

STORAGE NAME: h0595.ca

DATE: April 4, 1997

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

BILL #: HB 595

RELATING TO: Palm Beach County (Abolishment of the Town of Golfview)

SPONSOR(S): Representative Healey

COMPANION BILL(S): None

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

- (1) COMMUNITY AFFAIRS
 - (2)
 - (3)
 - (4)
 - (5)
-

I. SUMMARY:

This bill abolishes the Town of Golfview and revokes its charter upon the recording of an affidavit of the Town Clerk, in the official records of Palm Beach County, that all town residential property owners contractually entitled to compensation by Palm Beach County have been paid, and titles have been transferred to Palm Beach County.

According to the bill, the Town of Golfview has no bonded indebtedness or vested rights of employees. The fiscal impact of the bill, therefore, is simply the redistribution of \$2,507 in state revenue sharing now received by the Town to Palm Beach County and its municipalities.

II. SUBSTANTIVE ANALYSIS:

A. PRESENT SITUATION:

Dissolution of Municipalities

Sections 165.051 and 165.052, Florida Statutes, provide that a municipal charter may be revoked to dissolve a municipality in the following ways:

- The Legislature can pass a special act repealing the enabling act and any later amendatory acts. This method is subject to all requirements of law or rule applicable to the consideration and enactment of any special act.
- The governing body of the city seeking dissolution can pass an ordinance dissolving the municipality, subject to the approval of the qualified voters in the area affected.
- Inactive municipalities may be dissolved by proclamation of the Secretary of State. For this to occur, the Department of Community Affairs must first file a report with the Secretary of State establishing the inactivity of the city, based upon findings that:
 - No election for membership in the governing body has been conducted within the past 4 years (or within the time frame otherwise provided by law, if less frequent elections are called for by the enabling act).
 - Notice of the proposed proclamation has been published at least once each week for 2 consecutive weeks in a newspaper of general circulation within the area affected. This notice must identify the city to be dissolved. It must also inform the public that, for 60 days following the final publication of notice, parties may file objections to the proposed proclamation, or to any debts of the city to be dissolved, with the Department of Community Affairs.
 - Sixty days have elapsed from the publication of the last notice and, in that time period, no sustained objections have been filed.

There are three general provisions that must be met for a municipality to dissolve its charter: 1) the municipality must not be surrounded by other cities--this is to prevent the creation of an enclave; 2) the county or another city must be able to provide the necessary municipal services; and 3) the municipality to be dissolved must make arrangements to resolve its bonded indebtedness and vested rights of employees and notify the Legislature regarding obsolete special laws so that they may be repealed.

Town of Golfview

The Town of Golfview was established as a residential golf community in 1937. It is located to the northwest of the Palm Beach International Airport (Airport). The Town is immediately adjacent to Airport property. According to the *1996 Florida Statistical Abstract*, the population of the Town is 151 persons. Because of Airport expansions, the residents of the Town are burdened with air traffic and noise, and the loss of property value of their homes. The residents of the Town have negotiated to sell their property to

the Airport. This sale is contingent upon the dissolution of the Town and the transfer of governance to Palm Beach County. On February 24, 1997, the Town Council passed Resolution No. R-97-02-01 requesting the Palm Beach Legislative Delegation to abolish the Town.

B. EFFECT OF PROPOSED CHANGES:

This bill abolishes the Town of Golfview and revokes chapter 18550, Laws of Florida, 1937, as amended, upon the recording of an affidavit of the Town Clerk, in the official records of Palm Beach County, that all town residential property owners contractually entitled to compensation by Palm Beach County have been paid, and titles have been transferred to Palm Beach County.

C. LAWS OF FLORIDA/FLORIDA STATUTES AFFECTED:

Chapter 18550, Laws of Florida, 1937, as amended by chapters 57-1340 and 59-1312, 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?

Yes. The bill eliminates the authority of the Town Council of the Town of Golfview to make rules and adjudicate disputes by dissolving the Town and disbanding the Town Council.

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

Yes. The property of the Town of Golfview is transferred to Palm Beach County who will now govern the property instead of the Town.

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

No.

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?

See 1.a. above.

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

None. The Town of Golfview has no assets or liabilities to be assumed by Palm Beach County. The County will govern the property as part of the Palm Beach International Airport.

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

There will be no residents on the property that is being transferred from the sale of the Town of Golfview to Palm Beach County. The property will be used for airport operations.

2. Lower Taxes:

- a. Does the bill increase anyone's taxes?

No.

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

No.

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

Yes. Ad valorem real property taxes will no longer be assessed by the Town of Golfview.

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

Yes. Occupational licenses and building permit fees will no longer be assessed by the Town of Golfview.

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

No.

3. Personal Responsibility:

Not Applicable.

- a. Does the bill reduce or eliminate an entitlement to government services or subsidy?
- b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

4. Individual Freedom:

Not Applicable.

- a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?
- b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

5. Family Empowerment:

Not Applicable.

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

(1) Who evaluates the family's needs?

(2) Who makes the decisions?

(3) Are private alternatives permitted?

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

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

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

- 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?

(2) service providers?

(3) government employees/agencies?

E. SECTION-BY-SECTION ANALYSIS:

Section 1: Transfers title to all Town of Golfview property to Palm Beach County. Finds that the Town of Golfview meets the requirements of section 165.061(3), F.S., for dissolution of a municipality and that the Town has no bonded indebtedness or vested rights of employees.

Section 2: Abolishes the Town of Golfview and revokes chapter 18550, Laws of Florida, 1937, as amended, upon the recording of an affidavit of the Town Clerk, in the official records of Palm Beach County, that all town residential property owners contractually entitled to compensation by Palm Beach County have been paid, and titles have been transferred to Palm Beach County.

Section 3: Provides that the act shall take effect upon becoming a law.

III. NOTICE/REFERENDUM AND OTHER REQUIREMENTS:

STORAGE NAME: h0595.ca

DATE: April 4, 1997

PAGE 7

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? January 29, 1997

WHERE? The Palm Beach Post, West Palm Beach, Palm Beach County, Florida

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:

Fiscal Comments: The Town of Golfview currently receives \$2,507 in State Revenue Sharing. These funds will be redistributed to Palm Beach County and its municipalities with the dissolution of the Town.

V. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

One technical amendment is needed. The amendment lists the chapters of the Laws of Florida that have amended the original charter to assure that the proper chapters are repealed.

VI. SIGNATURES:

COMMITTEE ON COMMUNITY AFFAIRS:

Prepared by:

Legislative Research Director:

Jenny Underwood Dietzel

Jenny Underwood Dietzel