

STORAGE NAME: h4531z.ca
DATE: May 6, 1998

****FINAL ACTION****
****SEE FINAL ACTION STATUS SECTION****

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
COMMUNITY AFFAIRS
FINAL BILL RESEARCH & ECONOMIC IMPACT STATEMENT - LOCAL LEGISLATION**

BILL #: 1ST ENG/HB 4531
RELATING TO: West Coast Inland Navigation District
SPONSOR(S): Representative Gay
COMPANION BILL(S): None

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

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

I. FINAL ACTION STATUS:

House Bill 4531 was passed by the House Committee on Community Affairs on April 7, 1998, with 1 amendment. The bill passed the House on April 24, 1998, by a vote of 120 YEAS and 0 NAYS, and was ordered engrossed. The engrossed bill was received by the Senate on April 29, 1998 and was referred to the Senate Committee on Natural Resources and the Senate Committee on Rules and Calendar. It was withdrawn from the Senate Committee on Natural Resources on April 29, 1998. The bill was withdrawn from the Committee on Rules and Calendar on May 1, 1998, and placed on the Senate Local Calendar. The Senate passed 1ST ENG/HB 4531 on May 1, 1998, by a vote of 40 YEAS and 0 NAYS. The bill became chapter 98-526, Laws of Florida.

II. SUMMARY:

The bill codifies all prior special acts relating to the West Coast Inland Navigation District into one special act.

The bill declares the District an independent multi-county special district.

The bill makes some substantive changes.

The bill makes reviser changes and inserts section titles.

III. SUBSTANTIVE RESEARCH:

A. PRESENT SITUATION:

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.

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.

Chapter 200, Florida Statutes, Provisions

This chapter deals with the determination of millage and provides for procedures which are to be followed once the District's Board determines its proposed millage rate. It provides that a noticed public meeting must be held in which the tentative budget is adopted or amended. Following the adoption of the tentative budget, the District shall place a notice in a publication stating its intention to adopt the budget and millage rate. An additional public

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meeting is then held and a final budget and millage rate is adopted. Following the adoption of the resolution, the District must notify the Department of Revenue within 30 days of compliance with this chapter. This chapter also provides the form in which the budget and the millage rate must be noticed.

The manner in which the property appraiser shall notify each taxpayer of the assessment is addressed in section 200.069, Florida Statutes.

The maximum millage rate allowed is also addressed in this chapter, as is the procedure to increase millage.

B. EFFECT OF PROPOSED CHANGES:

The bill codifies all prior special acts relating to the West Coast Inland Navigation District into one special act.

The bill makes the following changes:

- District services and projects may be provided by interlocal agreement within adjoining coastal communities;
- Authorizes the creation of advisory bodies;
- Authorizes the District to assist local governments in the development of county and multi-county anchorage management programs;
- Authorizes the District to enter into local agreement with adjoining coastal counties to implement the purposes and projects of the act, chapter 374, Florida Statutes, and general law;
- Changes the cap on interest paid by the District on purchases of property paid by installments or deferred payments;
- Changes the cap on interest paid by the District on promissory notes of the District and eliminates the requirement that the notes be paid within two years;
- Makes chapter 200, Florida Statutes, applicable to the levying and collecting of taxes;
- Eliminates the requirement that the District publish a complete statement of all moneys received and disbursed, the sources of the funds, balance, and a complete financial statement of the condition of the District; and
- Makes chapter 11 applicable to the District's audits.

The bill declares the District an independent multi-county special district.

The bill makes reviser changes and inserts section titles.

C. LAWS OF FLORIDA/FLORIDA STATUTES AFFECTED:

Chapter 23770, Laws of Florida, 1947; chapters 27289 and 27290, Laws of Florida, 1951; chapter 28542, Laws of Florida, 1953; chapter 30074, Laws of Florida, 1955; chapter 57-467, Laws of Florida; chapter 59-756, Laws of Florida; chapter 61-1590, Laws of Florida; chapter 77-494, Laws of Florida; sections 2, 3, 4, and 5 of chapter 79-435, Laws of Florida; chapter 81-337, Laws of Florida; section 5 of chapter 85-200, Laws of Florida; section 5 of chapter 86-286, Laws of Florida; and section 8 of chapter 90-264, 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: Codifies all special acts relating to the West Coast Inland Navigation District into one special act; and provides that all District authority is preserved, including its authority to levy a mill of up to 0.2 mills.

Section 2: Codifies, reenacts, amends, and repeals all prior special acts relating to the West Coast Inland Navigation District.

Section 3: Provides District's boundaries; provides the District is an independent multi-county special tax district; provides that the District be operated by a board of commissioners; and provides that services and projects may be provided by interlocal agreement with adjoining coastal counties.

Section 4: Defines inland waterway.

Section 5: Grants District powers and authority.

Section 6: Creates the governing body of the District; provides for membership; and grants powers to the Board.

Section 7: Provides for Board officers; provides procedure for special meetings; provides for alternate commission members; provides for the office of executive director; and provides for member expense reimbursement for duties only.

Section 8: Provides for property acquisition and transfer; provides for right-of-ways, areas for spoil material deposits, easements and purchases; and provides for purchase funds.

Section 9: Grants the District the right of eminent domain; provides for condemnation proceedings and procedures; and provides for delegation of right.

Section 10: Grants the District the authority to borrow money; and provides for the negotiable promissory notes of the District and its interest rate.

Section 11: Authorizes the District to convey any of its property or property rights to the U.S. or any other proper federal agency.

Section 12: Provides that the District may annually assess and levy a ad valorem tax not exceeding 0.2 mills; and provides that the tax be used for District expenses.

Section 13: Provides that the District shall levy and collect taxes pursuant to chapter 200, Florida Statutes.

Section 14: Provides the authority to construct and operate bridges over intercostal waterway; provides that District is not required to pay maintenance costs unless by agreement; provides that the District may contract with the board of county commissioners to construct and operate bridges; and provides for eminent domain right.

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Section 15: Provides for the delegation of any delegable act to any public or private agency by agreement.

Section 16: Authorizes the District to collect, compile, and furnish to the Secretary of the Army appropriate information on the counties within the District's boundaries; and provides for the District to expend funds to publicized information on its intercostal waterways.

Section 17: Authorizes the District to pay dredging costs performed by the United States; and provides for other works and construction.

Section 18: Grants the District the authority to prosecute any administrative procedures; and allows the District to contract with other agencies or public or private persons to perform the activities.

Section 19: Provides that no franchise or other privilege pertaining to leasing, buying, building, operating or dealing with food, lodging or services to the public is granted or contracted for unless it has been advertised; and provides for notice requirements.

Section 20: Exempts District land or interest in land from taxation of all kinds.

Section 21: Provides for the creation of a depository; provides for the disbursement of District funds procedures; authorizes the district to enter into financing agreements; and provides for annual audit.

Section 22: Provides for liberal construction.

Section 23: Provides a severability clause.

Section 24: Provides for the repeal of all prior special acts.

Section 25: Provides the effective date of upon becoming a law.

IV. NOTICE/REFERENDUM AND OTHER REQUIREMENTS:

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? December 8, 1997

WHERE? Sarasota, Florida; Sarasota Herald - Tribune, Charlotte edition, Sarasota edition, and Manatee edition; Fort Myers, Florida; News-Press

B. REFERENDUM(S) REQUIRED? Yes No

IF YES, WHEN?

C. LOCAL BILL CERTIFICATION FILED? Yes, attached [X] No []

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached [X] No []

V. COMMENTS:

The bill is an excellent example of what a codification bill should look like. The coding of the bill allows the researcher to determine where changes are made quickly. Without the coding, a line-by-line comparison must be performed in order to determine if there are any changes.

The bill repeals specific provisions of general law relating to the District. However, the repeal reflects a conforming change to a section which has been eliminated in general law.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

The Committee on Community Affairs adopted a strike everything amendment on April 7, 1998. The amendment removes all coding and allows the charter to become law in a reader-friendly form. The initial coding of the bill is preferable for research purposes. However, at the conclusion of the research effort, the coding serves no useful purpose. In keeping with the purpose of the special districts' codification effort, the amendment produces an up-to-date and reader-friendly document.

There were two additional technical amendments in the strike everything amendment. An effective date of a chapter law was reinserted to avoid repeal. Unnecessary language relating to the authority to levy and assess millage was removed.

VII. SIGNATURES:

COMMITTEE ON COMMUNITY AFFAIRS:

Prepared by:

Legislative Research Director:

Laura L. Jacobs

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