

STORAGE NAME: h1091z1a.wrm
DATE: July 2, 1999

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

**HOUSE OF REPRESENTATIVES
AS FURTHER REVISED BY THE COMMITTEE ON
WATER AND RESOURCE MANAGEMENT
FINAL ANALYSIS - LOCAL LEGISLATION**

BILL #: HB 1091
RELATING TO: Hillsborough Inlet District, Broward County
SPONSOR(S): Representative Wasserman Schultz
COMPANION BILL(S): SB 2672 (s)

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:
(1) WATER AND RESOURCE MANAGEMENT YEAS 9 NAYS 0
(2) COMMUNITY AFFAIRS YEAS 10 NAYS 0
(3) GOVERNMENTAL OPERATIONS YEAS 4 NAYS 0
(4)
(5)

I. FINAL ACTION STATUS:

HB 1091 died on the House calendar when the Legislature adjourned on April 30, 1999. However, the similar SB 2672 passed the Senate on April 21, 1999 by a vote of 39-0 and passed the House on April 27, 1999, by a vote of 118-0. SB 2672 was approved by the Governor on May 26, 1999, and was designated Chapter 99-433, L.O.F.

II. SUMMARY:

The bill codifies all prior special acts relating to the Hillsborough Inlet District in Broward County into a single act. The bill also provides for minimum charter requirements, repeals prior special acts, and clarifies beach erosion provisions.

The bill does not make any substantive changes to current law. It takes effect upon becoming law.

HB 1091 has no adverse economic impact.

III. SUBSTANTIVE ANALYSIS:

A. PRESENT SITUATION:

The 1997 Legislature amended chapter 189, F.S., to provide for codification of all special districts' charters 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, F.S., requires that no changes be made to a district's charter as it exists on October 1, 1997, in the codifying legislation and that all prior Legislative acts relating to the district be repealed.

The 1998 Legislature further amended section 189.429, F.S., by (1) extending the deadline to codify to December 1, 2004; (2) allowing for the adoption of the codification schedule provided for in an October 3, 1997, memorandum issued by the Chair of the Committee on Community Affairs; (3) removing the prohibition of substantive amendments in a district's codification bill; and (4) removing the requirement that a codified charter must be submitted prior to the introduction of any act relating to the charter or prior to the scheduled deadline.

SCHEDULE OF SUBMITTALS OF SPECIAL DISTRICTS' CHARTERS

Special Districts with 2 special acts (45 districts)	1999 Legislative Session
Special Districts with 3 or 4 special acts (63 districts)	2000 Legislative Session
Special Districts with 5, 6 or 7 special acts (53 districts)	2001 Legislative Session
Special Districts with 8, 9,10, 11 or 12 special acts (56 districts)	2002 Legislative Session
Special Districts with 13 or more (54 districts)	2003 Legislative Session
Special Fire Control Districts (47 districts)	2004 Legislative Session

Also, subsection 189.404(5), F.S., 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 of Community Affairs' determination or declaratory statement regarding the status of the district.

Hillsborough Inlet District History and Purpose

The Hillsborough Inlet District (the District) was created in 1957, chapter 57-1183, L.O.F., as a special taxing district in northeast Broward County. Its sole purpose was and is to maintain the Hillsborough Inlet. A provision in the District's charter also requires the prevention of erosion for Pompano Beach, which lies to the south of Hillsborough Inlet. Thus, the District bypasses sand, distributes sand on the beaches, and maintains the depth of the inlet to allow the free flow of water for boat traffic. The District also serves a significant drainage function. The inlet and its channels control water flow that would spill into West Broward if the inlet were not open.

The District levies a tax of 12 cents per \$1,000 of taxable property value that raises \$650,000 annually. Nine District commissioners, appointed by the representative city and county governments, serve 5-year terms and meet once a month. The special taxing district remains popular with local taxpayers as a 1994 referendum to abolish the District was unsuccessful, with more than 89 percent of voters in favor of continuing it.

B. EFFECT OF PROPOSED CHANGES

This bill codifies all prior special acts relating to the Hillsborough Inlet District in Broward County into a single act. The bill states the District's minimum charter requirements pursuant to and provided by subsection 189.404(3), F.S., as the information is not provided for in the current charter. The bill removes obsolete language which was preempted by applicable chapters.

In addition to these technical changes, the bill adds additional language relating to the erosion prevention duties of the Hillsborough Inlet District. The language states that the District need only use sand available from the littoral drift for its erosion activities. Concerns were raised by the Department of Environmental Protection regarding this language as it could be interpreted to exempt the Hillsborough Inlet District from the requirements of chapter 161, part I, Florida Statutes. An amendment by the bill's sponsor has been incorporated into the proposed strike-everything amendment to deal with this concern.

C. LAWS OF FLORIDA/FLORIDA STATUTES AFFECTED:

Chapters 96-541, 94-454, 83-381, 75-351, 73-422, 63-1178, 61-1966, and 57-1183, L.O.F.

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?

No.

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

No.

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

No.

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

No 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?

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?

No.

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

No.

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

No.

3. Personal Responsibility:

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

No.

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

No.

4. Individual Freedom:

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

No.

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

No.

5. Family Empowerment:

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

The bill does not purport 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?

No.

- 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:

The bill does not create or change a program providing services to families or children.

- (1) parents and guardians?

N/A

- (2) service providers?

N/A

- (3) government employees/agencies?

N/A

E. SECTION-BY-SECTION ANALYSIS:

Section 1. Codifies, reenacts, amends, and repeals special acts relating to the charter of the Hillsborough Inlet District.

Section 2. Recreates and reenacts the act creating, establishing and providing for the operation of the District.

Section 3. Describes the District's status and boundaries.

Section 4. Provides for the appointment and term of the District's board of commissioners,

Section 5. Provides for the general powers of the board of commissioners.

Section 6. Sets forth requirements for minutes, records, and a quorum.

Section 7. Authorizes the establishment, construction, operation, and maintenance of improvements, facilities, and equipment necessary to maintain the Hillsborough Inlet for a public purpose.

Section 8. Provides for payment of funds.

Section 9. Authorizes the levying of taxes not to exceed one-half of one mill.

Section 10. Provides for a resolution by the board to levy the tax, and how the tax assessment and collection will be accomplished.

Section 11. Authorizes the payment of expenses.

Section 12. Requires the publication of the District's annual financial statement.

Section 13. Provides that this act shall be liberally construed for accomplishing the goals of the District.

Section 14. Requires the prevention of erosion of the City of Pompano Beach area.

Section 15. Provides for the purchase of supplies, equipment, and materials via competitive bidding and for emergency purchases.

Section 16. States that the Hillsborough Inlet District shall exist continually unless sunsetted by the Legislature.

Section 17. Provides for the disposition of property upon termination of the District.

Section 18. Sets forth a procedure for removing board commissioners.

Section 19. Repeals special acts relating to the District's charter.

Section 20. Provides for the act's control if there are conflicting provisions.

Section 21. Provides for the act's control if any section is determined to be invalid or unenforceable.

Section 22. Provides for the act's effective date.

IV. NOTICE/REFERENDUM AND OTHER REQUIREMENTS:

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? January 31, 1999

WHERE? *The Miami Herald*

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

V. COMMENTS:

None.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

Amendment by the Committee on Water & Resource Management

On March 17, 1999, the Committee on Water & Resource Management unanimously adopted a strike-everything amendment to HB 1091. The amendment removed all coding and allowed the charter to become law in a reader-friendly form pursuant to the recodification process of the Committee on Community Affairs. This process involves initial coding of the bill that is preferable for research purposes. However, at the conclusion of the research effort, the coding serves no useful purpose and is removed via a strike-everything amendment.

In addition, the amendment added a new section 1 providing Legislative intent regarding the recodification process. The former section 1 was renumbered as section 2, and the former section 2 was deleted as it was unnecessary. Cross-references were updated within the bill. References to "articles" were replaced with "act."

The only substantive change contained in the amendment was the addition of language to ensure that Hillsborough Inlet District beach erosion control activities are consistent with and do not contravene the intent of chapter 161, part I, Florida Statutes.

Amendment by the Committee on Community Affairs

At its March 30, 1999 meeting, the House Committee on Community Affairs adopted an amendment to the traveling amendment to include a status statement declaring the district an independent district as required by subsection 189.404(5), F.S.

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VII. SIGNATURES:

COMMITTEE ON WATER AND RESOURCE MANAGEMENT:

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