

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: HB 4191 Palm Beach County

SPONSOR(S): Hager

TIED BILLS: IDEN./SIM. BILLS:

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Community & Military Affairs Subcommittee	12 Y, 0 N	Nelson	Hoagland
2) Economic Affairs Committee			

SUMMARY ANALYSIS

HB 4191 amends a special act relating to the South Lake Worth Inlet District to delete provisions establishing a committee to advise the Palm Beach County Board of County Commissioners on improvements, operations, maintenance and enhancement of the inlet and adjacent property, and to assist in the development, coordination and public review of the Inlet Management Plan.

This bill was requested by the Palm Beach County Board of County Commissioners. During a 2010 workshop, existing boards and commissions reporting to the county were reviewed to evaluate their effectiveness and need for continuation. It was determined that the advisory committee for the South Lake Worth Inlet was no longer needed as the dredging of the inlet and subsequent changes to adjacent property that included the development of a county park had been completed.

The bill has an effective date of upon becoming a law.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

The South Lake Worth Inlet District was created in Palm Beach County by ch. 7080, L.O.F. (1915), to construct and maintain an inlet to connect the waters of Lake Worth with the Atlantic Ocean. In 1996, the Legislature abolished the district after finding that its primary purpose was accomplished, and that maintenance of the inlet no longer required the existence of a special taxing district. The Legislature determined that maintenance of the inlet by Palm Beach County would be more efficient and economical for the citizens within the existing special taxing district and for the county's citizens as a whole, and that benefits of the inlet extended beyond the boundaries of the district. Therefore, the Legislature directed Palm Beach County to assume control and maintenance of the inlet.

The title, rights and ownership of all property, both real and personal, uncollected taxes, dues, claims, judgments, decrees, actions, funds, and all property and property rights held or owned by the South Lake Worth Inlet District was vested in Palm Beach County. The district's debts, obligations, contracts and bonds passed to and were binding upon Palm Beach County. Palm Beach County was authorized to utilize its taxing powers, police powers, and any other powers granted to it under Florida law to effectuate the orderly transfer of authority over the inlet from the district to the county, and to assume any duties or activities related to the inlet. The purposes of the inlet and adjacent property were described as to facilitate navigation, including shipping and transportation, to expand opportunities for commerce in the State of Florida, to achieve clarification of the waters of Lake Worth, and to provide for public recreation facilities including 24-hour public access and 24-hour public safety.

Palm Beach County was required to use all liquid assets of the district for the sole purpose of operating, maintaining and improving the inlet and adjacent property until the end of the 1996-1997 fiscal year. Thereafter, the liquid assets could be utilized for capital purposes only, pursuant to the establishment by the county of a capital improvement fund.

The county was further required to establish by resolution an advisory committee consisting of representatives appointed by the Board of County Commissioners and confirmed by the Palm Beach County Legislative Delegation from the following:

- (a) a person nominated by the Town of Manalapan;
- (b) a person nominated by the Town of Ocean Ridge;
- (c) a person in a boating-related industry nominated by the Marine Industries Association or a similar successor organization;
- (d) a representative from an environmental organization;
- (e) a person with expertise in coastal-related matters;
- (f) a person with experience in parks and recreation administration; and
- (g) a member of the general public.

The purpose of the advisory committee was to advise the Board of County Commissioners on improvements, operations, maintenance and enhancement of the inlet and adjacent property. The advisory committee also was charged with the development, coordination and public review of the Inlet Management Plan. The county was required to provide staffing and meeting facilities to the committee.

Effect of Proposed Changes

HB 4191 amends ch. 96-466, L.O.F., to delete provisions relating to the establishment of a committee to advise the Palm Beach County Board of County Commissioners on improvements, operations, maintenance and enhancement of the South Lake Worth Inlet and adjacent property and to assist in the development, coordination and public review of the Inlet Management Plan.

This bill was requested by the Palm Beach County Board of County Commissioners. During a 2010 workshop, existing boards and commissions reporting to the county were reviewed to evaluate their effectiveness and need for continuation. It was determined that the advisory committee for the South Lake Worth Inlet was no longer needed as the dredging of the inlet and subsequent changes to adjacent property that included the development of a county park had been completed.

The bill has an effective date of upon becoming a law.

B. SECTION DIRECTORY:

Section 1: Deletes Section 7 and rennumbers Sections 8 through 11 of ch. 96-466, L.O.F.

Section 2: Provides an effective date of upon becoming law.

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes ☒ No ☐

IF YES, WHEN? January 30, 2011.

WHERE? *The Palm Beach Post*, a daily newspaper of general circulation published in Palm Beach County.

B. REFERENDUM(S) REQUIRED? Yes ☐ No ☒

IF YES, WHEN?

C. LOCAL BILL CERTIFICATION FILED? Yes, attached ☒ No ☐

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached ☒ No ☐

County staff estimates that 132 hours a year are devoted to staffing the advisory committee at a cost of nearly \$7,000.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES