

STORAGE NAME: h3831.ft

DATE: April 6, 1998

**HOUSE OF REPRESENTATIVES
AS REVISED BY THE COMMITTEE ON
FINANCE AND TAXATION
BILL RESEARCH & ECONOMIC IMPACT STATEMENT - LOCAL LEGISLATION**

BILL #: HB 3831

RELATING TO: Carrollwood Recreation District, Hillsborough County

SPONSOR(S): Representative Wallace and others

COMPANION BILL(S): SB 1782 (i)

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) COMMUNITY AFFAIRS YEAS 7 NAYS 0
 - (2) FINANCE AND TAXATION
 - (3)
 - (4)
 - (5)
-

I. SUMMARY:

The bill codifies all prior special acts relating to Carrollwood Recreation District in Hillsborough County into one special act.

The bill removes outdated provisions, redundancies, and makes reviser corrections.

The bill provides notice that the District is an independent district.

The bill also makes several substantive changes to the District's current charter. In particular, the maximum non-ad valorem assessment which can be imposed by the District without voter approval is increased from \$100 to \$300.

II. SUBSTANTIVE RESEARCH:

A. PRESENT SITUATION:

Codification

The 1997 Legislature amended chapter 189, Florida Statutes, to provide for codification of special districts' charters (including fire control districts), either by December 1, 2001, or when any act relating to such district is introduced to the Legislature, whichever occurs first. In addition, section 189.429, Florida Statutes, requires that no changes be made to a district's charter as it exists on October 1, 1997, in the codifying legislation. However, in the 1997 interim, some districts expressed the need to request substantive changes to their charters but because of the number of amendments (special acts) to their charters, they do not have time to codify.

As a result, the Chair of the Committee on Community Affairs issued a Memorandum on October 3, 1997, explaining the policy of the Committee for charter codifications for the 1998 Legislative Session. In part the Memorandum states:

1. Although two bills are preferable (one to codify and one to accomplish the substantive change), the House Committee on Community Affairs will accept one bill (containing the codification and substantive change).
2. The substantive change, if included in the codifying local bill, **must be advertised** clearly and concisely, i.e., "a substantive change to the charter is being sought affecting membership of the Board," or whatever change(s) is applicable.
3. If a substantive change is needed to a District's charter this Session, but codification is too large a task to accomplish at the same time, the Committee will hear bills for any substantive changes that a legislative delegation deems necessary.
4. The Committee will accept voluntary charter codifications from any district for the 1998 Legislative Session. A schedule for submitting the codifying charter is attached and is based on the number of special acts a district currently enjoys. The attached proposed schedule of submittals is based on an extended deadline of 2004, which must be accomplished legislatively. The Committee will have a bill to address this issue during the 1998 Legislative Session. Keep in mind, if they choose to do so, a district may submit its codification earlier than the proposed schedule indicates.

Status Statement

Also, section 189.404(5), Florida Statutes, 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 shall be amended to contain, a reference to the status of the special district as dependent or independent. When necessary, the status statement shall be amended to conform with the department's determination or declaratory statement regarding the status of the district.

Current Charter

The Carrollwood Recreation District was created by chapter 72-565, Laws of Florida. The District was created for the purpose of continued development, administration, and maintenance of properties for recreational and related activities. The District's facilities may only be used by residential property owners in the District, their family members, and guests. The District is governed by nine trustees serving 2 year terms. The Board has a president, vice-president, recording secretary, corresponding secretary, and a treasurer. The current charter provides for the qualifications and election procedures of trustees. A maximum non-ad valorem assessment of \$100 is currently provided. The Board is granted numerous powers, including: acquiring, holding and leasing property; entering into contracts; issuing bonds; and making rules and regulations. The charter also provides that the District may be abolished by a majority vote of the District's electors.

B. EFFECT OF PROPOSED CHANGES:

The bill codifies all prior special acts relating to Carrollwood Recreation District in Hillsborough County into one special act.

The bill removes outdated provisions, redundancies, and makes reviser corrections.

The bill provides notice that the District is an independent district.

The bill also makes the following substantive changes to its current charter:

- Provides for definitions;
- Revises ballot language requirements;
- Provides that the governing board elect one secretary;
- Provides that the board is a public body and must conduct its business accordingly;
- Provides for trustee immunity for acts or omissions relating to the conduct of official duties;
- Provides for the District to operate, supervise, and maintain recreational facilities or to contract for the services;
- Allows the District to insure the facilities, properties, operations, and trustees;
- Allows the District to charge and collect admission fees for use of its facilities;
- Provides for the District to direct the Supervisor of Elections to place referenda on the ballot;
- Allows the District to employ personnel, including security guards;
- Provides for new dissolution procedures;
- Provides for procedures relating to the selling of bonds and provides for temporary bonds;
- Provides for the deliverance of purchase-money notes and mortgages;
- Requires the District to create and maintain reasonable reserves for the repayment of debt obligations;
- Provides for procedures relating to the levy of non-ad valorem assessments;

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- Increases the current maximum non-ad valorem assessment from \$100 to \$300 without further voter approval; and
- Allows the District to increase its annual assessment to over \$300 upon approval by referendum.

C. LAWS OF FLORIDA/FLORIDA STATUTES AFFECTED:

Chapters 72-565, 75-385, 81-394, and 84-445, Laws of Florida.

D. APPLICATION OF PRINCIPLES:

1. Less Government:

a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

N/A

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

N/A

(3) any entitlement to a government service or benefit?

N/A

b. If an agency or program is eliminated or reduced:

(1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

N/A

(2) what is the cost of such responsibility at the new level/agency?

N/A

(3) how is the new agency accountable to the people governed?

N/A

2. Lower Taxes:

a. Does the bill increase anyone's taxes?

N/A

b. Does the bill require or authorize an increase in any fees?

N/A

c. Does the bill reduce total taxes, both rates and revenues?

N/A

d. Does the bill reduce total fees, both rates and revenues?

N/A

e. Does the bill authorize any fee or tax increase by any local government?

N/A

3. Personal Responsibility:

a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

N/A

b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

N/A

4. Individual Freedom:

a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

N/A

b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

N/A

5. Family Empowerment:

a. If the bill purports to provide services to families or children:

(1) Who evaluates the family's needs?

N/A

(2) Who makes the decisions?

N/A

(3) Are private alternatives permitted?

N/A

(4) Are families required to participate in a program?

N/A

(5) Are families penalized for not participating in a program?

N/A

b. Does the bill directly affect the legal rights and obligations between family members?

N/A

c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

(1) parents and guardians?

N/A

(2) service providers?

N/A

(3) government employees/agencies?

N/A

E. SECTION-BY-SECTION RESEARCH:

Section 1: States the intent of this act is to codify all prior special acts into one act; and provides that the bill is a reviser bill and makes substantive changes.

Section 2: Provides that the Carrollwood Recreation District is an independent special district approved by referendum; provides that each residential parcel is uniformly benefited and equally assessed; and provides restrictions on the usage of facilities by District's residents.

Section 3: Describes the boundaries of the District.

Section 4: Provides definitions used in this act.

Section 5: Provides that the District's governing board is a board of nine trustees who serve 2 year terms; and provides for qualification and election procedures.

Section 6: Provides that October 1 is both the fiscal year of the District and trustees effective date; provides for the appointment of Board officers, quorum and recorded meetings; provides for no compensation for trustees except for reimbursements incurred on the District's behalf; requires trustee to execute a good and sufficient bond if authorized to sign checks; and provides for trustee immunity for acts or omissions relating to conduct of official duties.

Section 7: Grants powers and duties; and such powers and duties include, but are not limited to: levy and collect a non-ad valorem assessment; purchase, lease, improve, and sell real and personal property; insure the District's facilities and properties; charge and collect admission fees; incur debt; budget procedures and requirements; increase maximum annual assessment; employ personnel; and make rules and regulations.

Section 8: Provides for the tax collector to collect the non-ad valorem assessments; and provides for deducting tax collector fees.

Section 9: Provides for a valid lien against property if assessment is not paid.

Section 10: Requires the depository to treat the District's funds as legally required.

Section 11: Provides that the District may be dissolved pursuant to section 189.4042, Florida Statutes.

Section 12: Provides a severability clause.

Section 13: Provides for liberal construction.

Section 14: Repeals chapters 72-565, 73-385, 81-394, and 84-445, Laws of Florida; provides that the repeal does not affect current prosecutions, contracts, agreements, decisions, rules, and actions.

Section 15: Provides an effective date of upon becoming law.

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III. NOTICE/REFERENDUM AND OTHER REQUIREMENTS:

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? January 30, 1998

WHERE? Tampa, Florida; The Times

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

IV. COMMENTS:

In researching this bill, it was difficult to ascertain where changes occur to the current charter due to the lack of initial coding. The initial coding of the bill is preferable for research purposes since one can see where the changes occur.

V. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

N/A

VI. SIGNATURES:

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