Special Improvement District, recreational facilities

Number: INFORMAL

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Mr. Terry E. Lewis
Lewis, Longman & Walker, P.A.
1700 Palm Beach Lakes Boulevard
Suite 1000
West Palm Beach, Florida 33401

Dear Mr. Lewis:

Thank you for providing this office with an opportunity to review the analysis in Attorney General Opinion 2009-13 which was issued to the Spring Lake Improvement District last month. While we appreciate you contacting us with additional information, after review of the material you have forwarded, this office continues to support the analysis and conclusions contained in the opinion.

As you have pointed out in your letter, the Spring Lake Improvement District has been authorized to exercise a broad range of powers.[1] However, the district is a special purpose district with limited powers and duties related to the adoption of a water control plan and its implementation. The Spring Lake Improvement District's powers are limited to those determined to be essential to accomplishing the purposes of the district.[2]

As this office suggested in an Informal Attorney General Opinion to the Sun n' Lake Improvement District in 2001, as a statutorily created entity, the district may only exercise such powers as have been expressly granted by statute or ordinance or must necessarily be exercised in order to carry out an express power. Unlike counties and municipalities, which have been granted home rule powers, water control districts possess no inherent or home rule powers. Created by statute for specific limited purposes, such districts may exercise only those powers and authority as have been granted by law.[3]

With regard to the grant of authority to the Spring Lake Improvement District relating to recreational facilities, it is a general rule of statutory construction that words take on meaning from their context or the association with other words in a statute. The meaning of statutory terms, and the legislative intent behind them, may be discovered by referring to words associated with them in a statute.[4] Thus, as the district's powers are limited to accomplishing water control district purposes, the recreational facilities which the district is authorized to own, acquire, and maintain should be directly related to these purposes as well.

Attorney General Opinions are, by statute, advisory and are not binding on the requesting party or others. These opinions constitute the best legal advice of this office on the specific information and facts provided and questions raised. If the Sun n' Lake Improvement District is seeking a legally binding determination of its powers and duties pursuant to its charter and the Florida Statutes, a judicial resolution of this matter is always an option. A declaratory judgment action under Chapter 86 of the Florida Statutes would allow a trial court to determine the rights, status,

and "other equitable or legal relations" of the Sun n' Lake Improvement District under Florida Law.

Thank you for contacting this office to request our assistance. I trust that these informal comments will be helpful.

Sincerely,

Gerry Hammond
Senior Assistant Attorney General

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[1] *See* s. 10, Ch. 2005-342, Laws of Fla.

[2] *See generally* 28 C.J.S. *Drains* s. 12. *And see State ex rel. Vans Agnew v. Johnson*, 150 So. 111 (Fla. 1933), for the proposition that the powers of a water control district are restricted to those deemed essential by the Legislature to effect its purpose; *State ex rel. Davis v. Jumper Creek Drainage District*, 14 So. 2d 900 (Fla. 1943), *affirmed,* 21 So. 2d 459 (Fla. 1945); *Rabin v. Lake Worth Drainage District*, 82 So. 2d 353 (Fla. 1955), cert. denied, 350 U.S. 958 (1956); *Roach v. Loxahatchee Groves Water Control District*, 417 So. 2d 814 (Fla. 4th DCA 1982), *affirmed*, 421 So. 2d 49 (Fla. 4th DCA 1982), indicating that a water control district has only those powers which the Legislature has delegated to it by statute. *Cf.* Op. Att'y Gen. Fla. 04-48 (2004), 83-44 (1983) (concluding that the Florida Inland Navigation District does not have statutory authority to expend district monies to fund a special marine patrol troop, to provide funds on a matching basis and as outright grants for public information and education programs).

[3] *See, e.g.,* Op. Att'y Gen. Fla. 90-63 (1990) (in the absence of a statute authorizing the recall of a supervisor of a water control district, the landowners of such a district are not authorized to establish procedures for the recall of a supervisor); and Op. Att'y Gen. Fla. 81-17 (1981). *And see Forbes Pioneer Boat Line v. Board of Commissioners of Everglades Drainage District*, 82 So. 346 (Fla. 1919).

[4] *See Turnberry Isle Resort and Club v. Fernandez*, 666 So. 2d 254 (Fla. 3d DCA 1996; Ops. Att'y Gen. Fla. 00-07 (2000) (while staff analysis refers to "invoices," that term should be construed in light of the other types of information referenced), 94-12 (1994), 90-55 (1990) (terms of section should be construed in connection with, and their meaning ascertained by reference to, the other words and phrases of the section with which they are associated).