3 authorized to be issued by said District payable from taxes or
4 assessments levied upon lands within the District or within
5 any unit, be and they hereby are in all respects confirmed and
6 validated as the valid and legally binding obligations of said
7 District.

8 Section 4. Liberal construction.--It is intended that
9 the provisions of this act shall be liberally construed for
10 accomplishing the work authorized and provided for or intended
11 to be provided for by this act, and where strict construction
12 would permit or assist in the accomplishment of any part of
13 the work authorized by this act, the liberal construction
14 shall be chosen.

15 Section 5. Ratification of prior acts.--All acts and
16 proceedings of the circuit court taken by, for, and on behalf
17 of the District since the creation thereof, and all of the
18 acts and proceedings of the Board of Supervisors, and all
19 other officers and agents of the District, and of the county,
20 acting for and on behalf of the District, and any and all tax
21 levies and assessments which have been made by the Board of
22 Supervisors for and on behalf of the District, are each and
23 every one of them, and each and every part thereof, hereby
24 ratified.

25 Section 6. Invalidity.--If any section, subsection,
26 sentence, clause, or phrase of this act is held to be
27 unconstitutional, such holding shall not affect the validity
28 of the remaining portions of the act, the Legislature hereby
29 declaring that it would have passed this act and each section,
30 subsection, sentence, clause, and phrase thereof, irrespective
31 of any other separate section, subsection, sentence, clause,

1 or phrase thereof, and irrespective of the fact that any one
2 or more other sections, subsections, sentences, clauses, or
3 phrases thereof may be declared unconstitutional.

4 Section 7. Chapters 11864 (1927), 13579 (1929), 24254
5 (1947), 25328 (1949), 28406 (1953), 57-448, 59-636, and
6 63-863, Laws of Florida, are hereby repealed.

7 Section 8. This act shall take effect upon becoming a
8 law.

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APPENDIX K: EXCERPT FROM SHEPARD'S CITATIONS

Repealing Chapter Laws

Example of Special Acts Index excerpt for a charter:

Charter
 Abolished; referendum, 69-929
 Adoption, 1913, 6673; 1923, 9698; 1937,
 18447; 69-929
 Amendment, 1929, 14589; 1931, 15117;
 1955, 30647; 59-1166; 59-1167;
 66-1352; 69-929

Example of section from chapter 69-929, Laws of Florida, repealing all prior special acts without expressly repealing all of the special acts:

Section 17-2. Laws repealed.

Chapter 18447, Acts of 1937 and all expressed or implied amendments thereto shall be deemed repealed as of the effective date of this charter.

Shepard's Citations excerpt which shows the special act expressly repealed by chapter 69-929, Laws of Florida, as repealed:

Ch. 18447	Chapter 18447, Acts of 1937
Rs 1969C929	
§§ 1 to 5	
Rs 1969C929	
§ 6	
Rs 1969C929	
Subsec. a	
1955C30647	
Subsec. j	
1955C30647	
§ 7	
Rs 1969C929	

Shepard's Citations excerpts which show that special acts not expressly repealed by chapter 69-929, Laws of Florida, are still valid. Below are two excerpts in which repealed special acts should be listed as repealed. However, the special acts are not listed, and it appears that there has been no alteration or repeal of the special acts.

Chapter 30647, Laws of Florida, 1955.	<table border="0"> <tr> <td style="border: 1px solid black; padding: 2px; text-align: center;">Ch. 30639</td> <td style="padding-left: 5px;">397So2d458</td> </tr> <tr> <td style="padding-left: 20px;">§ 2</td> <td>A 1957C1201</td> </tr> <tr> <td style="padding-left: 20px;">§ 6</td> <td>A 1967C1184</td> </tr> <tr> <td style="padding-left: 20px;">§ 8</td> <td>A 1957C1201</td> </tr> <tr> <td style="border: 1px solid black; padding: 2px; text-align: center;">Ch. 30650</td> <td style="padding-left: 5px;">A 1963C1365 127So2d707</td> </tr> <tr> <td style="padding-left: 20px;">§ 2</td> <td>A 1959C1317 A 1963C1365</td> </tr> </table>	Ch. 30639	397So2d458	§ 2	A 1957C1201	§ 6	A 1967C1184	§ 8	A 1957C1201	Ch. 30650	A 1963C1365 127So2d707	§ 2	A 1959C1317 A 1963C1365	<table border="0"> <tr> <td style="border: 1px solid black; padding: 2px; text-align: center;">Ch. 1158</td> <td style="padding-left: 5px;">34FIS118</td> </tr> <tr> <td style="border: 1px solid black; padding: 2px; text-align: center;">Ch. 1162</td> <td style="padding-left: 5px;">Rs 1971C582</td> </tr> <tr> <td style="padding-left: 20px;">§§ 1 to 4</td> <td>Rs 1971C582</td> </tr> <tr> <td style="border: 1px solid black; padding: 2px; text-align: center;">Ch. 1177</td> <td style="padding-left: 5px;">§ 1 A 1973C431 A 1976C346 A 1977C528 A 1979C440 A 1980C476 A 1981C360</td> </tr> </table>	Ch. 1158	34FIS118	Ch. 1162	Rs 1971C582	§§ 1 to 4	Rs 1971C582	Ch. 1177	§ 1 A 1973C431 A 1976C346 A 1977C528 A 1979C440 A 1980C476 A 1981C360	Chapter 59-1166 & Chapter 59-1167, Laws of Florida
Ch. 30639	397So2d458																						
§ 2	A 1957C1201																						
§ 6	A 1967C1184																						
§ 8	A 1957C1201																						
Ch. 30650	A 1963C1365 127So2d707																						
§ 2	A 1959C1317 A 1963C1365																						
Ch. 1158	34FIS118																						
Ch. 1162	Rs 1971C582																						
§§ 1 to 4	Rs 1971C582																						
Ch. 1177	§ 1 A 1973C431 A 1976C346 A 1977C528 A 1979C440 A 1980C476 A 1981C360																						

**APPENDIX L: EXCERPT FROM LOCAL BILL ANALYSIS
REGARDING DOCUMENTATION**

Excerpt from Local Bill Analysis regarding documentation

NOTICE/REFERENDUM AND OTHER REQUIREMENTS:

- a. NOTICE PUBLISHED? Yes No
IF YES, WHEN?
WHERE?
- a. REFERENDUM(S) REQUIRED? Yes No
IF YES, WHEN?
- a. LOCAL BILL CERTIFICATION FILED? Yes, attached No
- a. ECONOMIC IMPACT STATEMENT FILED? Yes, attached No

This section must be completed before an analysis can be published.

APPENDIX M: FIRE DISTRICT INFORMATION SHEET

BASIC QUESTIONS FOR FIRE DISTRICT BILLS

Area size of district: _____

Population of area served: _____

No. of salaried employees: _____

No. of volunteers: _____

No. of equipment: _____

No. of calls in 1994: _____

Avge. response time: _____

I.S.O. rating: _____

Current millage: _____

If increase in revenues, why is it needed? I.e., purchase of additional equipment, hiring additional personnel, building new facilities, etc.

Look for dramatic increases in number of calls or population served, etc.

If annexing additional property:

Size of area to be added: _____ # of people affected: _____

Plan to add new station or personnel? _____

Who was providing service before? _____

Why is their district going to provide the service? _____

Who wants it? _____ Anyone opposed? _____

Person contacted and title: _____

Phone: _____

DISTRICT: _____

**APPENDIX N: EXAMPLE OF FIRE CONTROL DISTRICT
CODIFICATION LANGUAGE**

1
2 An act relating to Cedar Hammock Fire Control
3 District; providing for codification of special
4 laws relating to Cedar Hammock Fire Control
5 District pursuant to s. 191.015, F.S. ;
6 providing legislative intent; amending,
7 codifying, and reenacting all prior special
8 acts; providing for incorporation as a special
9 fire control district; providing a district
10 boundary; providing for a governing board of
11 said district; providing for non-ad valorem
12 assessments and impact fees; providing a
13 schedule of non-ad valorem assessments;
14 providing for district powers, functions and
15 duties; amending chapter 93-352, Laws of
16 Florida, as amended by chapter 94-373, Laws of
17 Florida, deleting a reference to the district;
18 providing for construction and effect;
19 providing for repeal of chapters 57-1546,
20 59-1537, 59-1538, 61-2453, 65-1897, 71-759,
21 72-613, 72-614, 75-429, 79-507, 81-433, 82-326,
22 84-478, 85-450, 88-486, 89-483, and 90-454,
23 Laws of Florida; providing an effective date.

24
25
26 Be It Enacted by the Legislature of the State of Florida:

27
28 Section 1. Intent.--Pursuant to section 191.015,
29 Florida Statutes, this act constitutes the codification of all
30 special acts relating to Cedar Hammock Fire Control District.
31 It is the intent of the Legislature to provide a single,

1 comprehensive special act charter for the district including
2 all current legislative authority granted to the district by
3 its several legislative enactments and any additional
4 authority granted by this act and chapters 189 and 191,
5 Florida Statutes, as they may be amended from time to time.
6 It is further the intent of this act to preserve all district
7 authority.

8 Section 2. Codification.--Chapters 57-1546, 59-1537,
9 59-1538, 61-2453, 65-1897, 71-759, 72-613, 72-614, 75-429,
10 79-507, 81-433, 82-326, 84-478, 85-450, 88-486, 89-483, and
11 90-454, Laws of Florida, are codified, reenacted, amended and
12 repealed as herein provided.

13 Section 3. The Cedar Hammock Fire Control District is
14 re-created and the charter is re-created and reenacted to
15 read:

16 Section 1. Incorporation.--All of the unincorporated
17 lands in Manatee County, as described in this act, shall be
18 incorporated into an independent special fire control
19 district. Said special fire control district shall be a
20 public municipal corporation under the name of Cedar Hammock
21 Fire Control District. The district is organized and exists
22 for all purposes set forth in this act and chapters 189 and
23 191, Florida Statutes. The district was created by special act
24 in 1957 and its charter may be amended only by special act of
25 the Legislature.

26 Section 2. Jurisdiction.--The lands to be incorporated
27 within the Cedar Hammock Fire Control District are located in
28 Manatee County, Florida, and are described as follows:

29
30 Begin at SE corner of Section 35, Township 34,
31 Range 17 East, thence South to the SE corner of

1 the center line of Bowlees Creek, that point
2 being located in Section 23, Township 34, Range
3 17 East; thence Westerly along the center line
4 of said Bowlees Creek to the waters of Sarasota
5 Bay;
6
7 Less and excepting all the lands within Trailer
8 Estates Subdivisions, as shown in Plat Book 8,
9 Pages 138, 139, 140, and 141, and in Plat Book
10 9, Page 61, of the Public Records of Manatee
11 County, Florida.
12
13 Thence meander the shore line of Sarasota Bay
14 in a Westerly and Northwesterly direction to
15 point where said shore line intersects the West
16 line of Section 7, Township 35, Range 17 East,
17 thence North along said section line to
18 intersection of said section line with Cortez
19 Road (State Road 684), thence continue North to
20 the waters of Palma Sola Bay, meander the shore
21 of Palma Sola Bay in an easterly,
22 Northeasterly, Northwesterly, and Northerly
23 direction to point where shore line intersects
24 the South line of Section 31, Township 34,
25 Range 17 East, thence East along South line of
26 Section 31, 32, 33, 34, 35, Township 34, Range
27 17 East to Point of Beginning, less those lands
28 annexed by the City of Bradenton after the
29 adoption of Chapter 57-1546, Laws of Florida.
30
31

1 Together with Block B, Trailer Estates recorded
2 in Plat Book 8, Page 141 of the Public Records
3 of Manatee County, Florida.
4 Section 3. Governing board.--
5 (1) In accordance with chapter 191, Florida Statutes,
6 the business and affairs of the district shall be conducted
7 and administered by a five-member board of fire commissioners
8 elected pursuant to chapter 191, Florida Statutes, by the
9 electors of the district in a nonpartisan election held at the
10 time and in the manner prescribed for holding general
11 elections in section 189.405(2)(a), Florida Statutes. Each
12 member of the board shall be elected for a term of 4 years and
13 shall serve until his or her successor assumes office.
14 (2) The office of each board member is designated as a
15 seat on the board, distinguished from each of the other seats
16 by a numeral: 1, 2, 3, 4, or 5. Each candidate must
17 designate, at the time he or she qualifies, the seat on the
18 board for which he or she is qualifying. The name of each
19 candidate who qualifies shall be included on the ballot in a
20 way that clearly indicates the seat for which he or she is a
21 candidate. The candidate for each seat who receives the most
22 votes shall be elected to the board.
23 (3) In accordance with chapter 191, Florida Statutes,
24 each member of the board must be a qualified elector at the
25 time he or she qualifies and continually throughout his or her
26 term.
27 (4) Each elected member shall assume office 10 days
28 following the member's election. Annually, within 60 days
29 after the newly elected members have taken office, the board
30 shall organize by electing from its members a chair, a vice
31

1 chair, a secretary, and a treasurer. The positions of
2 secretary and treasurer may be held by one member.

3 (5) Members of the board may each be paid a salary or
4 honorarium to be determined by at least a majority plus one
5 vote of the board, pursuant to chapter 191, Florida Statutes.

6 (6) If a vacancy occurs on the board due to the
7 resignation, death, or removal of a board member or the
8 failure of anyone to qualify for a board seat, the remaining
9 members may appoint a qualified person to fill the seat until
10 the next general election, at which time an election shall be
11 held to fill the vacancy for the remaining term, if any.

12 (7) The procedures for conducting district elections
13 or referenda and for qualification of electors shall be
14 pursuant to chapters 189 and 191, Florida Statutes.

15 (8) The board shall have those administrative duties
16 set forth in this act and chapters 189 and 191, Florida
17 Statutes, as they may be amended from time to time.

18 Section 4. Authority to levy non-ad valorem
19 assessments.--Said district shall have the right, power, and
20 authority to levy non-ad valorem assessments as defined in
21 section 197.3632, Florida Statutes, against the taxable real
22 estate lying within its territorial bounds in order to provide
23 funds for the purpose of the district. The rate of such
24 assessments shall be fixed annually by a resolution of the
25 board of commissioners after the conduct of a public hearing.
26 Such non-ad valorem assessments may be imposed, collected, and
27 enforced pursuant to the provisions of sections
28 197.363-197.3635, Florida Statutes.

29 Section 5. Schedule of non-ad valorem
30 assessments.--The assessment procedures and amounts, as set
31 forth herein, represent the manner to be followed and the

1 maximum allowable rates that may be charged by the district.
2 For assessment purposes, all property within the district
3 shall be divided into three general classifications: vacant
4 parcels, residential parcels, and commercial/industrial
5 parcels.

6 (1) Vacant parcels shall include all parcels that are
7 essentially undeveloped and are usually classified by the
8 property appraiser as use code types 0000, 1000, 4000, 9900,
9 and 5000 through 6900. The maximum annual assessment for
10 these parcels shall be:

11 (a) Vacant platted lot (use code 0000), \$6 per lot.

12 (b) Unsubdivided acreage (use codes 5000 through 6900
13 and 9900), \$6 per acre or fraction thereof, except that not
14 more than \$2,000 shall be assessed against any one parcel.

15 (c) Vacant commercial and industrial (use codes 1000
16 and 4000) shall be assessed as a platted lot or unsubdivided
17 acreage, as applicable.

18

19 Whenever a residential unit is located on a parcel defined
20 herein as vacant, the residential plot shall be considered as
21 one lot or one acre, with the balance of the parcel being
22 assessed as vacant land in accordance with the schedule
23 herein. Whenever an agricultural or commercial building or
24 structure is located on a parcel defined herein as vacant, the
25 building or structure shall be assessed in accordance with the
26 schedule of commercial/industrial assessments.

27 (2) Residential parcels shall include all parcels that
28 are developed for residential purposes and are usually
29 classified by the property appraiser as use code types 0100
30 through 0800 and 2800. All residential parcels shall be
31 assessed by the number and size of dwelling units per parcel.

1 Surcharges may be assigned by the district for dwelling units
2 located on the third or higher floors. The maximum annual
3 assessment for these parcels shall be:

4 (a) Single family residential (use code 0100) shall be
5 assessed on a square footage basis for all dwelling units in
6 accordance with the following. The base assessment for all
7 dwellings shall be \$85 for the first 1,000 square feet in the
8 dwelling unit. All square footage above 1,000 square feet
9 shall be charged at a rate of \$0.00 per square foot.

10 (b) Condominia residential (use code 0400) shall be
11 assessed as follows:

12 (i) Units located on the first, second, and third
13 floors, \$85 per dwelling unit;

14 (ii) Units located on the fourth and fifth floors,
15 \$109 per dwelling unit;

16 (iii) Units located on a floor above a fifth floor,
17 \$117 per dwelling unit.

18 (c) Mobile homes (use code 0200) shall be assessed \$85
19 per dwelling unit.

20 (d) Multifamily residential (use codes 0300 and 0800),
21 cooperatives (use code 0500), retirement homes (use code
22 0600), and miscellaneous residential uses (use code 0700)
23 shall be assessed as follows:

24 (i) Units located on the first, second, and third
25 floors, \$85 per dwelling unit;

26 (ii) Units located on the fourth and fifth floors,
27 \$109 per dwelling unit;

28 (iii) Units located on a floor above a fifth floor,
29 \$117 per dwelling unit.

30 (e) Any other residential unit, including, but not
31 limited to, the residential portions of mixed uses (use code

1 1200) and mobile home or travel trailer parks (use code 2800),
 2 shall be assessed \$85 per dwelling unit or available rental
 3 space, as applicable.

4 (3) Commercial/industrial parcels shall include all
 5 other developed parcels that are not included in the
 6 residential category as defined above. All
 7 commercial/industrial parcels shall be assessed on a square
 8 footage basis for all buildings and structures in accordance
 9 with the following schedule and hazard classification. The
 10 district may or may not vary the assessment by hazard
 11 classifications as set forth herein. The base assessment for
 12 all buildings and structures shall be \$150 for the first 1,000
 13 square feet on a parcel. The schedule for all square footage
 14 above 1,000 square feet is as follows. The district may grant
 15 an improved hazard rating to all or part of the buildings and
 16 structures if they are equipped with complete internal fire
 17 suppression facilities.

<u>Category</u>	<u>Use Codes</u>	<u>Square Foot Assessment</u>
Mercantile (M)	<u>1100,1200,1300,</u> <u>1400,1500,1600,</u> <u>and 2900</u>	<u>\$0.050 per sq. ft.</u>
Business (B)	<u>1700,1800,1900,</u> <u>2200,2300,2400,</u> <u>2500,2600,3000,</u> <u>and 3600</u>	<u>\$0.078 per sq. ft.</u>
Assembly (A)	<u>2100,3100,3200,</u> <u>3300,3400,3500,</u> <u>3700,3800,3900,</u> <u>7200,7600,7700,</u> <u>and 7900</u>	<u>\$0.061 per sq. ft.</u>

1	<u>Factory/</u>	<u>4100,4400,4500,</u>	<u>\$0.023 per sq. ft.</u>
2	<u>Industrial (F)</u>	<u>4600,4700, and</u>	
3		<u>9100</u>	
4	<u>Storage (S)</u>	<u>2000,2700,2800,</u>	<u>\$0.076 per sq. ft.</u>
5		<u>and 4900</u>	
6	<u>Hazardous (H)</u>	<u>4200,4300, and</u>	<u>\$0.102 per sq. ft.</u>
7		<u>4800</u>	
8	<u>Institutional</u>	<u>7000,7300,7400,</u>	<u>\$0.030 per sq. ft.</u>
9	<u>(I)</u>	<u>7500, and 7800</u>	
10			
11	<u>Whenever a parcel is used for multiple hazard classifications,</u>		
12	<u>the district may vary the assessment in accordance with actual</u>		
13	<u>categories. The board of commissioners shall have the</u>		
14	<u>authority to further define these use code numbers subject to</u>		
15	<u>information received from the property appraiser's office.</u>		
16	<u>Section 6. Impact fees.--</u>		
17	<u>(1) (a) It is hereby found and determined that the</u>		
18	<u>district is located in one of the fastest growing areas of</u>		
19	<u>Manatee County which is itself experiencing one of the highest</u>		
20	<u>growth rates in the nation. New construction and resulting</u>		
21	<u>population growth have placed a strain upon the capabilities</u>		
22	<u>of the district to continue providing the high level of</u>		
23	<u>professional fire protection and emergency service for which</u>		
24	<u>the residents of the district pay and which they deserve.</u>		
25	<u>(b) It is hereby declared that the cost of new</u>		
26	<u>facilities upon fire protection and emergency service should</u>		
27	<u>be borne by new users of the district's services to the extent</u>		
28	<u>new construction requires new facilities, but only to that</u>		
29	<u>extent. It is the legislative intent of this section to</u>		
30	<u>transfer to the new users of the district's fire protection</u>		
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1 and emergency services a fair share of the costs that new
2 users impose on the district for new facilities.

3 (c) It is hereby declared that the amounts of the
4 impact fees provided for in this section are just, reasonable,
5 and equitable.

6 (2) No person shall issue or obtain a building permit
7 for new residential dwelling units or new commercial or
8 industrial structures within the district, or issue or obtain
9 construction plan approval for new recreational or travel
10 trailer park developments located within the district, until
11 the developer thereof shall have paid the applicable impact
12 fee to the district as follows: each new residential dwelling
13 unit, \$100 per unit; new commercial or industrial structures,
14 \$200 for the first 5,000 square feet of gross floor area and
15 \$0.05 per square foot thereafter; new recreational or travel
16 trailer park developments, \$25 per lot or permitted space.

17 (3) The impact fees collected by the district pursuant
18 to this section shall be kept as a separate fund from other
19 revenues of the district and shall be used exclusively for the
20 acquisition, purchase, or construction of new facilities or
21 portions thereof required to provide fire protection and
22 emergency service to new construction. "New facilities" means
23 land, buildings, and capital equipment, including, but not
24 limited to, fire and emergency vehicles and radiotelemetry
25 equipment. The fees shall not be used for the acquisition,
26 purchase, or construction of facilities which must be obtained
27 in any event, regardless of growth within the district. The
28 board of fire commissioners shall maintain adequate records to
29 ensure that impact fees are expended only for permissible new
30 facilities.

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1 Section 7. Other district powers, functions, and
2 duties.--In addition to any powers set forth in this act, the
3 district shall hold all powers, functions, and duties set
4 forth in chapters 189, 191, and 197, Florida Statutes, as they
5 may be amended from time to time, including, but not limited
6 to, ad valorem taxation, bond issuance, other revenue-raising
7 capabilities, budget preparation and approval, liens and
8 foreclosure of liens, use of tax deeds and tax certificates as
9 appropriate for non-ad valorem assessments, and contractual
10 agreements. The district may be financed by any method
11 established in this act, chapter 189, Florida Statutes, or
12 chapter 191, Florida Statutes, or any other applicable general
13 or special law, as they may be amended from time to time.

14 Section 8. Planning.--The district's planning
15 requirements shall be as set forth in this act, chapters 189
16 and 191, Florida Statutes, and other applicable general or
17 special laws, as they may be amended from time to time.

18 Section 9. Boundaries.--The district's geographic
19 boundary limitations shall be as set forth in this act.

20 Section 10. Officers and employees.--Requirements for
21 financial disclosure, meeting notices, public records
22 maintenance, and per diem expenses for officers and employees
23 shall be as set forth in chapters 112, 119, 189, 191, and 286,
24 Florida Statutes, as they may be amended from time to time.

25 Section 11. Bonds.--The procedures and requirements
26 governing the issuance of bonds, notes, and other evidence of
27 indebtedness by the district shall be as set forth in this
28 act, chapter 191, Florida Statutes, and any other applicable
29 general or special laws, as they may be amended from time to
30 time.

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1 Section 4. Construction.--This act shall be construed
2 as remedial and shall be liberally construed to promote the
3 purpose for which it is intended.

4 Section 5. Effect.--In the event that any part of this
5 act should be held void for any reason, such holding shall not
6 affect any other part thereof.

7 Section 6. Repeal of prior special acts.--Chapters
8 57-1546, 59-1537, 59-1538, 61-2453, 65-1897, 71-759, 72-613,
9 72-614, 75-429, 79-507, 81-433, 82-326, 84-478, 85-450,
10 88-486, 89-483, and 90-454, Laws of Florida, are repealed.

11 Section 7. Paragraph (a) of subsection (1) of section
12 1 of chapter 93-352, Laws of Florida, as amended by chapter
13 94-373, Laws of Florida, is amended to read:

14 Section 1. Manatee County district boards of fire
15 commissioners; membership.

16 (1) (a) The business affairs of the ~~Cedar Hammock Fire~~
17 ~~Control District~~, Parrish Fire Control District, Southern
18 Manatee Fire and Rescue District, Trailer Estates Fire Control
19 District, Westside Fire Control District, and Whitfield Fire
20 Control District in Manatee County shall each be conducted and
21 administered by a five-member board of fire commissioners that
22 is elected by the electors of the respective district in a
23 nonpartisan election held at the time and in the manner
24 prescribed for holding general elections in section
25 189.405(2) (a), Florida Statutes. Each member of a district
26 board shall be elected for a term of 4 years and shall serve
27 until his successor is chosen and qualified, except that
28 members elected to seats 2 and 4 in the first election held
29 after the effective date of this act shall be elected for a
30 term of 2 years.

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Section 8. This act shall take effect upon becoming a law.