

STORAGE NAME: h1473.ca
DATE: April 7, 1999

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
COMMUNITY AFFAIRS
ANALYSIS - LOCAL LEGISLATION**

BILL #: HB 1473
RELATING TO: The Village of Wellington
SPONSOR(S): Representative Minton
COMPANION BILL(S): SB 2590 (s)

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

- (1) COMMUNITY AFFAIRS
 - (2)
 - (3)
 - (4)
 - (5)
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I. SUMMARY:

The bill provides that any and all ordinances enacted by the Village of Wellington, Palm Beach County, between May 1, 1996 and May 1, 1998, that were enacted with at least seven days' prior notice are deemed effective as of the date of the original enactment of such ordinances.

II. SUBSTANTIVE ANALYSIS:

A. PRESENT SITUATION:

The Village of Wellington: The Village of Wellington, Palm Beach County, was created by chapter 95-496, Laws of Florida.

Section 166.041, Florida Statutes: Provides the procedures for adopting ordinances and resolutions by municipalities. The notice procedures provided by the section are minimum notice procedures. Except for ordinances initiated by other than the municipality that changes the actual zoning map designation of a parcel or parcels of land, a proposed ordinance must be noticed once in a newspaper of general circulation in the municipality, at least **10 days prior to adoption**.

Curative Statutes: In general, a curative statute may be enacted to cure or validate errors or irregularities in legal proceedings. *Smith Bros., Inc v. Williams*, 126 So. 367 (Fla. 1930). Provided they do not disturb absolute vested rights or impair the obligation of contracts, curative statutes with retrospective effect may be enacted by the legislature to validate prior defective proceedings that it might have authorized in the first instance. Curative Legislation presumes that the Legislature has knowledge of the nature of the matters done and performed that it purports to validate, ratify, or confirm. *Certain Lots, etc. v. Monticello*, 31 So. 2d 905 (Fla. 1947).

B. EFFECT OF PROPOSED CHANGES:

The bill makes effective any and all ordinances enacted by the Village of Wellington, Palm Beach County, enacted between May 1, 1996 and May 1, 1998, that were enacted with at least 7 days' prior public notice. The ordinances are deemed effective as of the date of the original enactment of each ordinance.

C. LAWS OF FLORIDA/FLORIDA STATUTES AFFECTED:

None.

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 ANALYSIS:

Section 1: Provides that any and all ordinances enacted by the Village of Wellington, Palm Beach County, between May 1, 1996 and May 1, 1998, that were enacted with at least 7 days' prior public notice are deemed effective as of the date of the original enactment of the ordinance.

Section 2: Provides that the act takes affect upon becoming a law.

III. NOTICE/REFERENDUM AND OTHER REQUIREMENTS:

A. NOTICE PUBLISHED? Yes [x] No []

IF YES, WHEN? January 14, 1999

WHERE? **Palm Beach Post**, West Palm Beach, Palm Beach County, Florida.

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B. REFERENDUM(S) REQUIRED? Yes [] No [x]

IF YES, WHEN?

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

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

IV. COMMENTS:

None.

V. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

The sponsor of the bill is offering a clarifying amendment to clarify that this bill applies to the following:

Any and all ordinances enacted by the Village of Wellington, Palm Beach County, between May 1, 1996 and May 1, 1998, that were enacted with at least 7 days' prior public notice but less than 10 days' prior public notice shall be deemed effective as to public notice requirements as of the date of the original enactment of such ordinance.

VI. SIGNATURES:

COMMITTEE ON COMMUNITY AFFAIRS:

Prepared by:

Staff Director:

Tonya Sue Chavis, Esq.

Joan Highsmith-Smith