

House Bill No. 1789

An act relating to Flagler Estates Road and Water Control District, St. Johns and Flagler Counties, an independent special district; requiring the Flagler Estates Road and Water Control District to obtain an independent feasibility study to determine the effectiveness of the District in providing services, including addressing the feasibility of an interlocal agreement and cost-effectiveness of and alternatives to the provision of services by the District; providing requirements if the District and Flagler and St. Johns Counties are unable to reach agreement by a time certain; providing an effective date.

WHEREAS, the Flagler Estates Road and Water Control District is composed of nearly 6,500 individual lots in St. Johns and Flagler Counties, and

WHEREAS, it is not reasonably feasible for the owners of property within the Flagler County portion of the District to build on their property, and

WHEREAS, many owners of property within the Flagler County portion of the District are concerned that they may never be able to use their property, and

WHEREAS, these owners are charged the same assessment for services by the Flagler Estates Road and Water Control District, even though they cannot feasibly build on their property, and

WHEREAS, the 1999-2000 Flagler Estates Road and Water Control District budget shows that Flagler County landowners contribute \$116,000 of the District's \$630,900 tax revenue, and

WHEREAS, the Legislature has concluded that there should be a greater cooperative effort between the Flagler Estates Road and Water Control District and Flagler County which would lead to development in the Flagler County portions of the District, and

WHEREAS, the Legislature has resolved that owners of property within the Flagler County portion of the District should pay a smaller portion of the overall District budget until such time that those landowners may utilize their property for individual residential development, NOW, THEREFORE,

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

Section 1. Flagler Estates Road and Water Control District Feasibility Study.—

(1) The Flagler Estates Road and Water Control District shall obtain an independent feasibility study to determine the current effectiveness of the District in providing services to its landowners. The study shall address, but not be limited to:

(a) The feasibility of an interlocal agreement between the District, St. Johns County, and Flagler County for the purpose of providing services and

facilitating development in the sections of the District located in Flagler County.

(b) The cost-effectiveness of the current services provided by the District.

(c) Alternatives to the District for providing services.

(2) The feasibility study shall be completed and submitted to the Chairs of the Flagler and St. Johns Legislative Delegations by January 1, 2001.

Section 2. The Flagler Estates Road and Water Control District must reduce the assessment rate for Flagler County landowners by 20 percent, beginning with the 2000-2001 tax year. The burden of the attendant revenue loss may not be imposed upon the landowners in the St. Johns County portion of the District without justification in the feasibility study required by section 1 of this act, as well as consideration by the District's Board of Supervisors at two public hearings held in conjunction with regularly noticed board meetings.

Section 3. The Flagler Estates Road and Water Control District shall enter into discussions with Flagler County and St. Johns County, with the goal of taking action that would lead to the facilitation of development by owners of property within the Flagler County portion of the District.

Section 4. In the event that the District and Flagler County are unable to reach an agreement, the assessment to Flagler County landowners shall be reduced an additional 20 percent for the 2001-2002 tax year and shall continue to be reduced by 20 percent in each subsequent tax year until January 1, 2004, when the assessment for Flagler County landowners shall be reduced to zero. The burden of the attendant revenue loss in subsequent tax years may not be imposed upon the landowners in the St. Johns County portion of the District without public hearings as required in section 2 of this act.

Section 5. Should no agreement be reached and the level of assessment on properties located within the District and in Flagler County reach zero, the Flagler County portion of the District shall be dissolved from the District and Flagler County shall assume title to all real property of the District that is located within Flagler County. Moreover, Flagler County shall assume all debts owed by the District with respect to the properties or interests so transferred.

Section 6. This act shall take effect upon becoming a law.

Approved by the Governor June 7, 2000.

Filed in Office Secretary of State June 7, 2000.